



**Testimony Of Steven Banks, Commissioner Of The New York City Department of Social Services | Human Resources Administration, at the New York City Council's Courts and Legal Services Committee on Civil Legal Services – September 26, 2016**

Good morning, Chairman Lancman, Councilmembers Gibson and Levine, and members of this Committee. Thank you for inviting me to appear before you today to discuss the Office of Civil Justice at the New York City Human Resources Administration. My name is Steven Banks and I am New York City's Department of Social Services Commissioner and I am joined by Jordan Dressler, the City's first Civil Justice Coordinator based at HRA.

In my role as Commissioner of the Department of Social Services I oversee the New York City Human Resources Administration (HRA), which houses the Office of Civil Justice (OCJ), and the Department of Homeless Services (DHS). HRA is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs and plays a key role in advancing one of this Administration's chief priorities: reducing income inequality and leveling the playing field for all New Yorkers.

In my testimony today, I will discuss the City's extraordinary investment in civil legal assistance for low-income tenants as one of the tools this Administration is utilizing in combating poverty, addressing income inequality and reducing homelessness. I will discuss the work of the Office of Civil Justice and present recent findings from our first Annual Report, which demonstrate that the "justice gap" for New York City tenants facing eviction in New York City's housing courts is narrowing, due in large part to the unprecedented investments in access to civil legal services and other tenant supports by the de Blasio Administration, the New York City Council and the State Judiciary.

We are reviewing the impact of the proposed legislation regarding the provision of counsel in Housing Court on the programs that we have funded and that are still ramping up. As a result of the ten-fold increase in tenant representation funding from this Administration, the legal services community is in the process of expanding the availability of counsel for low-income tenants in Housing Court. Even before these programs have been fully implemented, the percentage of represented tenants has already increased from 1%, reported by the Judiciary for 2013, to 27%, as we reported last month, and evictions by City Marshals are down by 24%. The programs will be fully implemented during Fiscal Year 2017 and we expect the percentage of represented tenants in Housing Court to continue to increase. We look forward to hearing the testimony today as we evaluate the next steps that our City should take given the unprecedented commitment that we have made to expand legal representation for tenants so far. We also hope that our testimony today will be useful to you as we proceed with discussions with you about this legislation.

**Office of Civil Justice**

In 2015, Mayor de Blasio and the New York City Council amended the City Charter with the signing and passage of Local Law 61, which created the Office of Civil Justice (OCJ). For the first time, New York City has a permanent office to oversee the City's civil justice services and

monitor the progress and effectiveness of these programs. The establishment of OCJ was the latest part of our effort to enhance and coordinate these services at HRA that began at the start of the Administration in 2014.

### **Civil Legal Assistance Programs**

In addition to consolidating contracts under one roof and establishing OCJ at HRA to oversee performance and progress, New York City has steadily and substantially increased investment in these programs since 2014, and today the City is a national leader in providing civil legal services for low-income people.

In Fiscal Year 2017, for the first time New York City's overall investment in civil legal services for low-income City residents will exceed \$100 million. This fiscal year, Mayoral programs exceeding \$83 million and City Council awards of nearly \$28 million will fund free legal services for low-income New Yorkers across a range of areas, including immigration, access to benefits, support for survivors of domestic violence, assistance for veterans and – the focus of today's hearing – anti-eviction legal services and other legal assistance for low-income tenants.

The provision of quality legal representation for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services initiatives. Mayoral funding for tenant legal services in Fiscal Year 2017 is approximately \$62 million, ten times the level in Fiscal Year 2013. HRA's Homelessness Prevention Law Project (HPLP) is the primary vehicle for our anti-eviction legal services. Through HPLP, HRA contracts with a dozen non-profit legal services providers, including both large citywide providers and smaller community-based organizations, to provide free legal representation and advice to low-income tenants at risk of homelessness because of eviction. Through this program, legal service providers in each borough provide assistance and in-court representation of tenants in Housing Court eviction proceedings, Housing Part actions seeking repairs, proceedings following illegal lockouts or evictions, and administrative hearings that may result in the loss of tenancy or de-regulation of the rental unit. HPLP primarily targets low-income families with children who are at risk of eviction, with households without children making up a small portion of the caseload.

HPLP was funded at approximately \$4.9 million in FY13, but starting with the de Blasio Administration's first budget in FY14, funding for this program has substantially increased. In FY17, HPLP is funded at \$25.8 million, providing legal services for low-income tenant respondents in eviction cases throughout the City, with additional expanded legal services targeting specific high-need neighborhoods. The Expanded Legal Services (ELS) component of the HPLP program is intended to essentially provide universal legal representation for low-income tenants facing eviction from their homes in ten zones across the City, targeted because they include the most at-risk households facing eviction and homelessness as reflected in rates of shelter entry.

In Housing Court, all tenants whose eviction cases involve a residence in one of the target zones are offered the opportunity upon their first appearance at court to meet with OCJ staff on site for an initial screening and determination of income eligibility. Eligible tenants are in turn referred to one of the contracted legal services providers for immediate screening and intake (in most cases also at the courthouse), where, barring a conflict of interest or other extraordinary factor, the tenant is provided free legal defense on the eviction case.

HRA's anti-eviction legal services initiatives also include the Housing Help Program (HHP). In this program, the Legal Aid Society, the sole provider selected through a competitive bidding process, employs a court-based "open door" model and offers full representation and brief legal services coupled with social work services that include assessment, counseling, referrals, and benefits advocacy. The Legal Aid Society's HHP work is funded by HRA at \$3 million for FY17 and is also supported by grant funding from the Robin Hood Foundation. Eligibility for HHP services is limited to low-income clients who reside in one of a number of "high risk" ZIP codes (as determined by rates of shelter entry in these areas).

In total, HRA's anti-eviction legal services are expected to serve approximately 20,000 households in FY17.

The Anti-Harassment and Tenant Protection (AHTP) legal services program was launched at HRA by the de Blasio Administration in January of 2016. Whereas the anti-eviction legal services programs target tenants who are already involved in housing court proceedings, this new program provides resources for tenant outreach and pre-litigation services with the goal of preventing eviction and displacement. In addition to full representation and brief legal assistance for Housing Court and administrative proceedings, AHTP legal services providers offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits.

Currently, AHTP services are targeted to seven neighborhoods across the City that have been identified as posing a high risk for landlord harassment and/or tenant displacement. AHTP providers work closely with the City's Tenant Support Unit to assist households identified through TSU's outreach campaigns as in need of legal assistance. AHTP was launched in FY15 with a \$4.6 million initial startup allocation, was funded at \$18 million in FY16 and will be funded at \$32.9 million in FY17. The program is expected to serve approximately 13,000 households in FY17.

In total, through the Administration's investment of nearly \$62 million in tenant legal services, we expect that approximately 113,000 low-income New Yorkers in 33,000 households will receive free legal advice, assistance and representation this year. These programs are part of the Administration's effort to preserve and expand the availability of affordable housing for New Yorkers. Affordable housing, a precious resource, is permanently lost to the City when tenants are evicted from rent-regulated and rent-controlled apartments and rent is increased above affordable levels. Protecting these affordable units throughout New York City for families and seniors and protecting tenants in small buildings is critical. And the financial and human costs that we avert when tenants avoid eviction and preserve their tenancies are substantial; every family that stays in its home spares the City the expense of emergency shelter services – and more importantly spares the family the trauma of homelessness, including disruption of education, employment and medical care. Our legal services programs are aimed at keeping these New Yorkers in their homes, preventing displacement and preserving and protecting the City's affordable housing stock.

And we are already seeing results from our programs to protect tenants. As part of OCJ's first Annual Report this summer, we sought to update the research on the availability of legal assistance for tenants facing eviction in Housing Court. We partnered with the State Office of Court Administration to undertake a new analysis to assess the current prevalence of legal

representation among tenants in court for eviction cases and the need for counsel that remains. We found that a substantially higher proportion of tenants in court for eviction cases have legal representation than ever before. The data further indicate that among tenants with representation, more than half are low-income tenants served through not-for-profit legal assistance programs.

- Even before our housing legal assistance programs are implemented fully this year, more than one in four tenants in court facing an eviction case in New York City – 27 percent – is now represented by a lawyer, a marked increase compared to the Office of Court Administration’s findings that in calendar year 2013 only 1 percent of tenants in New York City Housing Court were represented by attorneys.
- More than half of in-court representation for tenants is provided by non-profit legal services organizations for low-income New Yorkers.
- Meanwhile, only 1 percent of landlords in eviction proceedings appeared in court without counsel.

These results suggest that we are on the right track with this investment. Furthermore, we see very encouraging signs that by making access to legal representation more widely available, we are realizing concrete improvement in the courts and in the lives of New Yorkers:

- Residential evictions by city marshals declined 24 percent in 2015 compared to 2013, a period during which New York City substantially increased funding for legal services for low-income tenants as well as other rental support programs.
- During 2015, orders to show cause in the City’s Housing Courts – motions by tenants to reverse a court’s order of eviction – also declined nearly 14 percent, while the volume of residential eviction cases filed remained largely stable, suggesting increased efficiency in the courts with the increase in legal representation.

## **Next Steps**

The investment of resources in legal representation for civil legal services is taking hold and in 2017 providers will fully ramp up their services. Also in 2017, OCJ will be releasing its second Annual Report and along with it the City’s first five-year plan for increasing and enhancing civil legal services for low-income New Yorkers. We expect that the expansion and full funding of services will mean that even more tenants in need will have the assistance of quality legal representation and a more level playing field in court. However, we also know as with other new and expanding programs, we must study the impact carefully to fully understand the results of the funding increases and how they relate to other investments this Administration has made with respect to fighting income inequality.

## **Homelessness Prevention Administration**

To complement these direct investments in legal services, and as part of HRA’s overall reform effort, we created the HRA Homelessness Prevention Administration. While HRA has always provided some homelessness prevention services, over the past two years we consolidated all of

the HRA homelessness prevention programs into a single unit, most recently, as a result of the Mayor's 90-day review of homeless services, including Homebase.

Homebase plays a critical preventative role, and in addition of transferring the unit from DHS to HRA, we are expanding the scope of Homebase as the first point of entry for those at risk of homelessness so that people can be served in their home borough. Further, we are realigning the roles of HRA staff at Homebase to prevent evictions and provide assistance. This integration will reduce inefficiencies and allow for more seamless and effective client service delivery.

Staff will use data analytics to proactively target prevention services for the most at-risk. There will be expanded onsite processing and triage for HRA benefits, including public assistance and rental assistance and Homebase nonprofit staff will expand their case management services to include family mediation, educational advancement, employment and financial literacy services.

Additionally, within the HRA Homelessness Prevention Administration, the Early Intervention Outreach Team receives early warning referrals from Housing Court Judges, early warning referrals from NYCHA for tenant arrears cases, Adult Protective Services referrals and referrals from New York City marshals. This team also works closely with the City's Tenant Support Unit to refer low-income New Yorkers to legal services providers under contract with HRA to help them avert eviction, displacement and homelessness.

Another key component of HRA's homelessness prevention work is rental assistance. The HRA budget reflects the Administration's continuing comprehensive initiatives to prevent and alleviate homelessness within the City, which has built-up over many years. During this same time, the Administration restored rental assistance programs that had been eliminated in 2011 in the State budget in order to increase services to prevent and alleviate homelessness.

Rental assistance programs to keep families in their homes and help those in shelter exit to permanent housing are both better for families and individuals and cheaper for taxpayers. After Advantage – the State and City's rental assistance program supporting thousands of families – was cut in 2011, the City's shelter population increased exponentially from about 37,000 to nearly 51,000 between 2011 and 2014. Over the past two years, the new rental assistance programs and other permanent housing efforts have enabled 40,540 children and adults in 13,806 households to avert entry into or move out of Department of Homeless Services (DHS) and HRA shelters.

We have also helped more people with emergency rent assistance, keeping thousands of New Yorkers in their homes. In FY13, HRA provided rent arrears to 42,000 households at a cost of \$124.1 million. In FY15, HRA provided rent arrears to nearly 53,000 households at a cost of \$180.7 million. The increase in spending of 46 percent resulted from increased monthly rents that families and individuals have to pay, additional households being found eligible due to the increasing gap between rents and income, and enhanced targeting of these services to prevent homelessness through partnerships with community-based organizations.

From January 2014 through June 2016, about 131,000 households – including about 390,000 people – received emergency rental assistance to help them stay in their homes, averaging about \$3,600 per case, which is much less than the \$41,000 a year for a family in a shelter.

Providing legal services and rental assistance is much less expensive than the cost of a homeless shelter. And, of course, no price can be put on averting the human costs of homelessness. I am very pleased to see that our efforts to help those in danger of losing their homes avoid eviction are taking hold. There is certainly more to do, and we look forward to continuing to work with the Council to address the issues that are presented at this hearing.

Thank you for the opportunity to testify today and to share the progress of the Office of Civil Justice. I look forward to your questions.



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**Testimony of Elizabeth Brown**  
**Supervising Analyst, New York City Independent Budget Office**  
**To the New York City Council Committee on Courts and Legal Services**  
**Regarding Intro 214-A**  
**September 26, 2016**

Good morning Chairman Lancman and members of the Committee on Courts and Legal Services. My name is Elizabeth Brown and I am a supervising analyst at the Independent Budget Office. Thank you for the opportunity to testify today regarding Intro 214-A that would provide legal counsel to low-income tenants who are subject to eviction, ejection, or foreclosure proceedings.

**Cost of Legal Counsel.** In 2014 IBO prepared a cost estimate of the original draft of Intro 214. We found that providing a lawyer to low-income tenants—defined then as households making up to 125 percent of the federal poverty level—who were facing eviction in housing court would cost between \$173 million to \$276 million annually, depending on the cost per case of legal representation. Because the city had already budgeted approximately \$20 million for additional anti-eviction legal services, we concluded that the net additional cost to the city at that time would range from \$153 million to \$256 million annually.

Our estimate was based upon several variables including the number of eviction cases brought in housing court in 2013, the share of those tenants who would have qualified for free legal services given their incomes, and the cost per case for a lawyer. For our lower bound estimate, we used \$2,000 as the cost per case, which is the amount the city reimbursed for a similar program providing anti-eviction legal services to senior citizens. For our upper bound estimate, we used \$3,200 as the cost per case. This was based on estimates from legal service providers of their full cost of providing a lawyer in housing court, although the city had not historically reimbursed the providers at that level. Due to data limitations, our estimate did not account for the cost of providing counsel to low-income households facing foreclosure or ejection, although these were believed to account for many fewer cases than the number facing eviction.

The legislation that we are discussing today has notable changes compared with the one for which we prepared our cost estimate. Intro 214-A increases the income eligibility threshold from 125 percent of the federal poverty level to 200 percent of the federal poverty level. While raising the income eligibility threshold would increase the cost of the legislation compared with our 2014 estimate, the number of eviction cases brought in housing court has declined since we completed our analysis, which would help counteract this increase. Language was also added to the Intro empowering the civil justice coordinator administering the program to consider “the use of pro bono representation, technology, partnerships with social service providers, and other innovative approaches to providing cost-effective services.” Modifying the language to encourage pro-bono representation and approaches that are more cost-effective would likely reduce the legislation’s costs compared with our

estimate. However, more details on these other approaches would be necessary for IBO to estimate the full fiscal impact of the amended legislation.

Additionally, since we published our cost estimate, the city has increased the budget for its anti-eviction legal service programs by about \$50 million, with more than \$70 million planned for tenant civil legal services in fiscal year 2017. Assuming that these programs provide similar services to populations that would be eligible under Intro 214-A, the fiscal impact of the legislation in fiscal year 2017 could be reduced by the \$50 million in funding already added since our analysis.

***Impact on Shelter Spending.*** Along with assessing the cost of legal counsel in 2014, IBO also estimated what impact providing these services could have on homeless shelter costs. We found that providing low-income renters with lawyers in housing court could reduce the number of entrants into family shelter by about 28 percent and the entrants into adult shelter by about 7 percent—saving \$143 million annually in homeless shelter spending, with about \$53 million of the savings in city funds (funding for homeless shelters are shared by the city, state, and federal governments). The shelter savings estimate was based upon the number of families and individuals entering homeless shelters due to eviction in fiscal year 2013, the effectiveness of legal counsel in preventing evictions and thereby averting shelter entries, shelter costs in 2013, and the share of those costs paid by the city.

Since we completed our study the number of homeless families and individuals entering shelter has grown. Not only has the shelter population increased, but it has also become more expensive for the city to house them for several reasons. First, households are, on average, staying longer in shelter in 2016 than they did in 2013. Second, the average cost per day for shelter facilities has risen due to new security and programmatic costs, as well as the more frequent use of hotels. Lastly, the share of homeless shelter costs borne by the city (compared with the federal and state governments) has also increased since 2013, due to changes in the mix of public assistance status of families in shelter and because of a capped state grant for single adult shelter costs. Therefore, reducing the number of entrants to family and adult shelters by the same percentages as we outlined in our 2014 study would result in greater city shelter savings in 2016. However, an updated analysis—including examining the reasons for entry of the current shelter population—would be necessary for IBO to determine how the current version of the legislation would impact the shelter population now compared with the legislation we examined in 2014.

There are also benefits to reducing evictions outside of the city's budget, such as the potential for reduced housing costs due to fewer turnovers of rent-regulated apartments, which would slow rent increases for those units, as well as avoiding the physical and mental health consequences related to homelessness, and the educational disruptions faced by school age children living in shelters. Conversely, the legislation could put upward pressure on housing costs by making it more expensive for building owners to remove tenants who owe rent or more costly to litigate evictions. While these are important factors to consider, quantifying them was outside the scope of our analysis.

Thank you for your time. I'd be happy to answer any questions.



**PUBLIC ADVOCATE FOR THE CITY OF NEW YORK**

# **Letitia James**

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**Testimony of the Public Advocate for the City of New York, Letitia James,  
Before the Committee on Courts and Legal Services  
September 26, 2016**

Good morning. My name is Letitia James and I am the Public Advocate for the City of New York. The heart of my role as Public Advocate is ensuring that the voices of all New Yorkers are heard, particularly when it comes to the government entities and agencies that exist to serve them. There is perhaps no service more vital than ensuring that New Yorkers can stay in their homes.

I would to thank the Chair, Councilmember Lancman, and his staff for holding this hearing on this vitally important piece of legislation. I would also like to thank the bill's sponsor and prime co-sponsor, Council Members Levine and Gibson, for their hard work in pushing this bill forward and the many incredible advocates who have championed this measure.

Close to 300,000 New Yorkers are brought to Housing Court every year to fight an eviction. But when you get to housing court, 90% of landlords have attorneys while 90% of tenants do not. Basic, decent, livable housing is a human right, and it should be treated that way.

Yet, when a New Yorker is facing the tragedy of having his or her home taken out from under them, they have no guaranteed access to legal counsel. By law, all defendants in criminal matters are provided with an attorney if they cannot afford one themselves, but this is not the case in civil court proceedings like housing court. How is that fair?

We know that evictions lead to homelessness and that evictions reduce the number of affordable apartments in the city. Many tenants are forced out of rent-stabilized units, after which landlords can legally increase the rent by 20 percent. 52% of all tenants evicted last year were evicted from a Rent Stabilized Apartment.

Evictions are a real, existential threat for far too many New Yorkers, and the danger is particularly acute for low-income women of color. As Matthew Desmond, the author of a recent landmark book on eviction, wrote: "If incarceration ha[s] come to define the lives of men from impoverished black neighborhoods, eviction [i]s shaping the lives of women. Poor black men [a]re locked up. Poor black women [a]re locked out."

We must do all we can to ensure that a lack of resources never leads to a wrongful eviction. In all areas of the city, not just in those being rezoned, we must protect against displacement. Tenants citywide deserve strong anti-harassment and anti-displacement policies.

Given the affordable housing crisis in our city, the time is NOW to make New York City the first city in the nation to establish a Right to Counsel for tenants in housing court.

The stakes are extraordinarily high, and we must come together to bring about the right result.

I understand that fair-minded people can disagree about the best way to allocate resources to our shared goals, and I look forward to a robust and informative discussion on this critically important bill.

Thank you for inviting me to this hearing today and giving me the opportunity to testify.



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Gale A. Brewer, Borough President

**Testimony of Gale A. Brewer, Manhattan Borough President  
New York City Council Committee on Courts and Legal Services  
Intro 214A-2014, September 26, 2016**

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My name is Gale A. Brewer and I am the Manhattan Borough President. I thank Chair Lancman and members of the Committee for the opportunity to testify regarding this legislation, Intro 214-A-2014, the Right to Counsel.

I strongly support this legislation, and I believe it can have a significant impact on the continuing loss of affordable housing and the crisis of long-term homelessness for so many New Yorkers and their families.

For decades advocates have argued that low-income tenants facing eviction have a due process right to legal representation. When a tenant is taken to Housing Court, crucial interests are at stake. Since there is virtually no available affordable housing to replace what might be lost, the potential for homelessness is always present. Long term homelessness impacts one's freedom, employment, physical and mental health, and children's education. Our laws and codes give tenants significant substantive and procedural rights in an eviction action. But tenants have little or no understanding of those rights, nor the skill to use them without the assistance of counsel. We know from numerous studies that the outcome of such proceedings is determined many cases by whether a lawyer represents them.<sup>1</sup> The evictions that result are avoidable and unnecessary have tragic consequences. The cost to the City is huge: affordable apartments are lost because the law allows large rent increases for vacant deregulated apartments; the city must absorb the cost of sheltering a homeless family, including medical, educational and other essential costs. So, while we know that the cost of implementing this legislation is high, it is offset by substantial savings to the City for reduced costs for homeless services.

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<sup>1</sup> C.Seron, et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 Law & Society Review, 419 (2001)

In addition to the savings to be realized by avoiding homelessness, we must consider the potential benefits that result where tenants, with expert counsel, can fully access their legal rights, and obtain necessary repairs in their apartments and buildings, and even obtain rent reductions where there have been improper increases imposed.

But after all the legal and financial analysis is done, this legislation is needed because it is the right thing to do for our City. Last year, funding for legal services was increased substantially. I understand that we now know that there was a parallel substantial decrease in evictions of 18%, even though the number of eviction proceedings commenced remained the same as prior years. That decrease represents people who remain in their homes that would otherwise have experienced the terrible disruption of eviction.

This positive result from additional funding for legal counsel points the way forward, but the need still exceeds the resources currently available. We all would like to see an end to unnecessary evictions and the loss of affordable housing supply for lack of counsel. Every day my office sees tenants facing eviction, many with difficult, complicated cases, who have not been able to find counsel.

I am particularly concerned for tenants, working families in many cases, in neighborhoods facing rezoning and other displacement pressures. These tenants need expert attorneys and they need organizers to help them resist the pressures of skyrocketing rent values. I am hopeful that funding from this legislation will enable appropriate community-based organizations (CBOs) to provide assistance to tenants not only in eviction proceedings, but to help them in repair actions, to oppose MCI increases, and fight harassment by landlords.

I also urge this committee and the Council to address the issue of how to provide help for individuals and families whose income disqualifies them from receiving aid under this legislation as well as assistance from services by current CBO providers. Their cases are often very complicated, yet they cannot really afford private attorneys, a fact that violates what should be a basic right to the assistance they need to save their home. When I served as a Council Member, my office, with the assistance of the Goddard Riverside Law Project and the Urban Justice Center, was able to coordinate monthly clinics staffed by expert private attorneys where anyone facing housing problems, including eviction, could receive help. I believe it was tremendously effective at keeping people in their homes, and I know that my successor Council Member Helen Rosenthal has continued the program. I believe that the office of the Civil Justice

must explore methods to address the problem of providing help for households with incomes above 200% of the poverty line, but which lack means to pay private counsel. This is a substantially large group of New York tenants who are increasingly in danger of losing their affordable apartments. In addition to clinics of the kind I just described, the Civil Justice office should explore potential programs for “low-bono” or sliding scale providers to address this issue. These families and individuals need assistance and we cannot neglect them.

I strongly support this legislation as an essential step forward in ensuring equal access to justice. I look forward to its enactment and the immediate and lasting benefits that will result.

Thank you for the opportunity to testify today.

FOR THE RECORD



FOR THE RECORD

OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**Testimony**  
**Brooklyn Borough President Eric L. Adams**  
**September 26, 2016**  
**Proposed Intro. No. 214A**  
**Right to Counsel Hearing**

Good morning.

I want to thank Chair Rory Lancman for giving me the opportunity to provide comments at this City Council Committee of Courts and Legal Services public hearing. As Brooklyn's borough president, I represent 2.6 million residents living in Kings County. Today, I come out in strong support of Intro 214-A, which is being introduced by Council Members Vanessa Gibson and Mark Levine.

I understand all too well the affordable housing concerns of Brooklyn's residents, many of whom live in fear of possible eviction and harassment by their landlords. This introduction to amend chapter 4 of the administrative code of the city of

New York to allow a provision of legal services in eviction, ejectment, and foreclosure proceedings will give hundreds if not thousands of individuals an opportunity to have legal counsel representation during a difficult time.

During my first two years as Brooklyn borough president, I set out to tackle abuse and tenant harassment by convening a series of hearings and workshops throughout Brooklyn. Hundreds of residents attended these hearings and workshops, and they shared with me the housing issues they were experiencing, ranging from inadequate heat in their apartments to unaddressed maintenance issues. These are ongoing concerns that were raised by my constituents, and which no resident should have to experience. Today our office continues to work on cases through our one-on-one legal assistance clinic, which started from our tenant harassment workshop; 26 percent have been successfully resolved.

During the East New York rezoning process, community residents expressed a fear that displacement would occur as a result of the changes. To address these concerns, the New York City Department of Housing Preservation and Development (HPD), along with other City agencies, focused on expanding a series of financing and tax incentives programs in East New York to maintain affordability, while also striving to preserve government-assisted housing, the affordability requirements of which are expiring. In addition, a recent \$36 million commitment from the City for the East New York Neighborhood Plan is intended to provide free legal representation in housing court to all tenants who are facing harassment in rezoned neighborhoods, representing 47 percent of the overall citywide commitment to such purposes.

Despite these actions, more must be done to support distressed residents, which is why I support the legislation that is being brought forward by Council Members Gibson and Levine. Let us do all we can to protect every New Yorker from

the fear of being displaced and harassed, while creating lasting communities in which we can all call home.



TESTIMONY BY THE RENT STABILIZATION ASSOCIATION REGARDING  
INTRO. NO. 214-A, RELATING TO PROVIDING LEGAL COUNSEL  
FOR LOW-INCOME TENANTS

September 26, 2016

My name is Mitchell Posilkin and I am the General Counsel for the Rent Stabilization Association, which is comprised of 25,000 apartment building owners and managers who own or manage approximately one million apartments in the City of New York. With me is Frank Ricci, RSA's Director of Government Affairs. Thank you for this opportunity to testify with regard to Intro. 214-A.

At the outset, as part of any discussion regarding legal representation in housing court, we need to remember that the vast majority of housing court cases- about 90%- are non-payment proceedings, where the simple issue is whether the tenant can pay the rent. Not complicated questions that arise in so-called holdover proceedings, such as non-primary residence, succession, illegal subletting, etc., but the basic questions relating to why hasn't the rent been paid, can the tenant pay the rent that he or she is obligated by their lease to pay and, if not, whether government benefits are available to enable the tenant to do so.

For owners large and small throughout every neighborhood in the City who struggle every day to pay the City's ever-increasing property tax bills and water bills, as well as insurance, wages, mortgages, etc., receiving the rent each and every month is critical to keeping their buildings afloat financially and essential to the maintenance and operation of their buildings. Not only does the owner count on that revenue but the other tenants in the building are impacted as well. Further,

while rent collections are important for all owners, for smaller owners in particular the failure by even one tenant to pay their rent can have enormous consequences.

Before proceeding down the road of providing counsel to all low-income tenants in housing court, due diligence requires a further examination of the issues, fuller discussions involving all of the affected parties and an appreciation of the fact that many questions on this subject remain unanswered. Given that the homeless shelter population only seems to be increasing in size despite the increased funding and increased representation that has been occurring in housing court, it is evident that this problem is more complicated than simply providing more attorneys in housing court.

As we know, the City has dramatically increased its funding for attorneys in housing court to over \$60 million. And the Administration recently reported that 25% of tenants in housing court now have representation, a dramatic increase from the past. What has been the impact of that effort? How has the increased numbers of attorneys affected the processing of non-payment cases in housing court, if at all? These cases are considered summary proceedings, which are expected to move quickly through the resolution parts of the housing court. Has the processing of cases been slowed or are they moving more quickly? Has the number of orders to show cause, which are staggering in number and actually exceed new cases in housing court, increased or decreased?

For owners, each month that passes without rent while a case is pending in housing court only makes a bad situation worse for property owners. Does the housing court need a commensurate increase in the number of judges, law secretaries and clerical support to compensate for the increased number of attorneys? What studies, if any, does the City or the State's Office of Court Administration plan to do to determine the efficacy of this increased funding and staffing and to obtain the answers to these and other questions?

As the Mayor announced some time ago, the number of evictions has declined in the past year, by approximately 20%. In his statement, he indicated that the increase in attorneys is only part of the reason. The question, then, is if attorneys are not solely responsible for that decline, what other factors are at play here? How much of that decline is attributable to the increased number of attorneys and how much is attributable to the increased funding for emergency rental assistance by HRA? It is our understanding that so-called "one shot deals" cost the City somewhere in the range of \$200-\$250 million in the past fiscal year, that HRA is stepping in to provide these payments much earlier in the non-payment process, that the payment ceilings have been increased and that payments are no longer "one shots." Is it possible that emergency rental assistance payments, rather than attorneys, are a more effective and more efficient use of tax dollars in curtailing the number of housing court cases and potential evictions?

We should be asking: are there more efficient ways of diverting these types of cases from housing court, so that a building owner doesn't have to hire an attorney to initiate a non-payment proceeding and the tenant can readily obtain the funds from a government program so that they can continue their tenancy? Should HRA and other government benefit agencies such as Section 8, SCRIE, DRIE, and Protective Services for Adults have expanded roles and an expanded presence in each of the housing courts or even the courtrooms so that they are involved sooner, rather than later, in cases where government benefits may be at stake? Might that be more productive than simply hiring more lawyers and allocating precious space in cramped court houses for those attorneys? And with regard to government benefit programs, why has the Administration not supported legislation in Albany, which was unanimously passed by a bi-partisan State Senate, to broaden the rent increase exemption laws so that all low-income tenants, not only seniors and the

disabled, are held harmless against all lawful rent increases while owners are compensated by equivalent property tax credits?

We also need to understand that counsel in housing court can play a variety of roles. On the one hand, counsel can ensure that their clients obtain whatever government benefits to which they may be entitled and that the property owner receives the rent that is due and owing. In other cases, counsel can raise legally valid defenses, such as the existence of housing conditions, as a justification for the non-payment of rent. However, in yet other cases, counsel serve merely to prolong the inevitable through frivolous delaying tactics so that their client can remain with a roof over their head for as long as possible when there is no justification for their continued tenancy, when there will be no money at the end of the process to make the property owner whole. In these cases, often typified by repeated orders to show cause over many months, the owner, the building and, ultimately, the other tenants in the building, suffer.

The June, 2016 annual report issued by the Administration's Office of Civil Justice was a first step towards providing some of the relevant data. Unfortunately, as with most discussions of this issue, the report, while extolling the virtues of providing more representation, fails to explore the types of concerns that we are raising. Appendix D of the report is indicative of that failure. Appendix D sets forth the list of "stakeholders" who were interviewed for the report. Legal Aid. Legal Services. Urban Justice Center. The list of tenant advocates goes on. However, while they did speak with RSA to obtain one perspective of property owners, not a single other property owner organization was interviewed. Not a single law firm that represents property owners, especially those firms that represent providers of low-income housing was interviewed. And, most remarkably, not a single property owner, large or small, who provides low-income, affordable housing and is affected either by the current or proposed expansion of

counsel in housing court, was interviewed. Aren't property owners and their counsel "stakeholders," too?

It is easy to say that everyone in housing court should have an attorney. Obviously, the Council can readily decide to do so and budget the extraordinary sums of money needed to accomplish that agenda. However, as we have stated previously, we believe that before doing so, the Council should at least ask more questions and understand more fully the consequences of its actions.

Again, thank you for this opportunity to testify with regard to Intro. 214-A.

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Services NYC

**TESTIMONY OF THE LEGAL SERVICES NYC  
IN SUPPORT OF THE RIGHT TO COUNSEL ACT  
INTRO 214-A of 2014**

**New York City Council  
Committee on Courts and Legal Services**

**September 26, 2016**

Legal Services NYC welcomes the opportunity to give testimony before the New York City Council Committee on Courts and Legal Services. We add our voice to those of the many tenants, community organizations, and legal services providers present on this historic occasion to say that the provision of legal representation to tenants facing eviction in Housing Court is essential to the preservation of New York City's neighborhoods and to combat the loss of affordable housing and the continuing epidemic of homelessness.

Legal Services NYC is one of the largest law firms for low income people in New York City. With community-based offices and outreach sites located throughout each of the City's five boroughs, the mission of Legal Services NYC is to provide expert legal assistance that improves the lives and communities of low income New Yorkers. Legal Services NYC annually provides legal assistance to thousands of low income clients throughout New York City. Historically, Legal Services NYC's priority areas have included housing, government benefits and family law; in recent years, Legal Services NYC has vastly expanded services in areas of need critical to our client base, including

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**Raun J. Rasmussen**, Chief of Litigation & Advocacy

 LSC

consumer issues and foreclosure prevention, unemployment, language access, disability, education, immigration, and bankruptcy.

We welcome this opportunity to testify before the Committee on Courts and Legal Services. The attorneys and non-attorney advocates of Legal Services NYC annually assist thousands of low income New Yorkers in avoiding eviction in the Housing Courts in all five boroughs. Everyday, we witness firsthand what the City's Office of Civil Justice observed in its recent study: that the assistance of counsel makes a dramatic difference in the ability of tenants to prevent eviction and remain in their homes and their communities.

The causes of homelessness and loss of affordable housing are complex: the insatiable demand for housing, the inexhaustible flow of investment capital, the porousness of the loophole-ridden and poorly enforced Rent Laws, the stagnation of wages and lack of employment opportunities, all play their part. But there can be no doubt that the most direct and immediate cause of homelessness and the destruction of affordable housing in the City today is the NYC Housing Court. Each year over 200,000 eviction cases are filed against NYC tenants, leading to the eviction of nearly 22,000 families, and an unknown but substantial number of families who involuntarily vacate their apartments before the marshal can evict them. Each rent regulated unit vacated through eviction is immediately rendered unaffordable to low income families due to Rent Law provisions that permit unconscionable rent hikes upon vacancies. Thus each needless eviction represents not only a tragedy for the family involved, but the permanent loss of scarce and virtually irreplaceable affordable housing.

Yet our experience shows that many if not most evictions are preventable with the help of experienced lawyers. The City's recent increase in legal services funding brought an immediate 25 percent decrease in evictions – nearly 6,000 families who would otherwise have become homeless or forced to move to substantially more expensive housing were enabled to remain in their homes through legal assistance. Our advocates daily encounter families who find themselves on the brink of eviction simply because they are unable to cope with the complex procedures of the Housing Court, where a

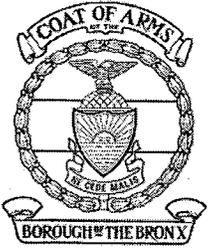
single missed court date can lead to a downward spiral of judgment, warrant and eventual eviction. Thousands more tenants bargain away essential legal rights when faced with sophisticated landlords' attorneys – many needlessly agree to surrender regulated apartments, or to pay illegal rents while forgoing essential repairs and services. Such unconscionable, one-sided agreements are all too frequently ratified by an overburdened and often indifferent judiciary.

With legal counsel, the Housing Court playing field can be leveled. Unfair agreements can be canceled, procedural mistakes excused, rent overcharges redressed, and unscrupulous schemes by predatory landlords exposed and defeated. As representation of tenants increases, landlords will become more cautious about filing fraudulent eviction cases and demanding illegal rents, and the Housing Court will be compelled to afford tenants the legal protections that now are so laxly enforced. The recent increase in civil legal services funding has raised the proportion of represented tenants from a shocking one percent to over 25 percent, although low income tenants were still represented at half the rate of those in more affluent neighborhoods. However, this dramatic and historic improvement in representation still leaves three-quarters of tenants – and a greater proportion of low income tenants – to defend themselves in Housing Court without counsel. Based on our experience, these cases represent tens of thousands of unnecessary, avoidable human tragedies in the making, and also represent an enormous opportunity for the City to stem the loss of affordable housing and to reduce the flow of families into City shelters. Intro 214-A is a historic response both to this tragedy and to this opportunity.

We thank the City Council for addressing this important issue, and look forward to working with the Council and with the Administration to make legal representation a right for tenants facing eviction.

Respectfully submitted,

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September 26, 2016

**TESTIMONY OF BRONX BOROUGH PRESIDENT RUBEN DIAZ JR.  
BEFORE THE NEW YORK CITY COUNCIL COMMITTEE  
ON COURTS AND LEGAL SERVICES**

*RE: Intro 214-A/Right to Counsel*

September 26, 2016

Good morning.

I am very happy to be here today, with so many of my colleagues in government and so many of my constituents, to voice my support for Intro 214-A, which would provide the most vulnerable among us with free legal representation in housing court.

There is an undeniable homelessness crisis in this city, one that underscores the importance of increased representation of low-income tenants in eviction proceedings. Anyone doubting the causal relationship between evictions and possessions of the dwellings of low-income tenants and homelessness need only look at the available data, which shows that thousands of families have just faced eviction at the time they entered the shelter system.

Intro 214-A, authored by Council Member Mark Levine, would create the blueprint for providing attorneys to New York City tenants facing eviction, ejection and foreclosure proceedings. The bill would provide improved access to justice for individuals with incomes up to 200 percent of the Federal poverty level.

According to data compiled by Housing Court Answers, the total number of residential evictions and possessions in New York City in 2015 was 21,988. Of those evictions, 7,401 were carried out in The Bronx, with 7,033 in Brooklyn, 3,939 in Queens, 2,898 in Manhattan, and 717 in Staten Island.

Evictions clearly concern every corner of the city. It is imperative that we take an expansive approach to solving the housing problem. Building new affordable housing is not the only answer.

I support Intro 214-A because this legislation both promotes the administration of justice and has considerable fiscal merits. The financial reasons for providing counsel must be fleshed out in light of a recent analysis that projects tremendous cost savings to the City from the bill.

Litigants in housing court should play on a fair field, not one where one party has legal expertise and where the other does not know their rights or have access to the same procedural strategies.

For example, The Independent Budget Office's December 2014 memorandum on Intro 214-A cites a New York City study that showed that there was a 77 percent decrease in warrants of eviction issued when tenants had an attorney in housing court versus when they did not independent of the cases' merits.

Homelessness is all too often the unnecessary and unfair result of this inequity in representation-- and with great human cost. The deck remains stacked against low-income tenants, most of whom do not have attorneys, because most landlords have representation in housing court.

Any analysis of the financial benefits of the legislation must account for the fiscal cost of supporting the homeless and of replacing lost rent-regulated apartments that have become market-rate with other affordable housing.

A recent study released by the New York City Bar Association found that Intro 214-A would save the city \$320 million annually, after accounting for the need to replace rent regulated apartments with other affordable housing and for the state and federal funding that would be saved on shelter costs and other preventative services.

Additionally, Intro 214-A would increase access to justice in foreclosure proceedings, which have wrought havoc on this country over the past decade.

The benefits of this proposed law are considerable, and could help keep New Yorkers in their homes. Too many families become homeless because they don't have an advocate in court or someone to get them connected with housing financial assistance, like the FEPS program, that would allow them to keep their homes.

Justice requires protecting our most vulnerable from unnecessary eviction and the resulting plight of homelessness. We can do more to both promote fairness in these proceedings and provide representation for the underserved.

We can pass Intro 214-A.



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CHAIR  
MANHATTAN DELEGATION

## RIGHT TO COUNSEL MEANS FEWER EVICTIONS

Testimony by Assembly Member Richard N. Gottfried  
Before the New York City Council  
Committee on Courts and Legal Services  
Monday, September 26, 2016

FOR THE RECORD

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

The rate of homelessness in New York City is rising, much to our shame. We see it every day. Estimates now stand at over 60,000 people in the shelter system and rising. Evictions of people from their homes is one main cause of homelessness. Providing low-income New Yorkers facing eviction with quality legal representation will help keep families, children and seniors in their homes. We should support the Right to Counsel bill, Intro. 214A introduced in the New York City Council by co-sponsors Councilmembers Mark Levine and Vanessa Gibson.

A NYC Office of Civil Justice report shows that between 2013 and 2015, the city expanded access to legal representation in housing court by 26 percent, leading to a 24 percent drop in evictions. In 2013, only one percent of tenants went to housing court with legal representation. Now, 27 percent of tenants facing eviction are represented by a lawyer. That's an enormous improvement. But in contrast, landlords are almost always represented by lawyers, in over 90 percent of eviction cases. So we can and must do better. That's what this bill will do.

As my district and many other communities continue to gentrify, many low-income tenants are receiving eviction notices. Many have lived in their rent controlled or rent stabilized apartments for at least 30 to 40 years and never had to appear in housing court. When they receive an eviction notice they are frightened of losing their home. And often, overburdened legal services organizations cannot provide a lawyer for the tenant.

What happens in housing court to cause unrepresented tenants to be more likely to experience eviction? When the tenant arrives at housing court, no one explains the process. Everything proceeds in a blur. A senior having difficulty hearing the court clerk's questions may be assumed to have diminished ability to understand and possibly referred to Adult Protective Services. At one point, the tenant is expected to negotiate in the hallway with an unfriendly landlord lawyer usually in a hurry to get to his or her next case. The judge mentions his impossible caseload during the proceeding. Without legal counsel, where is the tenant's right to equal protection of the law in this scenario?

A New York City Bar Association sponsored financial projection concludes the city will save \$320 million dollars a year with the adoption of the right to counsel legislation. An estimated 47 percent of families in the shelter system are homeless because of eviction. It costs over \$43,000 to shelter a family and over \$22,000 to shelter an individual. Avoiding eviction will save the city over \$250 million in shelter costs. Additionally, preserving affordable housing units will save another \$259 million.

The human costs of evicting people are immeasurable. Enacting Intro 214A will be a giant step toward fair treatment under the law.



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**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON COURTS AND  
LEGAL SERVICES REGARDING INTRO 214**

**SEPTEMBER 26, 2016**

Thank you Chairperson Lancman, and members of the Committee on Courts and Legal Services, for the opportunity to provide testimony today. This testimony is submitted on behalf of The Legal Aid Society (the Society), the nation's oldest and largest not-for-profit legal services organization. The Society is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of civil, criminal, and juvenile rights matters, while also fighting for legal reform. It has performed this role in city, state and federal courts since 1876. The Society's unique value is in its ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic changes for society as a whole. Through a network of borough, neighborhood, and courthouse-based offices in 26 locations in New York City, and nearly 2,000 attorneys, paralegals, social workers, investigators and support staff, along with volunteer help coordinated by the Society's *Pro Bono* program, we provide comprehensive legal services to fulfill our mission that no New Yorker should be denied access to justice because of poverty. Through three major practices — Civil, Criminal, and Juvenile Rights — the Society handles approximately 280,000 cases a year in city, state, and federal courts.

The Society's Civil Practice improves the lives of low-income New Yorkers who struggle daily to buy food, pay rent, achieve or maintain self-sufficiency, and keep themselves and their children healthy and safe. The Civil Practice is able to address a broad range of legal problems, including; housing, homelessness prevention, and foreclosure prevention; family law and domestic violence; employment issues faced by low-wage workers; public assistance; Supplemental Nutrition Assistance Program (SNAP) benefits; disability-related assistance; health law; HIV/AIDS and chronic diseases; elder law; tax law for low-income workers; consumer law; education law; immigration law; community development legal assistance; and reentry and reintegration matters for formerly incarcerated clients returning to the community.

The Civil Practice's Comprehensive Housing Practice is our largest practice area and comprised more than 45% of our total caseload during the last fiscal year. Through our

Comprehensive Housing Practice in all five boroughs, the Society provides comprehensive anti-eviction legal services to low-income New Yorkers to prevent homelessness. Since its inception in the 1870s, The Legal Aid Society has been at the forefront of the fight to protect the most vulnerable members of New York City. Whether through long-time advocacy for the right to counsel in criminal defense or juvenile justice issues earlier in our history; or to directly address emergent or systemic issues our client communities face, the Society acts as one of New York City's first responders, protecting and enforcing the legal rights of families and individuals. Amidst all-time record homelessness, high unemployment throughout our client communities, and the ongoing and increasingly acute affordable housing shortage, New York City's low-income families and individuals are in critical need of protection.

## **Introduction**

We support the Council's efforts, with Intro 214 of 2014, to provide counsel for low income tenants that face losing their home in eviction, ejection or foreclosure proceedings. In these proceedings, access to counsel is synonymous with access to justice. There can be no justice in any adversarial proceeding where one side has legal counsel and the other side has none. Providing low income New York City residents who face losing their homes with a mandated right to quality legal services is an essential tool in the fight to preserve affordable housing that is increasingly growing out of reach for many families, as well as prevent homelessness and save shelter costs for the government. It also stabilizes our communities, and reflects our highest values of fairness and equality.

Those that find themselves facing the loss of their home in Housing Court are typically amongst our most vulnerable populations. According to the 2014 Report of the New York Task Force to Expand Access to Legal Services, 99% of the tenants that appeared in eviction proceedings in 2013 did so without counsel. The respondents in these cases are typically low income families and single people struggling to pay their rent. They are families that rely on some rental subsidy to pay a large portion of their rent. Many are elderly and disabled citizens subsisting on a fixed income. They are people with significant language barriers that typically are not adequately met during the course of an eviction proceeding. They are typically unaware of their rights and lack the resources to defend against an eviction proceeding. All find it difficult to understand the papers served upon them. Some are not even aware that they can seek legal counsel.

Legal services are especially important given the nature of summary eviction proceedings where crucial events transpire before a tenant is able to seek legal counsel. No one can dispute that the housing laws in New York City are complex. The Housing Court summary proceedings work against all tenants and in favor of owners whose objective is to secure an eviction as quickly as possible, avoiding judicial evaluation of any tenant defenses/claims or owner failures.

Also, homelessness is best addressed at the earlier stages of housing insecurity through eviction prevention. By providing a right to counsel in Housing Court, is not only more humane, but also significantly more effective. The City's own studies as well as others have shown that tenants receiving legal assistance are significantly more likely to avoid eviction and the homelessness that often follows.

Finally, the current lack of affordable housing underscores the need for competent counsel that will seek comprehensive solutions and will help tenants identify and access the range of services available to ensure they remain in their homes. Having counsel is particularly crucial in light of the devastating effects of an eviction. Long term tenants who are evicted will face a rental market that is increasingly unaffordable to them. According to the Mayor's 2014 report entitled "Housing New York, a Five Borough, Ten Year Plan" in 2011, there were nearly one million households who earned less than 50% of Area Median Income (AMI), or less than \$41,950 for a family household of four, yet there were only 425,000 available rental units that were affordable to those households.<sup>1</sup> Typically, a tenant's rent is considered affordable if they are paying 30% or less of their income towards the rent; anything beyond this is considered a rent burden. Presently, the median gross rent to income ratio for rent stabilized tenants is 36.4% of their income, an increase of 1.6% since 2011. The U.S. Census Bureau's American Community Survey indicates that 90% of "extremely low income"<sup>2</sup> New Yorkers are rent burdened<sup>3</sup> and 70 percent are "severely rent burdened," spending more than half their income on rent. For clients represented through our Housing Help Program, a courthouse based tenant defense program targeting some of the lowest income neighborhoods in the City, the average client income is \$13,136 annually and their average rent in FY 2016 was \$1,140 per month. It is no coincidence that for the seventh straight year overall homeless levels have increased and in July 2016 there were 60,456 homeless people, including 15,156 homeless families with 23,425 homeless children, sleeping each night in the New York City municipal shelter system. Families comprise just over three-quarters of the homeless shelter population.<sup>4</sup>

The Legal Aid Society has prioritized housing assistance throughout our 140-year history. In recognition of the myriad of challenges our clients face, The Legal Aid Society organizes our housing practice through a number of programs. Our housing practice, which is present in all five counties, offers critical legal services to prevent homelessness through direct representation of tenants facing eviction in nonpayment and holdover proceedings. We are able to help keep low-income New Yorkers maintain affordable housing, ensure landlords maintain habitability standards, obtain and preserve rent subsidies for clients, fight illegal rent overcharges and prevent evictions. These efforts prevent homelessness and displacement and save the City and State millions of dollars each year in averted shelter costs alone.

## **Housing Practice**

Part of our housing practice includes the **Housing Help Program (HHP) and Expanded Legal Services Program (ELS)**. These programs, in small scale, approximate a right to counsel. They implement an assigned counsel, courthouse-based project that targets particular zip codes in certain Bronx, Brooklyn, Manhattan, Queens and Staten Island neighborhoods where residents are particularly vulnerable to eviction. For those vulnerable residents that are at

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<sup>1</sup> These households break out into two categories: Extremely Low Income (0-30% AMI - annually income of less than \$25,150 for a household of four) and Very Low Income (31-50% AMI or annually income between \$25,151 - \$41,950 for a household of four).

<sup>2</sup> Families who earn less than 30% of AMI

<sup>3</sup> Defined by HUD as "families who pay more than 30 percent of their income for housing and may have difficulty affording necessities such as food, clothing, transportation and medical care."

<sup>4</sup> NYC Department of Homeless Services and Human Resources Administration and NYCStat shelter census reports

imminent risk of eviction, these two innovative programs allow for the provision of early intervention and comprehensive legal services.

We also prioritize affirmative housing assistance through our **Tenants Rights Coalition practice (TRC)**. Through this citywide unit, we merge eviction defense, affirmative litigation and advocacy efforts to create stable housing conditions and prevent harassment and displacement of low-income tenants in all five boroughs. The TRC emphasizes group and building-wide assistance as well as individual tenant assistance. The TRC also provides outreach in high-risk zip codes in all five boroughs of the City, features a live-answer helpline for affected neighborhoods, works directly with tenant organizers and collaborates with community organizations and elected officials.

Our **Foreclosure Prevention and Home Equity Preservation Project** serves homeowners at risk of having their homes foreclosed upon and renters in buildings subject to foreclosure. Our staff challenges abusive mortgage and real estate practices through affirmative litigation to representation of homeowners in foreclosure actions. To complement our direct assistance, we promote outreach and community education. We also conduct weekly court-based clinics to assist and advise pro se litigants.

Our **Housing Development Unit** focuses on improving, preserving, and expanding affordable housing for low-income New Yorkers. Our staff acts to avert housing abandonment, prevent tenant eviction by helping tenant groups, block associations, low-income housing co-ops and tenant housing organizations negotiate with landlords, fight illegal rent increases, obtain repairs, correct dangerous or inadequate housing conditions and resolve other housing-related issues. They also work to maintain and increase occupancy rates, obtain court appointment of competent administrators and assist client groups in buying buildings and forming low-income housing cooperatives.

Finally, Our **Homeless Rights Unit** works continually to establish and maintain the right to shelter, assistance, and services for homeless families and individuals in New York City.

### **The Housing Help Program**

We take this opportunity to highlight the success of the Housing Help Program. Although it is not an outright right to counsel program because not all clients receive full representation, it most closely approximates a right to counsel, and we analogize its success with the transformative outcomes that will be achieved when New York City establishes a right to counsel in Housing Court.

All too often, tenants facing eviction either access legal services when it is too late for effective assistance to be rendered or they do not access services at all. In both instances, eviction is, unfortunately, the typical result. The Legal Aid Society became the legal services provider for the Housing Help Program in 2006 when the program was in its pilot stage being funded by The United Way of New York City. Under the leadership of The Legal Aid Society, the program has enjoyed immense success, including local and national recognition. In 2011, the program was a top 25 finalist for the prestigious Harvard Innovations in Government award. In June of 2010 the national not-for-profit agency SEEDCO conducted a comprehensive study of

the program and released a final report highlighting Housing Help's triumphs in combatting homelessness for some of New York City's most vulnerable families.<sup>5</sup> The Robin Hood Foundation took notice of the incredible success of our Housing Help Program, providing funding to expand the priority areas we target under this grant. In the wake of the recession, the challenges facing the lowest income families trying to avoid homelessness became increasingly difficult to ignore. Currently, funded by HRA, this innovative program focuses on providing early intervention and comprehensive services to New Yorkers at imminent risk of eviction. It seeks to promote stability in the neighborhoods that see the highest number of evictions and from which the highest numbers of families were entering shelter by providing services through a broad team approach with attorneys, social workers, paralegals, investigators, and support staff all contributing to a service plan developed for each individual family.

The Housing Help Program is a courthouse-based program. Clients have the option of immediate access to integrated legal and social service assistance to help stop the threat of eviction and homelessness at the time they answer the petition or by their first court appearance. We accept referrals from the Housing Court's clerk's office or pro se office as clients appear to answer their petition or file papers with the court. In addition, we accept referrals from HRA and other partner or community agencies. Currently, our Housing Help Program makes every effort to service every eligible family in each targeted zip code. A great number of tenants residing in the targeted low-income neighborhoods are formerly homeless families and individuals who have a housing subsidy and fear return to the shelter system. Many have or are in the process of securing a housing subsidy. Their ability to receive legal assistance at the beginning of their case also makes a great difference in the outcomes achieved. It is not a true right to counsel since the program primarily focuses on providing services to households with minor children that receive public assistance. Families are eligible for HHP services if they are homeless or at risk of homelessness; have a history of shelter entry; have household income that does not exceed 200% of the federal poverty level; either have an open public benefits case open or are applying for public benefits. In all, HHP has worked on nearly 15,000 cases in the designated neighborhoods since 2010.

As a result, we continually have a high success rate of preventing evictions. Last year we had a success rate greater than 95% in preventing evictions and helping families remain in their homes. With a right to counsel we could do more. While the families that meet the eligibility criteria described above account for 85% of the families we assist through HHP and program requirements limit the number of singles or adult-only households we can assist, HHP staff has nonetheless seen increasing amounts of such persons seeking assistance; many of whom we are forced to turn away.

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<sup>5</sup> A copy of that report can be found here: <http://seedco.org/wp-content/uploads/2011/11/Housing-Help-Program.pdf>.

## The Right to Counsel

The current administration rightly prioritized expanding the availability of civil legal services to low income City residents. New York City has more than tripled funding for civil legal services. For FY 2017, City funding for legal services addressing the needs of low income New Yorkers will total \$110 million; including \$82 million from mayoral initiatives, and nearly \$28 million from City Council discretionary funds. Through HRA, mayoral funding for housing legal services has increased to approximately \$62 million, 10 times the investment made by the previous City administration. The DeBlasio administration recognized tenants in some areas were exposed to high risk for landlord harassment and/or tenant displacement and commenced an Anti-Harassment and Tenant Protection (AHTP) legal services program which funds a large part of the housing expansion at The Legal Aid Society and other legal services providers. With a funding stream that has increased every year since its FY 2015 launch, the program, according to the NYC Office of Civil Justice Annual 2016 report, is expected to serve 13,000 households in FY 2017. It is in this climate that the NYC Office of Civil Justice Annual 2016 report notes that the percentage of tenants represented in evictions proceedings has increased to 27%.<sup>6</sup> Correspondingly, the number of petitions filed seeking eviction have decreased since 2011 and there was a 24% decrease in the number of residential evictions executed from 2013 to 2015.<sup>7</sup> The City's efforts to promote stability and prevent displacement in our communities are commendable and these results are encouraging. Unfortunately, there remain even more communities of low income people who are not eligible for the various programs and whose needs remain unmet. As it is for low income tenants the programs target, rent levels are also growing increasingly unaffordable to other growing segments of the population. Clearly, there is strong recognition these services are crucial. The families and people that the many programs do not reach, but are struggling nonetheless, remain in danger of displacement and should not continue to go unserved. In addition to the unserved, those that currently qualify for programs should have greater protection than they currently enjoy. With the fundamental issue of someone's home at stake, the level of legal services protection afforded should be elevated to a guarantee – a right – and not left to discretionary funding. Accordingly, we urge that the Council pass Intro 214 and guarantee tenants this fundamental protection.

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<sup>6</sup> Derived from a sample of 593 cases from April 2016

<sup>7</sup> <http://cwtfhc.org/for-researchers/>

## Conclusion

Thank you for the opportunity to testify before this committee on this important issue. A right to counsel for those facing the loss of their home is critical to the stability of our communities and the families that inhabit them. No one should be placed in such jeopardy without the benefit of highly qualified counsel to protect their rights. We thank the City Council for introducing this legislation and urge its passage.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'A. Holder', with a long horizontal line extending to the right.

The Legal Aid Society  
Adriene Holder  
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**Testimony before the City Council Committee on Courts and Legal Services:  
Providing legal counsel for low-income eligible tenants who are  
subject to eviction, ejection or foreclosure proceedings.**

**September 26, 2016**

Good morning. My name is Caroline Nagy, and I am the Deputy Director of Policy and Research at the Center for NYC Neighborhoods. I would like to thank Chair Lancman and the members of the Courts and Legal Services Committees for holding today's hearings on the important topic of legal representation for New Yorkers at risk of losing their homes through eviction, ejection or foreclosure proceedings.

### **About the Center for NYC Neighborhoods**

The Center promotes and protects affordable homeownership in New York so that middle- and working-class families are able to build strong, thriving communities. Established by public and private partners, the Center meets the diverse needs of homeowners throughout New York State by offering free, high quality housing services. Since our founding in 2008, our network has assisted over 40,000 homeowners. We have provided approximately \$33 million in direct grants to community-based partners, and we have been able to leverage this funding to oversee another \$30 million in indirect funding support. Major funding sources for this work include the New York City Department of Housing Preservation and Development, the New York City Council, and the Office of the Attorney General, along with other public and private funders.

### **The Foreclosure Process in New York**

Today, tens of thousands of New York City families are in foreclosure, while many more struggle to make monthly mortgage payments. Between February 2011 and August 2016, nearly 75,000 New York City homes received a foreclosure complaint from their mortgage lender, which starts the legal foreclosure process. Upon receiving a foreclosure complaint, it is very important that the homeowner files a timely answer: otherwise he or she will lose the right to raise certain defenses to the foreclosure, as well as other important protections.

For homeowners, the next step in the foreclosure process is a series of settlement conferences that are mandatory under New York state law. During settlement conferences, both parties are required to negotiate in good faith to try to resolve the issue. One such resolution could be a loan modification, which will allow the homeowner to begin paying their mortgage again under new terms and stay in their home. They might also agree to a short sale, which will allow an underwater homeowner to sell the property for less than what is owed on it. For seniors with substantial equity in their homes, they may be able to avoid foreclosure by taking out a reverse mortgage and using the proceeds to pay off the original mortgage. If a settlement is not reached, the foreclosure case will proceed in court, with the bank seeking default judgment if the homeowner did not answer, or summary judgment if they did. In rare cases, if the homeowner raised defenses, the case may proceed to a trial, though many homeowners without attorneys are unable to oppose a motion for judgment which is then granted on default.

### **The Importance of Obtaining Legal Counsel in Foreclosure Cases**

The foreclosure process is highly complicated, and regardless of which outcome the homeowner seeks, it is crucial that he or she consult with a trustworthy attorney who is knowledgeable about New York state foreclosure law immediately upon receiving the foreclosure complaint. It is especially important to connect homeowners to trustworthy help because foreclosure rescue scams are highly prevalent in New York City. Because foreclosure is a public process, once a foreclosure action is started against a homeowner, that homeowner's address is publicly available and he or she will quickly be deluged with fraudulent offers of assistance from so-called "foreclosure prevention experts" and out-of-state attorneys. For homeowners seeking a resolution to their foreclosure despair, it can be very difficult to know whether an offered service is legitimate, and scams can cost homeowners thousands of dollars and delay them from obtaining legitimate help. In the worst cases, we have even seen scammers tricking homeowners into signing over the deed to their homes.<sup>1</sup>

### **Homeowners Served by the Center**

Today, New York City homeowners can obtain high-quality housing counseling and foreclosure prevention legal services available free-of-charge to all New Yorkers through Attorney General Eric Schneiderman's Homeowner Protection Program, for which the Center serves as the New York City Anchor Partner. Homeowners can access these services through 311 or by calling the Attorney General's Homeowner Protection Program Hotline at 855-HOME-456. When New York City homeowners call the Center, we can make referrals to dozens of partnering nonprofits throughout the five boroughs that provide high quality housing counseling and legal services free of charge.

Of the 40,000-plus homeowners served by the Center and its partners since 2008, their average household income is \$46,500, which is higher than 200% of the federal poverty level. Of the families served, 36%, or just over 12,000 families, had incomes at or below 200% of the federal poverty level. The majority of homeowners seeking foreclosure prevention services are African American and Hispanic: 61% of homeowners served are African American, and 21% are Hispanic. They are mostly located in southeast Queens and central Brooklyn, as well as the north Bronx and Staten Island.

### **Future Unclear for Foreclosure-Prevention Services Funding**

While new foreclosures have returned to pre-crisis levels, tens of thousands of New York City families remain in the foreclosure process. Today these homeowners have access to a highly-funded network of foreclosure prevention services that receive substantial funding from New York Attorney General Eric Schneiderman's Homeowner Protection Program, as well as funding from City Council, HPD, and private foundations.

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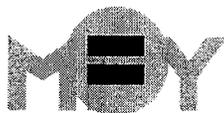
<sup>1</sup> Stephanie Saul, Real Estate Shell Companies Scheme to Defraud Owners Out of their Homes, New York Times Nov. 7, 2015. Available at <http://www.nytimes.com/2015/11/08/nyregion/real-estate-shell-companies-scheme-to-defraud-owners-out-of-their-homes.html>

Unfortunately, the Homeowner Protection Program, which is paid for by one-time settlements with financial institutions for their misdeeds leading up to the crisis, is set to end in October 2017. And, now that the foreclosure crisis is receding from the headlines, many private foundations have shifted their priorities away from funding foreclosure prevention services. This will leave a serious gap in foreclosure prevention funding, and will likely cause a large reduction in the number of homeowners we can serve going forward.

### **Moving to Solutions**

At the Center, we are working to identify alternate sources of funding for foreclosure prevention legal services and to educate City and State decisionmakers about the importance of foreclosure prevention services funding going forward.

Thank you for the opportunity to testify today. We commend the City Council for your leadership in bringing this issue to the forefront and for proposing solutions that will ensure access to crucial legal services. We support you in this very important work, and we look forward to continuing to partner with you to keep more New Yorkers in their homes.



**L E G A L  
S E R V I C E S**

**INCORPORATED**

**TESTIMONY**

**IN SUPPORT OF**

**INTRO NO. 214A-2014, IN RELATION TO THE PROVISION OF LEGAL  
COUNSEL FOR LOW-INCOME ELIGIBLE TENANTS WHO ARE SUBJECT  
TO EVICTION, EJECTMENT OR FORECLOSURE PROCEEDINGS.**

**PRESENTED BEFORE:**

**THE NEW YORK CITY COUNCIL'S  
COMMITTEE ON COURTS AND LEGAL SERVICES**

**SUBMITTED BY:**

**JEANETTE ZELHOF  
EXECUTIVE DIRECTOR  
MFY LEGAL SERVICES, INC.**

**SEPTEMBER 26, 2016**

## **Introduction**

MFY Legal Services (“MFY”) envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised or have disabilities. We do this through providing the highest quality direct civil legal assistance, community education, partnerships, policy advocacy and impact litigation. We assist more than 20,000 New Yorkers each year. The mission of MFY’s Housing Project is to prevent homelessness and preserve affordable housing in New York City. In furtherance of that mission, MFY provides advice and full legal representation to tenants citywide and litigates in Housing Court, New York State Supreme Court and before administrative agencies on behalf of tenants in all types of housing, including rent-regulated apartments, New York City Housing Authority apartments, single room occupancy hotel rooms (SROs), and Three-Quarter Houses.

MFY supports the passage of Intro 214A-2014 (“Intro 214”) and believes that it is critical legislation that will ensure equal access to justice for the most vulnerable New York City residents who, without legal representation, would be unjustly stripped of one of the most fundamental human rights: a home. As the law currently stands, tenants in eviction proceedings do not have a right to an attorney. Therefore, most tenants are left alone to confront complex legal doctrines, an intimidating court system, and—in nearly every case—an experienced landlord’s attorney. The consequences of this dynamic are grave: unnecessary evictions and other negative consequences, which occur far too regularly because of tenants’ unfamiliarity with the legal system and imbalance of power.

Intro 214 would close the justice gap by establishing a right to free legal counsel for New York City residents facing an eviction proceeding with income at or below two-hundred percent of the federal income poverty guidelines. This bill, if passed, will not only save families from homelessness and its collateral consequences, but also save the City millions by preserving housing in economically and racially diverse communities.

## **Evictions Are Frequent Occurrences in New York City and Have Devastating Consequences**

It is without question that New York City is in the midst of a homelessness crisis. In the last year alone, over 23,000 families in New York City were evicted from their homes.<sup>1</sup> Over the past fifteen years, the homelessness population has almost doubled and recently hit its highest rate since the Great Depression. While such statistics are shocking when looked at in a vacuum, they are not surprising given the high eviction rate. Eviction and homeless and interconnected because many low-income families have no alternative options for housing in New York.

Accordingly, evictions can cause devastating consequences to a family's health and severely hinder its advancement. Children miss school and are more likely to fail or drop out of school because their parents are dealing with an eviction proceeding. Indeed there is a direct correlation between a child's health and whether the child has experienced an eviction. As cited in a recent report regarding the costs of homelessness, in terms of health and finances: "Homelessness both before and after birth has significant negative implications for children's health and well-being, increasing the risk of long-term consequences not only for the child and his family, but also for society as a whole. Greater health care utilization associated with worse health outcomes involves large financial costs, most of which are paid by public health insurance. In 2012 the average cost of non-birth-related pediatric hospital stays was \$14,266 for infants and \$8,901 for toddlers, with 52% of all such stays covered by Medicaid."<sup>2</sup>

For adults, the stress associated with an eviction can take a huge toll on the person's physical and mental health—especially those vulnerable due to age or illness. At MFY, we see these secondary costs directly. Our Disability and Aging Rights Project speaks to hundreds of people each year trapped in these facilities -- not because they are unable to live independently, but because they were evicted, sometimes illegally, and cannot afford or do not have the wherewithal to find a new apartment. Therefore, elderly or disabled clients sometimes lose their homes in an eviction proceeding and are subsequently placed in nursing homes or adult homes, or even held

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<sup>1</sup> See New York City Housing Court Statistics, 2015 Summary of Evictions, Possessions & Ejectments Conducted, available at [http://www.nycourts.gov/courts/nyc/SSI/statistics/Stats\\_2015SEPEC.pdf](http://www.nycourts.gov/courts/nyc/SSI/statistics/Stats_2015SEPEC.pdf).

<sup>2</sup> Sandel, Sheward, and Sturtevant, Compounding Stress: The Timing and Duration Effects of Homelessness on Children's Health (June 2015).

in hospitals long after their treatment is complete. For those placed in adults homes, their federal disability benefits are paid to operators of these facilities at enhanced levels for institutional care; for those place in nursing homes, Medicaid pays at an even higher rate. Eviction frequently triggers decompensation and costly hospitalizations for tenants with mental illness. For recovering substance abusers, eviction often triggers relapse.

The consequences of the massive eviction rate in the City reverberate far beyond any individual or family. All of these situations mean increased costs to the City that far outweigh the cost of a providing a lawyer in Housing Court. Unfortunately, the cost of eviction has been measured only in the expense of additional shelter beds. MFY's daily experience shows that this is actually an underestimate of the costs.

### **Providing Free Legal Counsel Reduces Evictions**

When tenants are summoned into Housing Court, they are lost without an attorney to help them navigate the legal system. The housing laws that apply in New York City are comprehensive and complicated. Housing Court can be an unforgiving place, where critical decisions are often made in crowded, noisy hallways. Tenants often do not understand the adversarial system, and frequently confuse a landlord's attorney as someone from whom to seek advice. In an effort to resolve a case under these circumstances, tenants fail to assert rights and defense, do not get necessary repairs, sign stipulations agreeing to vacate apartments without knowing they can access benefits to preserve their housing, do not challenge incorrect rent amounts and when they do agree to payouts, are pressured to do so without sufficient time and agree to judgments. All of this occurs because, until recently, approximately 99% of tenants appeared *without counsel* in Housing Court.<sup>3</sup> In contrast, approximately 90% of landlords were represented.<sup>4</sup>

Over the past two years, New York City has increased funding to legal services providers to represent low-income tenants in Housing Court. The results speak for themselves. As set forth

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<sup>3</sup> See New York State Courts Access to Justice Program 2010 Annual Report, 1; New York State Courts Access to Justice Program 2013 Annual Report, 32.

<sup>4</sup> Id.

in the recently released Annual Report by the NYC Office of Civil Justice, from 2013 to 2015, a time when the city expanded access to legal representation by 26%, evictions dropped by 24%.<sup>5</sup>

MFY has benefited from this increase as a member of LEAP, a coalition of 14 legal services providers, that receives funding for anti-eviction work. This has enabled MFY to double our housing unit and to expand services to areas in the Bronx and Brooklyn in the throes of gentrification and targeted by predatory landlords who will stop at nothing to obtain possession of potentially lucrative apartments. Following are just a few examples of the work funded by the City's new initiatives:

- Mr. R is a Bronx tenant who received services to help individuals with HIV/AIDS from the City. While Mr. R was hospitalized, his landlord resorted to "self-help" and illegally evicted him. The landlord discarded all of Mr. R's belongings and changed the locks on the apartment door without first obtaining a lawful court order -- and then rented the apartment to someone else. When Mr. R was released from the hospital, he returned to his apartment to find he could not gain access. He went to Housing Court to try to get back into his apartment and found it was too complicated to do on his own. He was referred to MFY for assistance by a Bronx Housing Court judge through the court's referral system. MFY attempted to negotiate with the landlord, to no avail, and proceeded to a hearing that resulted in Mr. R's being restored to possession of his apartment.
- Ms. P, a single mother with a young child, was evicted from her home in the Bronx for nonpayment of rent. Her eviction was caused in part because the landlord illegally withheld mail from Ms. P -- mail which included a notice of eviction. Ms. P found MFY through the court's referral system. Once MFY was retained, we filed a motion to stay the re-letting of her apartment and worked with HRA to expedite an application for a one shot deal. After obtaining the one-shot deal, Ms. P and her child were restored to their home. MFY then assisted Ms. P obtain funds to have her personal belonging returned from storage.

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<sup>5</sup> New York City Office of Civil Justice 2016 Annual Report.

- Ms. DR, a monolingual Spanish speaker, lives in Inwood with her family. When Ms. DR contacted MFY's intake hotline, her family had been evicted by the marshal based on a default judgment the landlord obtained against her. A Housing Court judge had previously denied her *pro se* Order to Show Cause to prevent the eviction. When Ms. DR was initially served with court papers, she went to the landlord's office and paid the rent, as she had in the past when rent was late, and was told by the landlord's employee told she did not need to go to court because the problem was resolved. But what DR did not understand was that the landlord was not seeking to evict her for nonpayment of rent, and merely paying the rent would not resolve the case. Rather, the landlord had filed a holdover eviction proceeding based upon Ms. DR's alleged chronic rent delinquency. MFY immediately intervened, moved to reargue the original *pro se* motion, and the court scheduled a hearing on the facts underlying the default. As a result, prior to the hearing, the landlord agreed to restore Ms. DR and her family to possession of the apartment to give her keys to the apartment that very day, issue a new lease, and to renovate the kitchen and bathroom of the apartment.
- MFY is representing 19 tenants in an eight-unit building in Crown Heights, Brooklyn – a rapidly gentrifying area where low-income, long-term rent stabilized tenants have been the target of increasing pressures and harassing tactics by landlords, including the use of construction/renovation as harassment of existing tenants. In 2014 and 2015 the building underwent extensive renovations and many of the long-term tenants moved out. During and immediately prior to these renovations, tenants faced dangerous construction zone conditions and harassment, including repeated buyout offers, threats of eviction, denial of essential services, and even a staged ICE raid in which the landlord attempted to intimidate South Asian tenants out of the building. The landlord also engaged in an unusual scheme to rent out the units: rather than bringing a single household or group of renters into each apartment, it has advertised individual rooms in each apartment separately. Each four-bedroom apartment is therefore rented to four to five individual households, most of whom had no contact with each other prior to moving in. The landlord provides each “household” with a separate lease, or in some cases, no lease. MFY commenced a Supreme Court action seeking reinstatement of the boiler, restoration of five units to rent stabilized status, a significant overcharge award for multiple tenants,

the cure of numerous violations of the Housing Maintenance Code, and forging of affordable long-term tenancies for all involved. We obtained a preliminary injunction and currently the case is in discovery.

**An Analogous Model of a Limited Right to Counsel Is Instructive**

For over ten years, MFY, along with Northern Manhattan Improvement Corporation, has been the Manhattan provider for the Assigned Counsel Project (ACP), a Department for the Aging (DFTA) initiative, through which the Manhattan Housing Court refers approximately 130 eviction cases. ACP has been, in many ways, a pilot “right-to-counsel” project. Tenants who are over 60 years of age and in particular need of legal assistance are identified by judges and referred by the court to the legal services provider in that borough, which is obligated to provide representation regardless of the perceived merit of the case or income of the respondent, and DFTA provides case management services. ACP cases tend to be more complex and pose greater challenges than the average Housing Court case. The clients are elderly, disabled, isolated, and often homebound or hospitalized. Many have limited capacity, and most are unable to reach out to legal services providers on their own or have no knowledge that legal services are available. Those that may have contacted legal services providers are sometimes turned away because they present, at first, as seemingly “hopeless” cases, and legal services providers with insufficient staffing try to take cases in which they can make a difference. Yet once these tenants are assigned lawyers through the ACP, we prevent eviction in the vast majority of the cases. For the remainder, it may become clear that it is no longer appropriate for the tenant to live independently – for example, even if we were to obtain 24/7 home care for them they would still be unable to make decisions for themselves -- or the tenant simply may no longer be able to afford the apartment, even with available benefits. In the instances where we cannot prevent eviction, we work with DFTA and other service providers to provide as much support as possible to the tenant in finding another place to live -- support that is rarely available to unrepresented tenants.

ACP's success rate can be attributed in part to experienced housing lawyers who find legal defenses not apparent on first look. The success can also be attributed to the change in landlord and landlord's counsel's behavior when the tenant is represented.

Additionally, having a lawyer means not only avoiding eviction in the short term but stabilizing the person in the long term by addressing the underlying problems that led to the brink of disaster, such as loss of benefits or other income, need for physical and/or mental healthcare or a guardian, consumer debt problems, or need for home care.

The lesson is clear: far more evictions are preventable than meet the eye, and even in the seemingly hopeless cases, legal representation makes a difference. And due to our ability to address the issues that cause tenants to be brought to court in the first instance, legal representation means there is a less likelihood of tenants ending up back in Housing Court.

### **The Need for a "Right," Not Simply Increased Funding**

We are extremely appreciative of the commitment to, and the enormous efforts that have gone into providing, increased funding for anti-eviction work. Already this funding is making a difference in the lives and communities of low-income New Yorkers. But while increased funding is clearly working and is an important step in the right direction, it is not sufficient. We need to have a "right" to counsel. Merriam-Webster defines "right" as "something that a person is or should be morally or legally allowed to have." The right to a competent defense of one's home is something to which this City should commit, for several reasons. Despite the increased funding committed by this administration, most low-income tenants still lack representation. Moreover, the funding is temporary and a policy change could cause all funding to cease. If that occurs, the progress that has recently been made would be for naught, and the City would experience a significant rise in eviction proceedings resulting in homelessness and more. In order to staunch the increasing gap between rich and poor in this City, this effort must be ongoing and not subject to political winds. A Right to Counsel will preserve the integrity of a court system intended to purports to mete out justice, showing that our justice system is for all, not just for some.

Even putting aside the social and moral benefits of passing Intro 214, a Right to Counsel will save the City money. A report by a private financial firm, Stout Risius Ross, Inc., shows that Intro 214 pay for itself and save the City more than \$320 million per year through saved shelter and affordable housing costs,<sup>6</sup> not to mention the costs of health and mental health care, lost jobs, and disruptions in education of the next generation of New Yorkers. A Right to Counsel can be implemented in a thoughtful and methodical way with the right being phased in over time so as to not overwhelm the courts or City budget. New York can and should be a leader in this effort.

### **Conclusion**

In conclusion, MFY Legal Services strongly supports Intro 214, which will give New York City tenants who are at or below 200% of the federal poverty line the ability to protect their families from homelessness by guaranteeing a right to counsel in eviction proceedings. The justice gap in Housing Court —where the vast majority of landlords are represented by experienced counsel— results in far too many unnecessary evictions and adverse impacts for tenants and the communities in which they live. Intro 214 is a cost-effective and socially responsible means to ensure that New York continues to be a vibrant city of economically and racially diverse communities.

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<sup>6</sup> Stout Risius Ross, Inc., The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A, 25 (2016).



**Testimony by the New York Legal Assistance Group**

**Before the NYC Council Committee on Courts & Legal Services in Support of Intro 214-A**

**September 26, 2016**

Chair Rory I. Lancman, Council Members and staff, thank you for the opportunity to speak in support of Intro 214-A, which would create a right to legal representation for low-income New Yorkers in eviction, ejectment and foreclosure proceedings. My name is Beth Goldman, and I am President and Attorney-in-Charge of the New York Legal Assistance Group (NYLAG). NYLAG is a nonprofit law office dedicated to providing free legal services in civil law matters to low-income New Yorkers. NYLAG serves immigrants, seniors, veterans, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, as well as others in need of free legal services. Through our Tenants' Rights Unit and our Foreclosure Prevention Project, NYLAG works to prevent evictions and foreclosures and preserve affordable housing for more than 5,000 New Yorkers each year.

We would like to take this opportunity to commend the Council for examining the growing problem of housing preservation and homelessness in New York City and for continuing to seek solutions to ensure that all New Yorkers have safe and adequate housing. The lack of affordable housing in New York City has become a true humanitarian crisis, displacing families that have lived here for decades and causing many to enter the cycle of homelessness. Low-income New Yorkers at risk of eviction and foreclosure face an enormous justice gap. There is a drastic imbalance in the level of legal

representation between landlords and tenants in eviction proceedings, as well as between banks and homeowners in foreclosure actions. These challenges are compounded for low-income elderly, disabled and non-English speaking clients. While the recent increased funding for housing counsel has been highly impactful, the imbalance remains. Nor can we ignore the possibility that funding can be decreased or eliminated as priorities and political winds shift. That is why establishing a right to legal counsel for low-income New Yorkers facing eviction and foreclosure is so important: it would ensure that New Yorkers facing the risk of losing a fundamental necessity of life – their housing -- would have meaningful access to justice.

As the recent report from the NYC Office of Civil Justice demonstrated, even with the significant additional funding the City has committed to civil legal services, which has significantly increased the number of tenants represented, it remains the case that almost 75% of tenants facing eviction and 40% of homeowners facing foreclosure are still unrepresented. The only way to guarantee full representation for all vulnerable tenants and homeowners is to create a *right* to counsel.

Every day, NYLAG meets tenants who have unwittingly waived crucial rights and defenses in their eviction proceedings because they were unrepresented and unaware of their legal options and remedies. New York City housing law is a vast and complex subject and even the most sophisticated tenants simply don't know all of their rights. Landlords, on the other hand, are almost always represented by an attorney. This power imbalance results in tragic outcomes every day, including tenants who sign agreements to move out of an apartment they have a legal right to remain in; who agree to pay large sums for back rent or fees they don't legally owe; who are intentionally misled to believe that their landlord's attorney was actually their attorney or a neutral court attorney and, as a result, enter into an unfair agreement that is not in their best interest; who don't know how to undo a default judgment that

was entered against them because their landlord failed to serve them with court documents; and who agree to move out of their life-long homes after the death of a spouse or parent because they do not understand their succession rights.

Through our Foreclosure Prevention Project, NYLAG regularly meets homeowners who have been victims of mortgage scams, have already been foreclosed upon, or are on the verge of losing their homes to foreclosure. Often they were unaware that an action had been commenced against them until it was too late, cannot determine who owns their mortgage and therefore whether the person who sued them has standing to do so, and cannot determine whether the amount that is claimed is what they actually owe. Homeowners are often unaware of what modification and other workout options are available to them.

Legal counsel is often the difference between a just result and an unfair result. Almost 80% of tenants in New York City Housing Courts would qualify for counsel under Intro 214-A. Today, the Council will hear from and about many people who would have been unjustly evicted, paid more than they rightly owe or continued to endure unsafe and unhealthy conditions without counsel. These include the NYLAG client who almost lost her NYCHA apartment because her mental disabilities precluded her from effectively representing herself. Or the client who was ready to vacate an apartment she thought she could no longer afford until NYLAG determined that, in fact, the building was rent stabilized, so she had the right to stay and to pay a much lower legal rent. These are just some of the many tenants who have directly benefited from access to housing counsel.

As these cases starkly illustrate, one of the most effective ways for the City to address homelessness and maintain affordable housing is to provide all low-income tenants and homeowners facing eviction

with access to legal services. It is far easier and more cost-effective to preserve housing than it is to find housing for an individual or a family that has become homeless. Attorneys are able to protect tenants' rights, keep tenants in stabilized apartments, assist tenants with obtaining appropriate subsidies, preserve subsidies, ensure housing is safe and habitable and arm tenants with knowledge regarding their rights. When a tenant has an attorney, a landlord is much less likely to pursue a frivolous claim or a course of harassment. Individuals facing the threat of homelessness who are given access to an attorney are less likely to become homeless than those who do not have access to one.

In conclusion, New York City cannot resolve its housing crisis without providing individuals and families at risk of homelessness access to legal counsel as a matter of right. The New York Legal Assistance Group therefore urges the Council to vote in support of Intro 214-A.

Thank you for the opportunity to testify today. I would be happy to answer any questions or provide any further information.

Respectfully submitted,

NEW YORK LEGAL ASSISTANCE GROUP

By: Beth E. Goldman, President & Attorney-in-Charge

Ann E. Dibble, Director, Tenants' Rights Unit



# COLUMBIA LAW SCHOOL

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## HUMAN RIGHTS INSTITUTE

### **Testimony of Risa Kaufman, Columbia Law School Human Rights Institute**

**New York City Council Hearing in Relation to Intro. No. 214-A**

**Monday, September 26, 2016 at 9:30 a.m.**

**Council Chambers, City Hall, New York, NY**

The Columbia Law School Human Rights Institute is pleased to provide this testimony to inform the New York City Council of human rights principles related to access to justice, particularly for people who face losing their homes in legal proceedings, as the Council considers adopting a City-funded right to counsel in New York City Housing Court.

The Columbia Law School Human Rights Institute, founded in 1998, draws on the law school's deep human rights tradition to support federal, state, and local government efforts to promote core human rights of dignity, equality, and opportunity.

#### **Access to Justice is a Core Human Right**

Access to justice is a cornerstone of international human rights law, which recognizes the right to the fair administration of justice and equality under the law. The Universal Declaration of Human Rights, a global expression of rights to which all people are entitled, recognizes the right of everyone, on an equal basis, "to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations."<sup>1</sup> The core human rights treaties expand on this right, and numerous international human rights experts have recognized the importance of ensuring access to legal representation when basic needs, including housing, are at stake.

Two of the core human rights treaties ratified by the United States underscore the importance of legal representation as a component of the right to equal and meaningful access to justice and due process of law. First, the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD"), ratified by the United States in 1994, requires the elimination of discrimination based on race, ethnicity, and national origin.<sup>2</sup> The CERD protects the right to equal treatment under the law, including in courts and before other tribunals.<sup>3</sup> In a recent review of the United States' compliance with this treaty, the Committee of experts overseeing the CERD's implementation noted concern with the lack of a generally recognized right to counsel in civil proceedings in the United States.<sup>4</sup> The Committee urged the United States to provide sufficient resources to "ensure effective access to legal representation for indigent persons belonging to racial and ethnic minorities in civil proceedings, particularly with regard to proceedings that have serious consequences for their security and stability, such as evictions..."<sup>5</sup>

Similarly, the International Covenant on Civil and Political Rights, which the United States ratified in 1992, includes protections for the rights to due process and equal treatment before the law.<sup>6</sup> The U.N. Human Rights Committee, the group of experts overseeing implementation of the covenant, has noted that these protections include the right to counsel in certain civil cases, because “[t]he availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way.”<sup>7</sup>

Numerous U.N. appointed independent human rights experts have likewise emphasized the importance of ensuring access to counsel in civil cases; particularly where counsel is necessary to secure basic human needs. The U.N. special rapporteur on adequate housing has noted that legal remedies are a key procedural protection against forced evictions, and that such remedies are only effective where civil legal aid is provided.<sup>8</sup> The U.N. special rapporteur on extreme poverty and human rights has noted that meaningful access to civil counsel is a lynchpin to many other rights.<sup>9</sup>

Importantly, last year, in adopting a new set of global anti-poverty goals, the United Nations recognized the central importance of access to justice in the fight against poverty. In September 2015, the U.N. adopted the 2030 Agenda for Sustainable Development, setting forth 17 Sustainable Development Goals (SDGs) intended to end extreme poverty around the world by 2030. The SDGs, which are grounded in human rights and apply to all countries, including the United States, address diverse social, economic, and environmental challenges, including: access to justice, gender equality, climate change, education, hunger, health, clean water, sanitation, sustainable energy, economic growth, employment, urban development, housing, and inequality in and between countries. Goal 16 specifically calls on all countries to: “[p]romote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable and inclusive institutions at all levels.”<sup>10</sup>

Thus, there is strong support in international human rights for the right to legal representation in cases where basic needs are at stake, including in cases where individuals face the loss of housing through eviction. New York City has a critical role to play in fulfilling the United States’ human rights commitments and protecting the human rights of its residents. Indeed, the City is poised to be a human rights leader by laying the foundation necessary to establish a right to counsel for low income people who face eviction from their homes.

### **Countries around the World Provide a Right to Counsel where Housing is at Stake**

New York City may be on the vanguard of U.S. cities in providing a civil right to counsel in eviction proceedings, but it is not wading into untested waters. Recognizing the importance of legal assistance in ensuring equal and meaningful access to justice, countries around the world provide for a right to counsel in basic needs cases, including those in which housing is at stake.

For example, the nations of Europe start from a presumption that civil counsel will be provided to those who need it and deny assistance only if the claim is meritless or the litigant lacks financial need.<sup>11</sup> Cases in which only one side is represented are among the highest priorities, and these countries seek to ensure “equality of arms” for all litigants to pursue justice.<sup>12</sup>

Access to civil counsel is thus provided at state expense in many nations.<sup>13</sup> While countries vary somewhat in how they implement the right to counsel, they are all bound to ensure that their citizens have practical and effective access to their civil courts. States must prevent one party from gaining the unfair advantage over the other that comes with only one of them being represented by legal counsel.

## Conclusion

As a global city of economic, social, and cultural significance, New York is poised to be a national leader in safeguarding basic rights by promoting equal justice under the law. A right to counsel for people threatened with the loss of housing is firmly grounded in human rights principles, including the right to equal and meaningful access to justice.

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<sup>1</sup> Universal Declaration of Human Rights art. 10, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948).

<sup>2</sup> International Convention on the Elimination of All Forms of Racial Discrimination, *opened for signature* Mar. 7, 1966, S. Treaty Doc. 95-18, 660 U.N.T.S. 195.

<sup>3</sup> *Id.* at arts. 5(a), 6. “[t]he right to equal treatment before the tribunals and all other organs administering justice,” and to “assure . . . effective protection and remedies . . . against any acts of racial discrimination.”

<sup>4</sup> U.N. CERD Report, Concluding Observations of the Comm. on the Elimination of Racial Discrimination – United States of America, ¶23, UN Doc. CERD/C/USA/CO/7-9 (2014).

<sup>5</sup> *Id.*

<sup>6</sup> Article 2 requires that governments undertake “[t]o ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy.” ICCPR, art. 2, *opened for signature* Dec. 16, 1966, G.A. Res. 2200A (XXI), U.N. GAOR, 21st Sess., 1495th plen. mtg., U.N. Doc A/6316 (1966), 999 U.N.T.S. 171 (*entered into force* Mar. 23, 1976). Article 14 states that: “All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.”

<sup>7</sup> United Nations Human Rights Comm., *General Comment No. 32 - Article 14: Right to equality before courts and tribunals and to a fair trial*, ¶9, 10 (90th sess., 2007) U.N. Doc. CCPR/C/GC/32 (Aug. 27, 2007).

<sup>8</sup> Human Rights Council, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context*, ¶ 69, U.N. Doc. A/HRC/22/46 (Dec. 24, 2012); *see also* Human Rights Council, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living*, ¶ 59, A/HRC/4/18 (February 5, 2007) (“All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, [and] legal aid . . .”).

<sup>9</sup> *See* Human Rights Council, *Special Rapporteur on Extreme Poverty and Human Rights, Extreme Poverty and Human Rights: Note by the Secretary General*, ¶ 62, U.N. Doc. A/67/278 (Aug. 9, 2012).

<sup>10</sup> *Transforming our world: the 2030 Agenda for Sustainable Development*, A/RES/70/1 (Sept. 25, 2015). Target 16.3 guides implementation of Goal 16 by calling on all countries to “[p]romote the rule of law at the national and international levels and ensure equal access to justice for all.”

<sup>11</sup> *Airey v. Ireland* first established the right to counsel for civil litigants under the European Convention on Human Rights. *Airey v. Ireland*, 32 Eur. Ct. H.R. Ser A (1979). The decision applies to the countries within the Council of Europe. In implementing the right, many countries employ merits tests, and provide counsel only in those cases found to be based on sufficiently solid legal footing. Countries also often use means-testing, which provides free counsel only to those below a certain income level. Raven Lidman, *Civil Gideon as a Human Right*, 15 TEMP. POL. & CIV. RTS. L. REV. 769, 789-796 (2006).

<sup>12</sup> Subsequent to its decision in *Airey v. Ireland*, the European Court of Human Rights further developed the contours of the right to counsel, with the Court emphasizing the importance of counsel in maintaining “equality of arms,” meaning that everyone who is a party to proceedings must have a reasonable opportunity to presenting a case to the court under conditions which do not place him/her at a substantial disadvantage vis-à-vis his/her opponent. *Steel and Morris v. the United Kingdom*, No. 68416/01 Eur. Ct. H.R. 1, §59 (2005); *See also Alkan v. Turkey*, App. No. 17725/07 Eur. Ct. H.R., §29 (2012).

<sup>13</sup> Raven Lidman, *Civil Gideon as a Human Right*, 15 TEMP. POL. & CIV. RTS. L. REV. 769, 770 (2006).

# CATHOLIC COMMUNITY RELATIONS COUNCIL

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**Testimony of Joseph Rosenberg**  
**Executive Director, Catholic Community Relations Council**  
**Before the New York City Council Committee on Courts and Legal Services**  
**Intro. 214-A**  
**September 26, 2016**

Good morning Chair Lancman and members of the City Council Courts and Legal Services Committee. I am Joseph Rosenberg, Executive Director of the Catholic Community Relations Council (“CCRC”), representing the Archdiocese of New York and Diocese of Brooklyn on legislative and policy issues. I appreciate the opportunity to testify before you on Intro. 214-A.

This bill, which would require legal counsel to be provided for low income tenants in New York City Housing Court facing eviction, ejection or foreclosure proceedings, is strongly supported by the Archdiocese of New York and the Diocese of Brooklyn. The line between decent, affordable housing and homelessness is a thin one and it is incumbent on all of us to help protect the most vulnerable of New Yorkers who face the spectre of homelessness. New Yorkers who are near the poverty line and have little or no financial means to hire private counsel should have the right to be represented in New York City Housing Court. Providing such families and individuals with legal counsel is an important step in helping to reduce homelessness in our City.

Helping the neediest New Yorkers has long been a priority of the Catholic Church. Consistent with this mission and social teaching, Catholic Charities of the Archdiocese of New York and the Diocese of Brooklyn, respectively, have provided this assistance through the establishment of facilities and centers throughout the five boroughs of New York City. Programs include networks of food pantries, housing for the poor, the homeless and the elderly, and agencies that help the most vulnerable—those with developmental disabilities, abused and neglected children and adults with mental illness

Anti-eviction legal services are an essential component of the mission to reduce homelessness in this City. This important focus on keeping families in their homes has been recognized by this Mayoral Administration and this City Council. As a result, funding to New York City legal service programs has been greatly increased resulting in the expansion of resources designed to prevent eviction and to keep people in their homes.

Catholic Charities of the Archdiocese of New York and Catholic Charities of the Diocese of Brooklyn are both part of this initiative. The Preserving Housing Department of Catholic Charities Community Services of the Archdiocese of New York served over 5,000 clients last year in neighborhoods such as Hunts Point, East Harlem, Inwood, Allerton, Wakefield and Central Harlem. They focus on eviction prevention services for HPD Section 8 tenants, helping clients obtain Emergency Cash Assistance from HRA to prevent homelessness, and identifying families with children who are eligible for the Family Eviction Prevention Supplement (“FEPS”).

The Eviction Protection Program for Vulnerable Adults (“EPVA”) and the Homebase programs of Catholic Charities Neighborhood Services of the Diocese of Brooklyn work with the NYC Department of Homeless Services (“DHS”) in such neighborhoods as Far Rockaway, East New York, Canarsie and Jamaica to assist families in obtaining financial assistance and other counseling to avoid homelessness. Four hundred households each month are assisted with subsidies through the Catholic Charities’ EPVA program. Last year over 5,200 families were provided help through both of these programs.

All anti eviction programs are essential to help stem homelessness and should be expanded. We applaud Mayor de Blasio and the City Council for focusing on this priority. However, for low income families and individuals who are unable to obtain such assistance and find themselves in Housing Court, the most effective deterrent against homelessness can be legal representation. That is why we strongly support Intro. 214-A and urge that it be passed.

Thank you.



# Presentation of the Blessed Virgin Mary R.C. Church

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## STATEMENT OF REV. MANUEL DE JESUS RODRIGUEZ

### AT THE PUBLIC HEARING BEFORE THE NEW YORK CITY COUNCIL

### CONCERNING BILL "INTRO 214-A"

*You who oppress the weak and abuse the needy. (...) Lying upon beds of ivory, stretched comfortably on their couches, They eat lambs taken from the flock, and calves from the stall! They drink wine from bowls and anoint themselves with the best oils; yet they are not made ill by the collapse of Joseph! (...) their wanton revelry shall be done away with.*

Amos 4,1; 6,4.6-7

These fearless words denouncing the abuse being suffered by the poor were first spoken almost eight hundred years ago by the great prophet Amos, one of the most pugnacious voices in the Holy Scriptures when it came to defend the dignity of the needy and to handle those in power accountable for it. Amos's message demanding fairness and justice for the needy reaches out across time and it is being delivered today before the authorities of the New York City Council so they ponder what can be considered the bottom line of all concerns the passing of Bill "Intro 214-A" really involves: the respect due to the needy and the poor in this great city.

Who are the needy and the poor in our city? This question allows many possible answers, but nobody can deny that the poor and the needy in our city are, first and foremost, those who are not able to own a roof over the heads and are forced, therefore, to request from others the opportunity to get a dignified place where to protect themselves and their own from the inclemency of the weather, to get some rest at night and to live just like human beings should.

Members of the New York City Council, the passing of Bill "Intro 214-A" will help transforming New York city, one which is already considered by many the greatest city in the world, into a more humane kind of place because it will provide protection and fairness in treatment to the poor and the needy who are to carry the cross of their homelessness every day of their lives.

Do the right thing and approve this bill. God will reward you and New York will remember you as good and righteous leaders.

City Hall  
New York, Monday September 26<sup>th</sup>, 2016

To: The City Council of the City of New York

From: Professor Mary Marsh Zulack, Columbia Law School  
[mzulack@law.columbia.edu](mailto:mzulack@law.columbia.edu), 212-854-8214

Re: Testimony in Support of Right to Counsel, Intro 214

**FOR THE RECORD**

Date: September 26, 2016

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Congratulations. This is the start of a magnificent era. You will be a beacon to the nation and to the world. This is a watershed moment for justice.

The recent infusion of money for tenant representation in Housing Court has provided an excellent proof of concept for you. The New York Times Editorial on September 23, 2016, along with many other reports and articles, powerfully presented the basics: the importance of justice, of saving low income renters from calamity and tragedy, saving the affordable housing stock, saving City money otherwise devoted to the massive needs of homeless individuals and families.

This effort to achieve a right to counsel—this particular, right to counsel has been virtually the life work of many people: some for many years, while others for decades. There are some who have passed on without being able to see it come to fruition. I want to pay tribute to them and to each of you who will vote for Intro 214. The day is dawning, and it is thrilling to see it finally here.

Let me add just a few technical points to the rich and passionate record before you.

I have been teaching at Columbia Law School for slightly more than 25 years. For the 20 years before that I practiced law with legal aid and legal services programs in NYC, largely representing low income tenants. I also trained and supervised many lawyers who are now judges. So I will say a few words at the end of how this will matter to judges.

POINT 1: In many Jurisdictions a tenant cannot preserve tenancy rights after missing rent payments. In New York this is different.

We have all seen the impressive statistics that tenants with attorneys will “win” a vast number of cases. How is this possible? Are landlords bringing that many faulty cases? Are tenants’ attorneys unusually gifted? Well, both of these possibilities may be true. But there is something else. In many jurisdictions, if a tenant does not pay rent, that is a breach of the lease. The landlord brings the case to court, proves that breach of non-payment and the tenant will be evicted. End of story.

In New York if a tenant does not pay, the landlord brings the case and the judge must determine what the lawful rent is and what amount was not paid.

But in New York State, there is more: a residential landlord has to fulfill an unwritten law-imposed obligation. The landlord must live up to the “implied warranty of habitability.” This means it must keep the premises free from conditions hazardous or detrimental to life health or safety and must keep the premises fit for habitation.

Often, especially for tenants living in poverty, the landlord has breached this part of the lease and the implied warranty of habitability. An attorney presenting the case for the tenant will provide the judge evidence of the duration and extent of the breach and the judge will determine the “abatement” or reduction of the.

In other words, the court will determine the unpaid rent, subtract the amount of the abatement, and come up with the amount for the tenant to pay that is supported by the evidence. If the amount owed by the tenant is larger than the amount subtracted for the landlord’s breach, then a judgment for that amount of rent can be entered against the tenant.

However, that does not mean the tenant will be evicted. The tenant must pay the judgment in the time allotted (5 days) and before a Warrant of Eviction is issued by the court.

If the judgment is paid in that time, the tenancy continues. This may sound logical, and we are used to this result in New York, but it does not work that way in many other jurisdictions.

So winning the case-- for the tenant—equals the right to preserve the tenancy and continue in the home, after paying the correct amount, even though it was not paid in full on the due date under the rental agreement.

The New York state rule provides that only the “the issuance of a warrant for the removal of a tenant cancels the agreement under which the person removed held the premises, and annuls the relation of landlord and tenant...” (Real Property Actions and Proceedings Laws Sec. 749.3.) That tenancy continues in full force if the judgment is paid before the warrant is issued. This vital step of prompt payment before a warrant is issued is well understood by an attorney. New York has “pay and stay”. Perform the “pay” in time and the tenant “wins” and keeps the apartment.

POINT 2: Fairness to Housing Court Judges requires this.

My other point is simply to emphasize how deeply the whole Housing Court system needs this. With most tenants represented by attorneys, the court can enter the modern age and have digital filing of papers, eliminating the long lines spiraling around in front of the entrances to the Housing Courts where unrepresented tenants waste hours simply standing in line to speak to a clerk or to hand in a form.

The fundamental premises is that Housing Court judges can only function properly if there is a right to counsel for indigent tenants. The judges themselves need a right to counsel in this court.

Our adversarial adjudication system in the U.S. is based upon the premise that both parties have competent, devoted attorneys. When that is true, the impartial judge has the benefit of balanced expertise developing the factual record and researching and presenting applicable legal theories.

Just think of the burden on a judge facing an unrepresented tenant. The judge may address polite inquires but cannot hope to get the details that a tenant’s attorney could. Judges do not have a confidential relationship that allows the tenant to “spill the beans”—to tell all the information whether it puts the tenant in a positive light or not. A judge cannot really investigate. And too much solicitude toward the tenant can raise a question of impartiality. A judge typically has 5 or 10 minutes to

try to get to the bottom of things. A tenant's attorney's investigation should include many, many hours of interviews, diligence in gathering documents and analyzing them, conferring with resources and possible witnesses, asking advice, weighing possible options, writing the pleadings, motion papers, memoranda of law, drafting proposed orders—it is a complex role to fill. It is not fair to deprive a tenant of this, and no well-meaning judge should have to try to balance things—there is no substitute for an actual attorney for the tenant.

As we know, most cases with tenants in Housing Part are settled by an agreement and judges oversee the process of reaching that agreement at least to the extent of asking all sides if they understand and agree. All judges know in their hearts that when there is an attorney on one side and none on the other, the result will be more advantageous to the side with the professional advocate. But there is nothing they can now do about it except hope that they are not participating in something too outrageously off the mark.

In fact, as many reported cases show, once an attorney for the tenant does get on the case, that judges have approved agreements that have been a fraud, the result of misconduct and over-reaching, with a tenant needlessly giving up her tenancy, or agreeing to pay rent already paid- either by her or by a subsidy program.

There are many reported cases where an attorney gets on a case and demonstrates that the tenant made an agreement that was so unfair that it shocks the conscience. The agreement will be annulled, either by the trial judge who first authorized it, or by the judges of a higher court.

This is everyone's nightmare. Justice was not served because the judge did not have that essential balance of attorneys for both sides.

As a society we must stop placing our judges in the position of being blind to one side. This is not what that blind-fold on Lady Justice is about. It is supposed to indicate even-handedness: Let there be no favor to the mighty and also no disadvantage to the lowly.

The pressure to settle, rather than to go to trial is obviously magnified by the tenant's fear of court, fear of standing up against the system, and an inability to

take the step that an attorney gladly takes when an appropriate agreement is not possible—"we'll go to trial, Your Honor".

Housing Court judges already have a burden that is extraordinary. They are charged with preserving the housing stock, to the extent they have cases where this is called for. Let us stop making their job so impossibly difficult. Give THEM representation for indigent tenants.

In conclusion, having an attorney on your case is very different from following self-help instructions, or getting an hour's worth of advice every so often. Others have invented and enjoyed this analogy: We do not invite a critically injured person to come into the Emergency Room of a major hospital and play around with the equipment... until they feel better. Let us stop doing this in the justice system.

Thank you, and congratulations on taking this courageous step.



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**Center for Independence of the Disabled, NY**

FOR THE RECORD

FOR THE RECORD

September 22, 2016

FOR THE RECORD

Comments to Legal Services and Courts Committee  
on Intro 214-A: a bill that would make it a right for all tenants at 200% of the Federal  
Poverty Level to have an attorney in Housing Court

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



Re:

I would like to thank the City Council for holding this hearing.

Right to counsel for tenants in housing court is crucial. Most tenants who must appear in court do not have attorneys representing them; most times landlords do have attorneys representing them creating an unequal representation during eviction hearings.

Many people come to CIDNY seeking services for housing matters because they have nowhere else to go; however, we do not represent consumers in legal matters. We can only make referrals to legal services entities.

Our experience has been that most legal services entities will not take an eviction matter until the tenant has received a marshal's notice. By that time, however, hearings and possibly negotiations, have already occurred with a tenant who does not have any legal representation.

Evictions are most devastating for low-income tenants. Since the majority of CIDNY consumers live on fixed-incomes such as SSI, SSDI or Public Assistance we have deep experience with housing issues for tenants with disabilities. In most cases, their government benefits have to be stretched to cover such things as housing, food, clothes, and to generally run a household.

Without financial reserves or employment, most of our consumers will become homeless if they are evicted and are likely to stay that way for long periods of time. Although we don't consider homeless shelters an option for any human being, most people with disabilities don't have that option at all since the city's homeless shelters are not accessible. So, people with disabilities will be living on the streets or they will have to try to live in the homeless shelter system without accommodations for their disabilities. Some people who use wheelchairs have been sent to shelters where services are up a flight of stairs. Others who need access to refrigeration for the medications are not allowed that access. In most shelters bathrooms are not accessible, leaving those who use mobility equipment or who have difficulty maneuvering, without an option for toileting or for staying clean. This is a violation of their civil rights and compounds an already demeaning and difficult situation.

People with disabilities, as all citizens, have a right to due process, including equal access to the legal system, to protect their liberty and property. This means that low-income tenants should not have to appear in housing court without legal representation when that clearly has them at a disadvantage in court and often leads to a downward spiral into long-term homelessness.

People with disabilities also have the right – as all citizens – to equal protection under the law. This requires states to apply the law equally and without discrimination against people or groups of people. Since most people with disabilities are low-income and belong to a protected class, they are being denied equal protection when they are denied a right to counsel in eviction matters.

We have had consumers tell us that they are being evicted because they are in rent-regulated apartments and the landlord wants to raise the rent to market-value. As we hear

Re:

every day, eviction and homelessness rates are rising rapidly in part because gentrification is occurring throughout the City.

Because New York City rents are rising to unprecedented heights and there is a lack of accessible and affordable housing for low-income New Yorkers with disabilities, when a person with a disability is evicted he/she is unlikely to be able to afford another apartment. To make matters worse people with disabilities who have housing subsidies are often discriminated against by landlords, even though there are laws against housing discrimination based on disability and on sources of income. This places people with disabilities in an untenable situation that is further exacerbated by the lack of counsel during court proceedings, the results of which will determine whether people will be able to stay in their homes or become part of the long term homeless population. This is discrimination. This is unfair and unnecessary. We encourage the City Council to act now to ensure that people with disabilities can have their day in court with representation by legal counsel.

**Testimony of Housing Works**  
before  
**The New York City Council**  
**Committee on Courts and Legal Services**  
regarding  
**Legal Counsel for Low-income Eligible NYC Tenants Subject to Eviction, Ejectment or  
Foreclosure Proceedings (Proposed Int. No. 214-A)**  
**September 26, 2016**

Thank you Chairperson Lancman and the members of the Committee on Courts and Legal Services for the opportunity to speak today. My name is Edward Campanelli and I am here today representing Housing Works—a healing community of people living with and affected by HIV/AIDS. Our mission is to end the dual crises of homelessness and AIDS through relentless advocacy, the provision of lifesaving services, and entrepreneurial businesses that sustain our efforts.

I work as a staff attorney with the Housing Works Legal Department, and am here today to express our strong support for Proposed Int. No. 214-A. Housing Works was founded in 1990, early in the HIV/AIDS epidemic, when HIV-positive New Yorkers increasingly faced eviction due to illness, loss of income and HIV-related stigma. People who could not afford legal counsel often became homeless, in many cases leading to further deterioration of their health and a shortened lifespan.

Over the past decades, Housing Works has worked relentlessly to ensure that New Yorkers with HIV have the stable housing and health care essential to live with HIV—including quality legal services to preserve or obtain safe, affordable housing. At Housing Works, we have shown that “housing *is* health care.” Securing people’s housing does more than combat the homelessness crisis, it also helps us fight major health crises such as HIV/AIDS.

The research evidence is clear that the lack of stable, secure adequate housing is a significant barrier to consistent and appropriate HIV medical care, adherence to antiretroviral (ARV) treatment, sustained viral suppression, and reduction of HIV risk behaviors.<sup>1</sup>

Today, more than 25 years after the organization was founded, we still see landlords using housing court to take advantage of vulnerable, low-income clients, and that is why I am here today. Indeed, in the current housing market we have seen an increase in frivolous cases brought by landlords seeking to raise rent exponentially or vacate a building for resale.

For our clients, who rely on public assistance or a small fixed income while battling chronic medical conditions, appearing in housing court with an attorney fundamentally changes the balance of power. Landlords’ attorneys who do not face opposing counsel too often bully and disrespect the rights of tenants. This further traumatizes already vulnerable litigants, undermines the basic human right to housing—and for our clients, can be a matter of life or death. Having an attorney to advocate ensures that our clients’ voices are heard, a level playing field, and often ensures that clients have the time and resources to avoid the trauma of eviction, or to relocate to other stable and affordable housing. Additionally, with trained and competent housing counsel our clients are informed of and able to assert complex legal defenses based on nuanced housing law. These defenses often enable clients to retain affordable housing and negotiate from a position of strength, not weakness.

Our clients are not alone in facing an imbalance of power against a represented landlord—the vast majority of tenants are unrepresented, and suffer for it, especially as housing courts are confusing and not very intuitive institutions to navigate for anyone, let alone a layperson at risk of losing their home.

Day after day, we see affordable housing disappear in New York. With rents skyrocketing, landlords have become even more aggressive in their quest to ouster clients in rent-stabilized apartments, often using fabricated “nuisance” claims or denying rent-stabilized status entirely. Without skilled legal representation, indigent New Yorkers don’t stand a chance. Their unjust evictions only fuel the homeless crisis in New York, a crisis that is horrible for all and particularly deadly for those living with HIV and AIDS.

Housing Works supports Int. No. 214-A, a local law to amend the City’s administrative code to provide legal counsel for low-income, eligible tenants who are subject to eviction, ejection or foreclosure proceedings. We urge the Committee on Courts and Legal Services to support this bill.

Thank you for your time.

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<sup>1</sup> Aidala et al., Housing Status, Medical Care, and Health Outcomes Among People Living With HIV/AIDS: A Systematic Review. *American Journal of Public Health*, November 2015. Available online first at: <http://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.2015.302905>



**Testimony of Elizabeth Strojan  
Program Director, Public Policy & External Affairs  
Enterprise Community Partners, Inc.**

**To the New York City Council  
Committee on Courts and Legal Services  
Hearing on  
Right to Counsel Legislation**

**September 26, 2016**

Good morning. My name is Elizabeth Strojan and I direct public policy for the New York office of Enterprise Community Partners, a non-profit affordable housing organization that has worked to create and preserve affordable housing here and nationwide for 30 years. Thank you, Chair Lancman and the City Council Subcommittee on Courts and Legal Services, for the opportunity to testify today in support of proposed Intro 214 to provide low-income tenants in housing court the right to legal representation.

Enterprise supports the right to counsel because we know we cannot just build our way out of the affordable housing crisis that grips our city. As groups like Enterprise and our partners work harder than ever to bring new affordable housing to the people who need it most and to preserve units through rehabilitating buildings or extending affordability requirements, we must also bolster strategies to preserve stable housing opportunities beyond the subsidized affordable housing stock. That is why I am here today.

The right to counsel legislation would have positive impacts on low-income people facing housing court actions, many of whom come from communities that have faced discrimination in housing and disinvestment in their neighborhoods for decades. This legislation also has the potential to help stem the loss of rent-stabilized housing.

Housing instability forces individuals and families to make terrible choices – entering the shelter system and joining the ranks of nearly 60,000 homeless New Yorkers, doubling or tripling up with family or friends, or trying to navigate the housing market in a neighborhood with higher crime or other negative indicators. The consequences of housing instability are dire, from lowered educational outcomes for children to negative impacts on health.<sup>1</sup> The right to legal representation for people facing criminal charges is intended to protect the accused from wrongful imprisonment. Extending the same right to help protect low-income tenants from wrongful evictions can keep families stably housed, which saves public money, improves outcomes for those families, and makes our society better off in the long term.

Studies show that while landlords are likely to have representation in housing court, low-income tenants are not. Unrepresented tenants are evicted nearly half the time, but they win their case 90

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<sup>1</sup> Enterprise Community Partners. Impact of Affordable Housing on Families and Communities: A Review of the Evidence Base. <http://www.enterprisecommunity.com/resources/ResourceDetails?ID=0093581>

percent of the time when represented.<sup>2</sup> The proposed legislation is estimated to cover more than 80 percent of all housing court cases<sup>3</sup>, which will dramatically reduce evictions.

It is worth noting that many of those facing housing court actions are people of color who come from neighborhoods that were disinvested but now face rising price pressures from an influx of investment, often without benefits to communities. From redlining to racial steering to urban renewal, these same communities have for years been subjected to actions by the government and private actors that have led to the situation we are in today. Now that these neighborhoods are again deemed valuable, displacement is what threatens communities. The right to counsel is one tool to help stop displacement.

In addition to supporting people and communities who need protections, this legislation can also help preserve unsubsidized affordable housing. Each year New York City sees a net loss of rent-stabilized units, with a total net loss of more than 150,000 units in the last 20 years. In 2015, the most common reason for units leaving rent stabilization was high-rent vacancy decontrol.<sup>4</sup> In neighborhoods throughout the city, market pressures incentivize landlords to turn units over. It is critical that we protect tenants and save units.

Enterprise applauds New York City Council's leadership in its efforts to bring the right to legal counsel to low-income tenants in housing court, which is a model that can be replicated in cities nationwide grappling with displacement pressures. This is an important step not just in preserving access to housing, but also for social justice.

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<sup>2</sup> New York Times Editorial Board. A Right to a Lawyer to Save Your Home  
[http://www.nytimes.com/2016/09/23/opinion/a-right-to-a-lawyer-to-save-your-home.html?\\_r=0](http://www.nytimes.com/2016/09/23/opinion/a-right-to-a-lawyer-to-save-your-home.html?_r=0)

<sup>3</sup> Stout Risius Ross, Inc. The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A.  
[http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf)

<sup>4</sup> Rent Guidelines Board. Changes to the Rent Stabilized Housing Stock in New York City in 2015.  
[http://www.nycrgb.org/downloads/research/pdf\\_reports/changes2016.pdf](http://www.nycrgb.org/downloads/research/pdf_reports/changes2016.pdf)



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**Testimony before  
New York City Council Committee on Courts and Legal Services  
Proposed Intro. No. 214-A**

**September 26, 2016**

Thank you members of the Committee on Courts and Legal Services for the opportunity to speak here today in the matter of Proposed Int. No. 214-A. My name is Edward Ubiera, Director of Policy for the Local Initiatives Support Corporation's New York City Program. I am submitting this brief written testimony on behalf of LISC New York City

**About LISC NYC**

Many of you know LISC as a nonprofit that provides financing and technical assistance to the affordable housing sector. LISC was born here in New York City in the 1970s to bring neighborhood organizations together with banks, foundations, and government. The context back then was arson, abandonment and disinvestment. Since our founding in 1979, LISC and its partners helped to rebuild neighborhoods across New York City by investing over \$2 billion in capital, resulting in roughly 40,000 units of affordable housing and over 2 million square feet of retail and community space.

**Right to Counsel, Reduces Evictions & Prevents Displacement**

LISC New York City supports adoption and implementation of Proposed Int. No. 214-A ("Right to Counsel") to require the Office of Civil Justice to provide free legal counsel for low-income tenants who are subject to eviction or foreclosure. By some estimates, only about 25% of tenants facing eviction appeared with counsel in housing court. We believe the expansion of legal services in eviction cases will be a critical tool both for the preservation of affordable housing and for homelessness prevention.

As this Committee is aware, we have a changed environment in New York City. Investment and population are flowing back into historically underinvested and redlined neighborhoods in Upper Manhattan, the Bronx and Brooklyn. Our community partners working on the ground are seeing that additional investment is impacting the housing marketplace with skyrocketing property values and rents. Neighborhood residents who stuck it out during the difficult times, who invested in a neighborhood's culture and unique character, are in many cases in jeopardy of being pushed out by predatory landlords and investors who wish to take advantage of these inflationary trends in the housing marketplace. These bad actors do so by (1) aggressively pursuing evictions of tenants in order to re-rent at market-rate prices; (2) purposefully withholding building services such as heat, hot water and elevator service; (3) intentionally not factoring the health and safety of tenants when

authorizing construction work; (4) and aggressively soliciting tenants with cash buyouts that very often are insufficient to find substitute housing. Without legal counsel in housing court when facing a petition initiated from a landlord, tenants may ultimately be evicted. For those that don't quickly find substitute housing, the end result is entry into our shelter system and a need for crisis services – the costs of which are ultimately borne by the taxpayer.

When adopted, Int. No. 214-A will create a powerful disincentive for speculative and predatory actors in our housing marketplace from pursuing evictions or harassment as a wholesale business strategy. Expanded legal services will result in better public outcomes as lawyers will be able to (1) clarify the rent status of units under the Rent Stabilization Laws in order to preserve their long-term affordability; (2) negotiate with landlords for the adoption of payment plans and/or reduction of rent arrears; (3) win more time for tenants to find substitute housing; and (4) connect tenants to public benefits like rental subsidies.

### **Right to Counsel, Builds on Existing Initiatives**

Int. No. 214-A will build on the initiatives already underway at the Office of Civil Justice and significantly reduce the number of tenants without legal representation in housing court. By some measures, roughly three in four tenants facing eviction did not receive legal assistance in housing court. We applaud the leadership that Mayor de Blasio and the City Council have demonstrated during the last few years in expanding legal services for low-income New Yorkers. The creation of the Office of Civil Justice to address legal issues related to housing, health care, immigration, and public benefits was a profound innovation and consistent with the principles laid out in the "Housing New York" plan which pledged to strengthen tenant protections. We also acknowledge that significant City funds have been committed thus far. As of city fiscal year 2017, funding for civil legal services increased to \$111 million from \$23 million in fiscal year 2013 – an almost five-fold increase. Of this total, roughly \$70 million has been committed for tenant legal services programs– an almost seven-fold increase from fiscal year 2013. Legal services are having an impact on evictions. The Office of Civil Justice reports that evictions declined by 24% between 2013 and 2015. Despite these resources and positive outcomes we believe more is needed.

### **Right to Counsel, Cost-Benefit to the Tax Payer**

Despite some substantial upfront costs, we believe there is credibility in the argument that over-time, Int. No. 214-A may ultimately generate savings for the City. The NYC Department of Finance (DOF) and the Independent Budget Office (IBO) each studied the costs of implementing Intro 214 with annual expenditures ranging from \$66 million to \$200 million, respectively. A more recent study commissioned by the New York City Bar Association and authored by global advisory firm Stout Risius Ross (SRR) compared the IBO and DOF studies. SRR confirmed that there would be substantial upfront costs, however they quantified additional benefits not factored in the IBO and DOF reports. These included the costs necessary to replace the number of units likely to be removed from rent regulation following an eviction as well as potential savings accruing to the City from spending less on medical and law enforcement services for tenants who after being evicted do not enter shelters and join the unsheltered homeless population. We recognize that different methodologies yield different results. However, we can all agree to varying degrees that evictions are expensive putting undue strain on City's crisis systems. We ask that this Committee seek additional clarification from the IBO and DOF on the long-term, potential savings to the City as it deliberates on Int. No. 214-A.

In summary, Int. No. 214-A is good public policy that will stem the tide of evictions, reduce entry into our shelter system and preserve our rent-regulated housing stock at a likely cost-benefit to the City.

Thank you for the opportunity to testify.

Contact: Edward Ubiera, Director of Policy, LISC NYC, 212-455-9584



**Testimony of Tom Waters**  
**Housing Policy Analyst, Community Service Society**  
**Public Hearing on Proposed Int. No. 214-A**  
**(Provision of Legal Counsel for Low-Income Tenants Subject to Eviction)**  
**New York City Council Committee on Courts and Legal Services**  
**September 26, 2016**

Thank you for this opportunity to comment on the vital issue of legal counsel for low-income tenants facing eviction. The Community Service Society is an independent nonprofit organization that addresses some of the most urgent problems facing low-wage workers and their communities here in New York City, including the effects of the city's chronic housing shortage.

Evictions cause an enormous amount of harm, including homelessness, disruptions that may lead to job loss, disruptions in schooling, disruptions of neighborhoods, and loss of possessions, as described by sociologist Matthew Desmond in his superb book, *Evictions: Poverty and Profit in the American City*. But in this testimony I focus on the effect of evictions on rents and on the housing system.

As you all know very well, the housing situation for low-income New Yorkers is dire, and this problem is driven both by inadequate incomes and by excessive rents. The most recent information from the Census Bureau's 2015 American Community Survey shows that the median income went up to \$55,752 last year, finally getting close to what it was before the financial crisis of 2008 in inflation-adjusted dollars. The poverty rate also decreased to 20 percent from a high of 21.2 percent, although it is still well above its 2008 level of 18.2 percent. This is genuinely good news, but it must be considered alongside the fact that the median rent in 2015 is 10 percent higher than it was 2008. Incomes declined during the recession, recovered very slowly, and finally caught up this year, but rents climbed inexorably throughout the economic cycle.

Evictions are both a cause and an effect of the increasing pressure on tenants that these figures represent. As Victor Bach and I showed in our recent Community Service Society Policy Report, "Making the Rent 2016: Tenant Conditions in New York City's Changing Neighborhoods,"

rent increases during vacancy were responsible for 58 percent of the total amount of rent increases from 2011 to 2014 in rent-stabilized apartments. Even in unregulated apartments, increases during vacancy certainly play a major role. Tenants who have been living in unregulated apartments for longer periods tend to pay lower rents, just like longer-term regulated tenants do. The major difference is that fewer unregulated tenants manage to remain in their apartments long enough for this longevity discount to add up to a significant amount. Thus, evictions and other forced moves expose tenants to higher rents and tend to increase the rent profile of the housing stock as a whole.

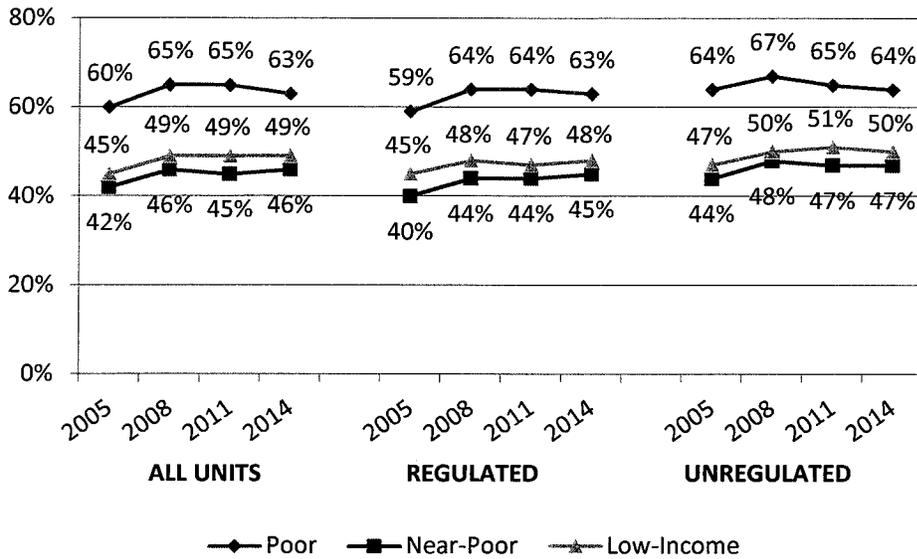
Higher rents, along with inadequate incomes, also increase the likelihood of eviction for low-income tenants, especially those who do not live in public housing or privately owned subsidized housing and who do not have a Section 8 voucher. The Census Bureau's New York City Housing and Vacancy Survey allows us to focus on this group, revealing that the median low-income household with an income below twice the federal poverty threshold, living in private-market rental housing, regulated or unregulated, paid 49 percent of its income in rent in 2014.

Figure 1 shows changes in rent burden for these low-income private-market tenants from 2005 to 2014, demonstrating how rent has outstripped income for regulated tenants since the recent economic slowdown. Rent burdens for these households worsened significantly during the boom prior to the 2008 economic crisis and have remained above their 2005 levels.

Rent pressures for low-income tenants can also be measured by examining residual income – the amount of money per household member that is left after paying rent, as shown in Figure 2. This measure tells much the same story as percent rent burden. Conditions worsened during the boom, and have since remained severe, this time with the puzzling exception of unregulated tenants in unregulated households.

When one considers that the median residual income for poor regulated tenants is just \$150 per household member, or \$5 per day for food, clothes, medicine, transit, and everything else, it is easy to understand how vulnerable low-income households are to eviction when they experience unexpected expenses or reductions in income. Relatively common circumstances that less stressed households can weather by cutting other expenses or drawing on savings can quickly become catastrophic to households with severe rent burdens.

**Figure 1: Changes in rent burden for unassisted low-income private-market tenants, 2005 to 2014**



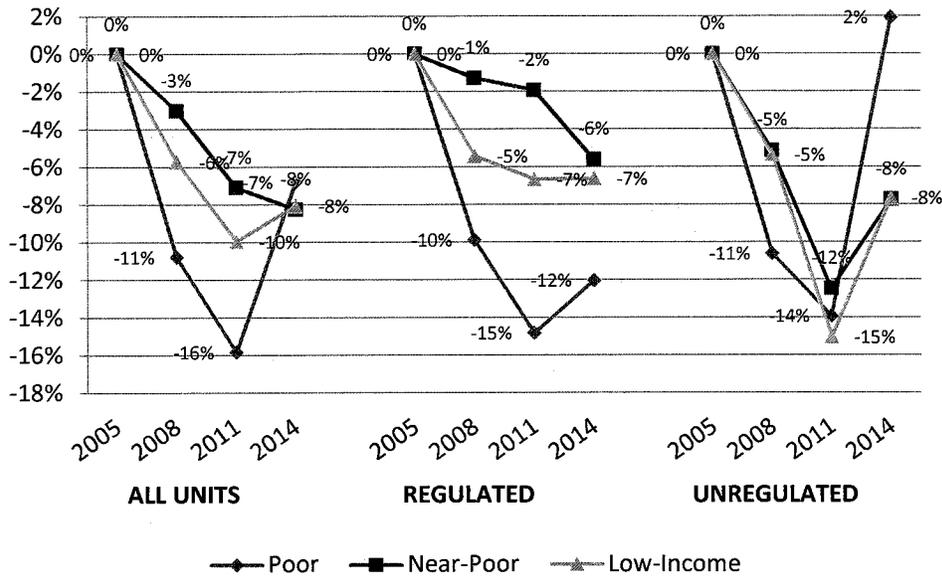
Source: CSS analysis of the U.S. Census Bureau, New York City Housing and Vacancy Survey.

The city’s rapidly rising rents also raise the risk of evictions for low-income tenants through another mechanism. Rents that can be charged for vacant apartments in many neighborhoods across the city – including but not limited to those showing the conspicuous social changes we identify with gentrification – have risen well above what many tenants, regulated or not, are paying. This gives landlords an incentive to take any opportunity to remove tenants in place in order to create a vacancy and raise the rents toward the highest amount the market will bear. This often includes harassment and misuse of the courts.

Eviction is thus a key link in a process by which unaffordable rents feed on themselves and lead to even more unaffordable rents. High rents force people from their homes, creating opportunities for landlords to raise rents even higher.

By the same token, preventing unnecessary evictions becomes a policy lever by which we can slow the erosion of affordable housing in our cities. Every time we prevent the forced move of a tenant household, we save that household from the near certainty of a substantial increase in rent in its new apartment above what they previously paid, even where the old rent was unaffordable and may well have contributed to their eviction. And we also slow the process by which the city is becoming less affordable for low-income tenants in general.

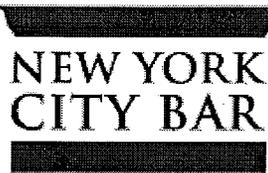
**Figure 2: Residual monthly income per household member for low-income private-market tenants**



	2005	2008	2011	2014
<b>All private rentals</b>				
Poor	\$166	\$148	\$140	\$155
Near-poor	\$490	\$476	\$456	\$450
Low-income	\$423	\$399	\$381	\$389
<b>Regulated rentals</b>				
Poor	\$170	\$154	\$145	\$150
Near-poor	\$495	\$488	\$485	\$467
Low-income	\$426	\$403	\$398	\$398
<b>Unregulated rentals</b>				
Poor	\$159	\$142	\$137	\$162
Near-poor	\$474	\$449	\$415	\$437
Low-income	\$413	\$390	\$350	\$381

Source: CSS analysis of the U.S. Census Bureau, New York City Housing and Vacancy Survey. Figures in 2014 dollars.

For this reason, we see eviction prevention as an important element of housing policy as well as a matter of equal justice. And we know that leveling the legal advocacy playing field between landlords and tenants is an effective way of reducing evictions. We therefore fully support this legislation.



**NEW YORK  
CITY BAR**

**Written Testimony of the New York City Bar Association  
in Support of Int. 214-A**

**September 26, 2016  
Committee on Courts and Legal Services  
New York City Council Chambers  
New York, N.Y.**

**By: John S. Kiernan, President**

Chairperson Lancman and members of the Committee on Courts and Legal Services, thank you for providing the New York City Bar Association with the opportunity to testify before you today on Int. 214-A. My name is John Kiernan and I am the President of the New York City Bar Association. The City Bar is a membership organization of over 24,000 members, including lawyers, law students and academics holding positions in the private, nonprofit and public sectors. Through our 160 committees, we call upon our members' expertise to address legal and public policy issues, including access to justice and right to counsel issues. My testimony for the City Bar today is informed by the work of our Pro Bono and Legal Services Committee and our Housing Court Committee. The Committees' memorandum in support of the bill is attached to this written testimony.

Let me start by saying that the City Bar applauds the Council's significant and game-changing commitment to addressing and serving the civil legal services needs of low-income New Yorkers, particularly including people who cannot afford a lawyer when facing the threat of eviction. We acknowledge and appreciate the Council's understanding of how important it is to support a fair civil justice system in this City. For its part, the City Bar has long supported the allocation of public resources to provision of free civil legal services to people who otherwise face deprivation of essentials of life, often by court orders, without the legal assistance they need. Pro bono legal representation – as laudable as it is - cannot come close to filling this justice gap. We supported the creation of the Office of Civil Justice in 2015, and we wholly support its mission to ensure that civil legal services are funded and provided in the most efficient and effective ways possible to those most in need. From its inception, the Office has appropriately recognized housing-related civil legal services needs as a central priority of its work. This prioritization comports with the Citywide consensus we believe is emerging in support of providing low-income tenants with counsel in Housing Court.

Passage of Int. 214-A - requiring the Office of Civil Justice to establish a program for the provision of legal counsel for tenants living at or below 200% of the federal income poverty line who are subject to eviction, ejection or foreclosure proceedings - will build on, expand and make permanent the City's existing commitment to fund legal representation for low-income tenants. Early results from the City's increased funding for these representations look very promising, and align with intuition about the expected positive effects of providing tenants with

legal representation. With passage of this bill, the City has an opportunity to keep the momentum going, ensure the program's long-term success, alter – perhaps permanently - the legal landscape of landlord-tenant relations in low-income tenancies, and allow the City to preserve affordable housing by ensuring that tenants properly raise their defenses both before and during court proceedings and, in doing so, avoid unwarranted displacement from their homes.

Direct measurement of the impact of providing free civil legal services is so difficult and susceptible to confounding variables that almost all assessments of these impacts end up feeling like a combination of observers' intuitions, subjective feelings of clients and somewhat selective-seeming, manipulable and incompletely understood statistics. As just one example, the impressive inaugural report by the New York City Office of Civil Justice released a few weeks ago collected some highly relevant-seeming information about effects, but expressly reserved for its next iteration a more rigorous evaluation of how much and how well its legal services programs work.

But even with all of the data shortcomings, the directional indications discernible from the limited data appear to be consistent, powerful and aligned with what intuitions would expect. The Office of Civil Justice reported results of a study suggesting that tenants facing the threat of eviction are four times likelier to avoid eviction if they have a lawyer than if they don't. While it would feel uncertain to extrapolate from that limited study to a prediction about the exact number of cases in which low-income tenants would avoid eviction if they all had lawyers, that 4x success rate seems consistent with reasonable expectations. Tenants can readily be overwhelmed by the eviction process, often do not know their rights, usually do not know what mechanisms and programs exist to protect them against eviction, and often do not fully understand what is happening to them. Lawyers know how to help them. Landlords demonstrate their own recognition of the central importance of having a lawyer for eviction cases every day, through application of the law of demonstrated preferences: over 99% of landlord plaintiffs in eviction cases are represented by counsel.

The Office of Civil Justice also reported significant-sounding statistics relating to changes in eviction patterns linked temporally to the New York City's increased commitment to the provision of legal services. From 2013-15, a period when the City has dramatically scaled up its resource allocations to legal representation of tenants facing eviction proceedings, marshals' evictions fell from more than 28,000 to about 22,000, or nearly 24 percent. At the same time, warrants of eviction – which often lead to departures from homes before a marshal shows up to force the tenant out immediately – fell by more than 21,000, from almost 133,000 to a little below 112,000. If you apply the finding of the Office of Civil Justice that each warrant of eviction applies on average to 3 people living in an apartment<sup>1</sup>, these results suggest an impact of 63,000 fewer people targeted by warrants of eviction in 2015 than in 2013 following two years of phased-in significant increases in legal services – a medium-sized city of people not ordered to leave their homes.

Providing a lawyer to a tenant facing eviction not only increases the likelihood that the tenant will be able to avoid eviction, thereby reducing displacement, disruption and homelessness, but also appears to be highly cost-effective. We are here today along with

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<sup>1</sup> *Id.* at p. 1 (“The average anti-eviction legal services client is 43 years old and resides in a household of three.”).

representatives of the firm of Stout, Risius & Ross, Inc., who have pursued an independent inquiry commissioned by the City Bar.<sup>2</sup> Their analysis indicates that even without regard to the profound humanitarian benefits of eviction protection that prevents homelessness, the projected savings in shelter costs and other direct costs of homelessness alone resulting from eviction prevention through provision of free legal services would be materially higher than the cost of providing those free legal services. That is because sheltering an evicted family costs about \$44,000 on average, more than 20 times the average cost of legal representation. When the other advantages of eviction prevention aside from direct shelter costs (including the immense human costs of any eviction) are factored in, the cost-effectiveness of eviction prevention becomes difficult to dispute.

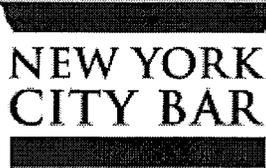
I will leave the more detailed discussion of the SRR Report to the panelists from SRR, but I would like to draw the Council's attention to some of the benefits identified in the Report because they provide a fuller picture of what this bill can accomplish. Based on studies of the increased prospect for eviction avoidance associated with legal representation, the report estimates that representation would have reduced shelter entries by more than 5,200 families in 2014. Beyond direct shelter costs, SRR noted the difficulties faced by children living in shelters, from school disruption to emotional trauma to health problems, and the difficulties faced by families if eviction impacts the primary wage earner's ability to maintain employment. Many of these costs also attach to the tens of thousands of evictions each year that do not lead to shelter, but displace people in their living arrangements, dislocate families and overcrowd the homes of families that try to accommodate evicted loved ones. The humanitarian costs of homelessness provide powerful reason to support this bill.

One unquantifiable benefit identified in the SRR Report lines up precisely with the initial findings of the Office of Civil Justice Report. SRR reasonably posits that providing universal representation to low-income tenants will, in time, reduce the number of eviction cases filed because landlords will file fewer unmeritorious cases, thereby reducing the burdens on Housing Court. Early results from the Office of Civil Justice seem to bear out that conclusion, as we've seen both warrants of eviction and marshals' evictions reduce dramatically as tenant representation has increased. This aligns with our belief that it is possible – and appropriate - to alter the legal landscape in essentials-of-life cases by leveling the playing field and ensuring that a previously largely unrepresented group can present their legal arguments and explore all options available to them.

The City Council and the Mayor have been true leaders in this area. New York City's move to pass this bill will set an example for all U.S cities, and could have historic significance. The City Bar strongly supports taking this important step.

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<sup>2</sup> Stout, Risius & Ross, Inc., "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A," (March 16, 2016), *available at* [http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf).



**NEW YORK  
CITY BAR**

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**REPORT ON LEGISLATION BY THE  
PRO BONO AND LEGAL SERVICES COMMITTEE AND  
HOUSING COURT COMMITTEE**

**Int. 0214A-2014** Council Members Levine, Gibson, Barron, Chin, Dickens, Eugene, Ferreras-Copeland, Johnson, Lander, Mendez, Wills, Treyger, Rodriguez, Kallos, Koslowitz, King, Rosenthal, Cornegy, Cohen, Reynoso, Torres, Levin, Palma, Richards, Espinal, Miller, Mealy, Gentile, Maisel, Koo, Van Bramer, Cumbo, Williams, Constantinides, Rose, Menchaca, Dromm, Crowley, Lancman, Salamanca, Cabrera, Grodenchik, and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income eligible tenants who are subject to eviction, ejection or foreclosure proceedings.

**THIS BILL IS APPROVED**

The Pro Bono and Legal Services Committee and Housing Court Committee (the Committees) of the New York City Bar Association support the enactment of Int. 0214A-2014, which seeks to provide all tenant-respondents in Housing Court, or in other courts where litigants are defending against ejection or foreclosure proceedings, and who qualify financially with a right to counsel. The bill will result in a significant cost savings to the New York City government (or at least be cost neutral) because more people would not be left homeless as a result of the absence of representation in Housing Court or other courts where such proceedings take place.

**GENERAL BACKGROUND REGARDING THE CURRENT LEGAL LANDSCAPE  
AND THE RIGHT TO COUNSEL**

It has long been recognized that less than twenty percent (20%) of low-income people in New York City (and the United States as a whole) have access to legal counsel in civil cases. This statistic has been recognized by the Task Force to Expand Access to Civil Legal Services established by New York State's former Chief Justice, the Honorable Jonathan Lippman:

[A]t best, 20 percent of low-income New Yorkers have a lawyer to assist them in responding to matters involving life's most basic necessities, such as food, shelter, clothing, health care, subsistence income, education, and family safety and stability. As a result,

Office of Court Administration data shows that some 2.3 million litigants in civil matters in courts in every region of New York State are unrepresented, and most of these unrepresented New Yorkers are low-income families and individuals. ... The Task Force has documented that when New Yorkers appear in civil matters in court without representation, litigation and other costs are higher and the opportunity to resolve disputes without litigation or to settle cases expeditiously is lost.<sup>1</sup>

The lack of legal representation dramatically affects the ability of low-income people to effectively navigate the court system and obtain successful outcomes.<sup>2</sup> Represented parties benefit from statistically more favorable results in Housing Court, among other fora.<sup>3</sup> And, in New York City Housing Court, the vast majority of litigants without representation are racial minorities.<sup>4</sup>

Therefore, the access to justice gap is disproportionately affecting those who are already most vulnerable in our society, with the fewest resources to vindicate their fundamental human rights.

Further aggravating this problem is the fact that a significant percentage of people who are unrepresented in fact qualify for governmentally funded legal representation but do not receive it due to the limited resources of the legal services organizations representing low income people.<sup>5</sup> And, it must be noted that many low-income people in need of assistance are ineligible for services because they do not meet the extremely low threshold for legal services eligibility.<sup>6</sup>

In recent years New York City has recognized the importance of civil legal services and has worked to narrow the justice gap for low-income residents. Increased funding for legal services and the creation of the Office of Civil Justice, which will oversee and evaluate the provision of free or low-cost legal services, have been significant steps in the right direction

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<sup>1</sup> TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 2* (2013), available at [http://www.nycourts.gov/IP/access-civil-legal-services/PDF/CLS-TaskForceReport\\_2013.pdf](http://www.nycourts.gov/IP/access-civil-legal-services/PDF/CLS-TaskForceReport_2013.pdf); *see, also* LEGAL SERVS. CORP., *Documenting the Justice Gap in America: The Current Unmet Civil Needs of Low Income Americans 1* (2009), available at [http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting\\_the\\_justice\\_gap\\_in\\_america\\_2009.pdf](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> Russell Engler, *Connecting Self-Representation to Civil Gideon: What Existing Data Reveal About When Counsel is Most Needed*, 37 *FORDHAM URB. L.J.* 37, 46-51 (2010).

<sup>4</sup> *See* TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York 11-12* (2010), available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.

<sup>5</sup> *See* LSC, *Documenting the Justice Gap, supra*, at 1-2, 11 (finding that “roughly one-half of the people who seek help from LSC-funded legal aid providers,” such as Legal Services NYC, “are being denied service because of insufficient program resources”).

<sup>6</sup> LSC-funded services are presumptively available to those at or below 125 percent of the federal poverty line but in many if not most cases are available to those at or below 200 percent of the federal poverty level. *See* 45 C.F.R. pt. 1611. In 2014, this cutoff translates to no more than \$47,700 in gross income for a family of four.

towards increasing access. The benefits of having counsel in housing cases are particularly compelling. As displayed in the Office of Civil Justice 2016 Annual Report, the number of tenants facing an eviction case that are represented by attorneys jumped from only 1% in 2013 to 27% in 2016 while residential evictions by city marshals declined 24% in 2015 compared to 2013.<sup>7</sup> The report and its supporting data show very promising early signs that having counsel can help someone to stay in her home. “Both experimental and observational studies have found that represented tenants generally are less likely to be evicted and more likely to obtain other benefits (such as rent abatements or repairs) than non-represented tenants.”<sup>8</sup> Additionally, the report states that orders to show cause were down 14% in 2015.<sup>9</sup> It stands to reason, and is demonstrated from other studies cited in the report, that defaults and judgments would also be reduced. Ultimately, this will lessen the administrative burden on court staff, and, with less cases returning on default, result in more time that judges and court attorneys could spend on the merits of a case.

Importantly, the evidence also shows that by providing a right to counsel in eviction cases, the New York City Council would potentially reduce costs associated with evictions and homelessness by millions, if not tens of millions of dollars on an annual basis. A study done on behalf of the City Bar found that, contrary to analyses by the City’s Independent Budget Office (IBO) and City Council’s Finance Department, providing free legal counsel to low-income tenants facing eviction would actually save the city hundreds of millions of dollars.<sup>10</sup> The study

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<sup>7</sup> NYC Office of Civil Justice 2016 Annual Report, June 2016, *available at* [http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL\\_08\\_29\\_2016.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf). At the same time, warrants of eviction – which often lead to departures from homes before a marshal shows up to force the tenant out immediately – fell by more than 21,000, from almost 133,000 to a little below 112,000.

<sup>8</sup> *Id.* at p 44.

<sup>9</sup> *Id.* at p 2.

<sup>10</sup> *The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro. 214-A*, March 16, 2016, *available at* [http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf). The study was undertaken pro bono by the global financial advisory firm of Stout Risius Ross (SRR) on behalf of the Pro Bono and Legal Services Committee. The IBO and the Finance Department predicted that providing counsel to all tenants at 125% or lower of the poverty level would have a net cost of between \$100-\$203 million and \$66 million, respectively. In contrast, the SRR study uses a 200% of poverty income cutoff, meaning more tenants would be eligible, and still concludes that the City would have a net savings of \$320 million annually. Over \$251 million in savings would come from reducing shelter use, savings which the SRR study finds are underestimated in both the IBO and Finance Department reports. SRR projects that over 5,200 fewer families and over 1,100 fewer individuals will wind up in homeless shelters due to eviction if provided with counsel. SRR also identifies another significant area of savings that was unaddressed in the other reports: retaining affordable housing. By preserving an estimated 3,414 units of affordable housing that would otherwise be lost to eviction, the City will save an additional \$250 million. Finally, the SRR study calculates that \$9 million will be saved by avoiding certain City costs when evicted tenants become homeless, such as emergency room care and law enforcement. But even without the affordable housing or hospital/law enforcement savings, the SRR report concludes the City would still save \$52 million a year. *See also*, TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 3 (2014) (“nationally recognized experts, commissioned by the Task Force on a pro bono basis over the past three years, have determined that investing in civil legal services provides substantial economic benefits to our State—specifically, more than six dollars for every one dollar of funding for civil legal services.”)

concluded that City would have a net savings of \$320 million annually. The cost savings results from the positive impact that lawyers would have for clients facing eviction, foreclosure or ejection. The study lists such potential savings as reduction in costs for education, juvenile justice and welfare services for homeless children as a result of eviction; welfare when jobs are lost due to eviction; enforcement of rent laws and regulations; and a reduction, over time, of the number of eviction cases brought as a result of providing a right to counsel. By obtaining more successful outcomes, and preventing many more individuals and families from entering the homeless shelter system which is very expensive, not to mention collateral economic savings, such as increased public school attendance due to families having stable living conditions, and the attendance-associated state reimbursements, New York City would receive a positive return on its investment in the right to counsel.<sup>11</sup>

While preventing evictions and saving city/taxpayer money is certainly important, a stable housing environment is highly correlated with children's better educational outcomes, a sense of belonging in the community at large, higher levels of employment, better mental and physical health, improved family relationships, lower crime, and a better support system.

Even with recent improvements, New York City (and the United States as a whole) is out of step with norms around the world relating to the right to counsel in cases where fundamental human rights, such as the right to shelter, are at stake. The United Nations Committee on the Elimination of Racial Discrimination (the "CERD Committee") has expressed concern with the United States' human rights record in this regard, calling particular attention to the "disproportionate impact that the lack of a generally recognized right to counsel in civil proceedings has on indigent persons belonging to racial, ethnic and national minorities, and calling on the United States to provide the resources to ensure these individuals have access to counsel where basic human needs are at issue."<sup>12</sup> The CERD Committee has further elaborated these rights and has called for states to recognize a civil right to counsel and to implement measures to guarantee access to justice in civil matters. In General Recommendation No. 29, the CERD Committee recommended that States "[t]ake the necessary steps to secure equal access to the justice system for all members of descent-based communities, including by providing legal aid."<sup>13</sup> The Committee also recommended that State Parties "[r]emove obstacles that prevent the enjoyment of economic, social and cultural rights by non-citizens, notably in the areas of ... housing."<sup>14</sup>

Other international bodies have reached similar conclusions concerning the importance of civil legal representation to fundamental fairness and protection of human rights. For example, the United Nations Human Rights Committee, which oversees compliance with the International Covenant for Civil and Political Rights, has observed that "[a]ccess to administration of justice

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<sup>11</sup> *Id.*

<sup>12</sup> Comm. on the Elimination of Racial Discrimination, *Concluding Observations – United States of America*, ¶ 22, U.N. Doc. CERD/C/USA/CO/6 (May 8, 2008).

<sup>13</sup> CERD Comm., General Recommendation No. 29, Article 1, Paragraph 1, of the Convention (Descent), ¶ 5(u), U.N. Doc. A/57/18 at 111 (2002).

<sup>14</sup> CERD Comm., General Recommendation No. 30: Discrimination Against Non-Citizens, ¶ 7(29), U.N. Doc. A/59/18 at 93 (2004).

must effectively be guaranteed in all such cases to ensure that no individual is deprived, in procedural terms, of his/her right to claim justice .... The availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way .... States are encouraged to provide free legal aid in [non-criminal cases], for individuals who do not have sufficient means to pay for it. In some cases, they may even be obliged to do so.”<sup>15</sup>

Numerous U.N. special rapporteurs and independent experts have likewise emphasized the importance of ensuring access to counsel in civil cases, particularly where counsel is necessary to secure basic human rights, and these sources have singled out housing in particular. The Special Rapporteur on Adequate Housing has noted that legal remedies are an important procedural protection against forced evictions but that such remedies are only effective where provision is made for the supply of legal representation.<sup>16</sup> The Special Rapporteur on Extreme Poverty has similarly commented that the “[l]ack of legal aid for civil matters can seriously prejudice the rights and interests of persons ... for example when they are unable to contest tenancy disputes [and] eviction decisions.”<sup>17</sup>

New York City (and the United States) are also out of step with international consensus. For example, the European Court of Human Rights has articulated the obligations of the state to provide counsel in civil cases. In 1979, the Court in *Airey v. Ireland* ruled that the right to a fair trial may demand that a state provide free legal assistance to those unable to obtain it when that assistance is necessary to provide effective access to the court.<sup>18</sup> Explaining its reasoning, the Court stated that the European Convention on Human Rights “is intended to guarantee not rights that are theoretical or illusory but rights that are practical and effective. This is particularly true of the right of access to the courts in view of the prominent place held in a democratic society by the right to a fair trial.”<sup>19</sup> The Court later expanded on this holding, emphasizing that legal aid may be required depending on the particular circumstances of a case, including “the importance of what is at stake for the applicant in the proceedings, the complexity of the relevant law and procedure and the applicant’s capacity to represent him or herself effectively.”<sup>20</sup> It surely cannot be disputed that the housing laws in New York City are complex, that the right to housing is as fundamental as any other right, and that individuals in Housing Court (or defending in other fora against ejection or foreclosure proceedings) without a lawyer are unable to represent themselves effectively as borne out by the statistics cited above.

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<sup>15</sup> Human Rights Comm., General Comment No. 32: Article 14, Right to Equality Before Courts and Tribunals and to a Fair Trial, ¶¶ 9-10, U.N. Doc. CCPR/C/GC/32 (Aug. 23, 2007).

<sup>16</sup> Human Rights Council, *Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context*, ¶ 69, U.N. Doc. A/HRC/22/46 (Dec. 24, 2012).

<sup>17</sup> Human Rights Council, *Special Rapporteur on Extreme Poverty and Human Rights*, Report of the Special Rapporteur on Extreme Poverty and Human Rights ¶ 62, U.N. Doc. A/67/278 (Aug. 9, 2012).

<sup>18</sup> 2 Eur. Ct. H.R. 305, ¶ 26 (1979).

<sup>19</sup> *Id.* at ¶ 24.

<sup>20</sup> See *Steel & Morris v. United Kingdom*, 22 Eur. Ct. H.R. 403 (2005).

## JUSTIFICATION

Against this background, the Committees endorse New York City Council Bill Int. No. 0214A-2014 as it provides access to counsel to the greatest number of people who are facing eviction or foreclosure. This bill applies generally to all individuals who are at or below 200% of the federal poverty level. Given the above analysis, it is clear that the right to counsel in Housing Court (and in other fora with respect to ejection or foreclosure proceedings) likely will deliver economic return, as well as dignity and hope to the clients, and correspondingly better results in the courtroom for these litigants seeking to retain their fundamental right to shelter.

By passing this legislation the New York City Council would be utilizing the financial criteria that the New York State Office of Court Administration uses to fund legal services in each county (e.g., based on the proportion of the population living at or below 200% of the federal poverty line),<sup>21</sup> and how the Legal Services Corporation of America permits grantees, including those in New York City, to serve and count clients in many and even most cases.<sup>22</sup> Consistent with this framework, the Chief Judge's Task Force to Expand Access to Civil Legal Services has specifically recommended that government funded legal service cover all low-income individuals who are at or below 200 percent of the federal poverty level because it is virtually impossible for such individuals to otherwise access counsel.<sup>23</sup>

While the progress made in recent years as displayed in Office of Civil Justice 2016 Annual Report should be applauded, this success should not be seen as an alternative to an affirmative right to counsel in Housing Court. Rather the data makes the case that creating a right to counsel will ensure that New York's most vulnerable population has access to the proven best resource against unnecessary and unlawful evictions – a lawyer. By enacting this legislation, New York would stand as a model for other jurisdictions to fund right to counsel programs that are the only meaningful way to bridge the long-standing access to justice gulf. Perhaps most important, a right to counsel for low income tenants will help make one of the most critical parts of our system of justice, primarily the Housing Court, functional and something that we can be proud of.

Furthermore, for this right to counsel legislation to be meaningful it needs to be understood by all parties that (i) funding must be adequate to provide full representation, and (ii) representation must be provided by competent, experienced, qualified attorneys with workable caseloads and sufficient social services and related support to effectively achieve the ultimate goal of averting evictions and enabling tenants to pay and landlords to receive their legally due rents. It is our recommendation, therefore, that the delivery system for this representation be by approved, institutional, non-profit providers who demonstrate adequate experience and capacity for comprehensive support to clients in order to achieve these requisite goals, and that the

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<sup>21</sup> See <http://www.nycourts.gov/admin/bids/PDFs/JCLS-RFP-2013.pdf>.

<sup>22</sup> See 45 C.F.R. § 1611.5.

<sup>23</sup> See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 19 (2014) (recommending that “the most vulnerable families and individuals who receive funded civil legal assistance should continue to include those living” at or “below 200 percent of the federal poverty level”).

funding to implement this legislation be sufficient. Such representation is also expressly called for by New York’s Task Force to Expand Access to Civil Legal Services:

“[The] Task Force again concludes that the most urgent unmet legal needs for which the proposed funding should be directed are civil legal services in matters involving “the essentials of life”— [e.g.,] housing (including evictions, foreclosures, and homelessness) .... Moreover, the Task Force continues to recommend that prevention efforts and early intervention be prioritized, and continues to find that well-trained and seasoned experts are necessary to address the complex legal problems that low-income clients frequently face.”<sup>24</sup>

Finally, it must be noted that pro bono legal services should not be seen as a suitable replacement or alternative to legal aid services for the poor, including but not limited to the housing context. While the delivery of pro bono services over the last decade in particular has become more sophisticated and arguably more effective, given the rise of a specialized group of lawyers at large, private law firms running pro bono programs, studies continue to show that pro bono help offers only a scant fraction of the legal resources necessary to serve low-income clients in eviction proceedings (pro bono attorneys are generally not experts in housing court matters and do not have the training and experience to represent the clients in the difficult eviction and foreclosure cases), and that law firms with pro bono programs generally have conflict issues in representing tenants and defendants in foreclosure actions, given conflict issues.

Therefore, through this legislation, the City Council should encourage all private lawyers in New York City to devote more resources to low-income clients on a pro bono basis generally and in Housing Court cases other than eviction and foreclosure cases, including housing repair (“HP”) cases and Article 7A proceedings, the latter where an administrator is sought to be appointed to remedy hazardous housing conditions, long term neglect and/or harassment. In addition, pro bono resources could be devoted to clients who fall outside the 200% income limit that is included in the legislation.

Revised and Reissued September 2016

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<sup>24</sup> TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., *Report to the Chief Judge of the State of New York* 18-19 (2014) (emphasis added).

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**TESTIMONY OF ANDREW SCHERER  
POLICY DIRECTOR, IMPACT CENTER FOR PUBLIC INTEREST LAW  
AT NEW YORK LAW SCHOOL**

**Before the New York City Council Committee on Courts and Legal Services,  
on INTRO 214A, which establishes a Right to Counsel  
in eviction and foreclosure cases for low-income New Yorkers**

**September 26, 2016**

Good morning. My name is Andrew Scherer. I am the Policy Director of the Impact Center for Public Interest Law at New York Law School. The Impact Center was launched by New York Law School in the fall of 2014 to advance the public interest, to support the practice of public interest law and to help NYLS students become top-notch public interest law practitioners. I also direct the Right to Counsel Project at NYLS and am working with the NYC Coalition for a Right to Counsel in Housing Court.

I started my legal career in the late 1970's as a housing attorney in the South Bronx with Legal Services NYC. In the last 9 of my 32 years there, I was the Executive Director of the citywide program. But as a young staff attorney, representing tenants in the South Bronx in the days when the Bronx was truly burning, I saw the transformative difference legal representation could make for our clients. I concluded then, and continue to firmly believe now, that just like a person who faces jail time or who faces losing custody of a child, a person who faces losing a home must have a right to counsel.

Today is a truly historic moment in the development of equal justice, not just in New York City, but in the United States. When the Council passes Intro 214, and the Mayor signs it into law – and mark my words, this will happen -- New York City will become the first jurisdiction in the nation to guarantee that its poorest and most vulnerable residents don't face losing their homes, being traumatized by eviction, getting displaced from their communities, and entering homeless shelters without having attorneys to defend them. The truth is, the Mayor and Council already recognize this. There is already enormous progress being made toward meaningful access to justice for low-income tenants in New York City. By vastly increasing city funding for eviction prevention legal representation over the past couple of years and by establishing an Office of Civil Justice, the City Council and the Mayor have displayed a stunning commitment to access to justice.

But funding alone is not enough. Establishing a right to counsel does what no amount of funding can do – it completely and permanently shifts the dynamic of housing justice for the long haul in this city and sends a powerful message that this administration respects its lowest income residents, and that it recognizes that their human dignity and their homes and communities matter. Funding can be eliminated. A right would be impossible for future administrations to take away. The people of this city would not let that happen.

The support for Intro 214A is overwhelming. Friday's New York Times provided a ringing endorsement for the bill. You have already heard from our former Chief Judge – a national icon in the movement for a more just and equitable society -- and from tenants whose lives would not be the same had they not had counsel when they faced eviction. Today you will also hear compelling testimony from community leaders, from public officials, from leaders of the bar, from labor leaders, from national and local public policy experts, from faith leaders, from legal services providers and most importantly, from many many tenants themselves, about why Intro 214A must be adopted and the right to counsel in eviction and foreclosure cases must be established now. You will hear

- why the Right to Counsel would prevent homeless and save people from the trauma of eviction and displacement
- why the Right to Counsel would preserve the dwindling stock of affordable housing and help alleviate the intensifying housing crisis – every eviction and displacement from rent regulated housing creates an opportunity for the landlord to raise rents and deregulate the housing unit, leaving one more family without affordable housing and one less unit of affordable housing.
- you will hear why, by preventing homelessness and preserving homes. the Right to Counsel would not only protect tenants, it would save the city money -- lots of money -- as you will see when the financial analysts from Stout Risius and Ross testify
- you will hear why the Right to Counsel vindicates the constitutional rights of due process and equal protection and promotes racial and economic justice and fundamental human rights.
- why the right to counsel will stabilize communities, make this a more fair and equitable city and forever change, for all of us, our expectations about what is right and just.
- And, why the right to counsel places New York City where it should be, and where it always has been, leading the country in a matter of fundamental civil rights.

The time for this is right now. This is a progressive, problem-solving administration that is, in partnership with the Council, not afraid to take on the big, important issues, not afraid to make change where change is needed. The city can do this. By creating the Office of Civil Justice and building the capacity of legal services providers, the city is already creating the necessary infrastructure to implement the right to counsel. This is neither overwhelming nor unrealistic for an administration and a City Council with the wherewithal and political will to move mountains – just look at what was done in a remarkably short time frame with universal pre-K.

New York City has a rich and long history of breaking new ground and expanding housing justice in ways that have been replicated throughout the nation. This city created the first housing code in the nation in 1905, the first zoning in 1916, the first rent regulation in 1918, the first public housing in 1932 and the first fair housing protections over the last half-century for many different categories of New Yorkers who have suffered discrimination.

But ultimately, the question comes down to what kind of city we want to live in. As the Mayor has so eloquently and often emphasized, do we want two cities, one for the rich and one for the poor? Do we want two systems of justice – one for the rich and one for the poor? Or do we want a city where all New Yorkers, regardless of their income, have a fighting chance to protect their homes and remain in their communities? You know the answer. Pass Intro 214A and establish the right to counsel now!



**Testimony of Catherine C. Carr, Esq.  
On Behalf of the National Coalition for a Civil Right to Counsel (NCCRC)  
Before the New York City Council  
September 26, 2016**

**Steering Committee:**

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Debi Perluss:  
Northwest Justice  
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John Pollock:  
Public Justice Center  
Steve Sachs:  
WilmerHale  
Don Saunders:  
NLADA  
Jayne Tyrrell:  
Massachusetts Interest  
on Lawyers' Trust  
Accounts Program  
David Udell:  
National Center for  
Access to Justice

Good morning. I am Catherine C. Carr, Adjunct Professor of Law at the University of Pennsylvania Law School and former Executive Director of Community Legal Services of Philadelphia. I am pleased to appear today in front of this Honorable Council to present testimony on behalf of the National Coalition for a Civil Right to Counsel, which is an association of organizations and individuals seeking to advance a civil right to counsel for indigent people across this country when their basic human needs are at stake. These efforts are in accordance with the American Bar Association's unanimous resolution in support of such a right, and with a growing understanding of both the critical need for legal representation as well as the dramatic impact made by representation. The Coalition is led by a remarkable and dedicated attorney, John Pollock, who could not make it today, and I am honored to represent the Coalition in his stead. I have participated in the Coalition's work over the past decade and am excited to be present at today's hearing, which represents an exciting moment in this nation's ongoing movement to guarantee justice for all – this time through ground breaking municipal legislation.

I want to first thank the New York City Council for taking up this issue and recognizing the difficult plight of indigent and vulnerable families facing the loss of their homes through eviction proceedings. Our nation has for too long been cavalier about people being forcibly thrown out of their homes and the impact it has on their physical and mental health, employment, child development and education, and indeed survival. It is a big moment to see this body take steps to protect the most vulnerable, promote their health and happiness; it is an added bonus that in doing so you will save this city hundreds of millions of dollars.

I hope to bring the national picture to your discussion today. I want to emphasize that what this Council is proposing to do is a step of great national significance: it would move the entire national movement forward. This Council will be the first legislative body in our nation to guarantee a right to counsel in housing evictions and foreclosures. You are making history. However, you will certainly not be the last. The recognition of a right to representation before one loses one's home is in this nation's future, but we need leadership to get there. We have begun to guarantee the right to counsel in other civil matters: when parents face losing their

children, when the mentally ill face institutionalization, when a woman faces domestic violence. New York state has been a leader in recognizing these rights. It is time for the nation to also guarantee a right to counsel when the loss of a home is at stake, and it will be this Council's and this Mayor's historic legacy as visionary and compassionate leaders in the American pursuit of justice for all, when this bill is passed into law. The fact that this is being done as a right, and not as just a funding increase subject to the whims of future budget decisions, is essential to protecting that legacy.

Be assured that the eyes of other places are on New York City as you debate and move forward this bill. I am from Philadelphia, and want you to know that advocates for the poor and vulnerable in my home town have been watching with intense interest and envy as this bill moves forward. A right to counsel for tenants facing eviction in New York City will be discussed and held up as the new aspirational standard in jurisdictions across the country.

While New York City is certainly the leader, other places are working on representation for tenants facing eviction. There have been pilot programs to look at outcomes, impact, and costs sponsored by a number of states and municipalities and, just as in New York, these programs have shown that the impact is huge and that cost savings result. California has run five multi-year pilot programs to provide counsel in evictions, and the San Francisco city government passed a bill in 2012 claiming to be the first "right to counsel" city. However, unlike Intro 214-A, the San Francisco legislation did not implement such a right but instead created a pilot program for housing counsel to the indigent. Even with just a limited pilot program, it is estimated that San Francisco saved over \$1 million in expenses by providing counsel to tenants. In Massachusetts a study of representation in eviction cases showed that tenants were twice as likely to stay in their homes with full attorney representation rather than limited assistance, and in Washington, D.C. a new program is providing representation to tenants and evaluating the outcomes. Just last week a bill was introduced to the D.C. City Council that would further expand representation in housing cases. The press release accompanying the bill referred to the success of New York City's expanded tenant representation program.

The bottom line is that the data is now clear. Across the country, but especially here in New York City, programs have already proved the power and impact of providing counsel to tenants facing eviction, power not just to change people's lives, but to save large amounts of money for governments in that process. It is not always the case that doing the "right" thing for the vulnerable and the impoverished can also save money, but this is one such opportunity. There is no logical reason not to move forward to protect the city's vulnerable while also saving money for city taxpayers.

I conclude by urging you to move this bill forward. There is no need for further study or contemplation; instead it is time for leadership and action. It is exciting and inspiring to see that the New York City Council is ready to be **the** entity that takes on that role and moves forward for justice and progress, for compassion and efficient government. Know that there will be thousands cheering this leadership step across our land.

# 1199 SEIU

United Healthcare Workers East

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CHIEF FINANCIAL OFFICER &  
DIRECTOR OF ADMINISTRATION  
Michael Cooperman

## TESTIMONY BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON COURTS AND LEGAL SERVICES IN SUPPORT OF INTRO 214-A

SEPTEMBER 26, 2016

Thank you Speaker Melissa Mark Viverito, Chairperson Rory Lanceman and members of the Courts and Legal Services Committee for this opportunity to testify in support of Intro 214-A which, if adopted, will significantly reduce the number of evictions effected in New York City. Many of the 250,000 members represented by 1199 SEIU-UHWE Downstate Divisions will benefit from Intro 214-A.

Housing Court is an unfriendly, intimidating place where savvy lawyers are familiar with the court system and unrepresented tenants are at a disadvantage. Even when tenants are in the right, when unrepresented, they are most likely to face eviction than those represented by lawyers. They are also most likely to settle disputes without redress or remedies for grievances such as necessary repairs, or lack of heat and hot water.

Intro 214-A will afford legal representation to a large proportion of tenants and homeowners who cannot afford to hire a lawyer. This is perhaps the most effective eviction prevention tool to emerge in many years. It will correct the existing imbalance, ensuring that more tenants get a fair day in court by obtaining orders for repairs, securing rent abatements, and negotiating payment plans.

Moreover, the City of New York will benefit from the reduction of families and individuals entering the shelter system, currently burgeoning with 60,000 families and individuals. The savings from the reductions in the current shelter admissions rate alone will prove Intro 214-A to be a cost effective measure in the long run.

Most important, landlords are becoming more aggressive in their quest to evict regulated tenants for the sole purpose of deregulating units to increase rents, thus chiseling away at the largest affordable housing stock in the City. Intro 214-A is a win-win proposition by lessening the risk of evictions, reducing the homeless populations, and preserving much-needed affordable units.

We strongly urge the City Council to approve, and for the Mayor to sign, this groundbreaking piece of legislation. We also commend Council Members Mark Levine and Vanessa Gibson for championing this very crucial remedy for tenants.

Thank you for this opportunity to testify on behalf of the members of 1199.

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# URBAN JUSTICE CENTER

**Testimony of Harvey Epstein and Aya Tasaki  
before the New York City Council,  
Committee on Courts and Legal Services:  
Intro. 214-A**

**September 26, 2016**

Good morning Council members and thank you for the opportunity to testify. We are Harvey Epstein and Aya Tasaki from the Community Development Project at the Urban Justice Center, serving as Director of the project and as a Poverty Justice Solutions fellow in the housing practice area respectively. We are here today to testify in support of Intro 214-A, which will ensure the Right to Counsel for the most vulnerable New Yorkers in Housing Court.

The testimonies you are all hearing today represent the realities of the communities and individuals we serve on a daily basis, and more significantly, of the many more who are unable to access such services and are forced to navigate the system on their own.

Our work at the Community Development Project is informed by the belief that real and lasting change in low-income, urban neighborhoods cannot happen without the collective power of grassroots, community institutions. For 15 years, we have offered support on housing issues to community based organizations by providing legal representation for group housing cases, participating as a member in legislative campaigns, and conducting relevant research projects based on pressing housing issues. These are just a few of the many tools our partner organizations utilize to lift up their members' voices and strengthen their communities. We play a supporting role, providing tenants and organizers with information, advice, and representation based on a legal strategy determined and driven by their needs and vision.

Through the tireless organizing by directly impacted communities, organizers and advocates, tenants have gained increased knowledge that enable them to effectively assert their rights around housing conditions, rent, discrimination, and gentrification. These organizing efforts have also fostered increased access to attorneys, a critical component in navigating complicated and fast-moving eviction cases that remain highly technical and inaccessible to those without representation.

The Community Development Project joined the Right to Counsel NYC coalition as a part of our long-lasting effort and commitment to support our partner organizations and the needs of the communities we serve; that individuals and families stay in their homes and neighborhoods with the respect and dignity we all deserve. The coalition recognizes that providing New Yorkers with the right to counsel is a key component of realizing this vision.

We have seen first-hand that providing tenants with legal representation leads to less evictions, which in turn leads to stabilizing many other aspects of an individual's life.

Several years ago, CDP represented a group of tenants in the Bronx who were rightfully engaging in a rent strike to protest horrendous living conditions. The tenants had been enduring lack of heat and hot water throughout the winter, and lack of cooking gas for over half a year. Rats and roaches ran through their building where multi-generational families with babies and elders lived. When the court appointed a receiver, the tenants were hopeful that their homes would become habitable again. Instead, the receiver brought lawsuits against them for not paying rent. CDP was able to defend the tenants in these baseless suits, which ultimately prevented them from being forced to move out of their homes.

The recent HRA report provides ample evidence that the City's increased funding for tenant legal services has contributed to producing such positive results. Most notably, residential evictions by city marshals saw a sharp decline of 24% in the past two years, coinciding with the City's increased commitment to fund anti-eviction services.

Earlier this year, CDP was able to prevent an elderly couple from being evicted from their rent-stabilized apartment. While the couple had a clear legal right to live in their home, the landlord started an eviction proceeding against them after the couple's adult daughter signed a move-out agreement without their knowledge or consent. CDP attorneys reopened the case and asserted the couple's rights, before they were forced out of their apartment.

While our experiences clearly show that access to an attorney in eviction proceedings is critical, the reality remains that just over a quarter of such tenants are represented by an attorney while nearly all landlords who come into court for eviction cases are represented. Gaining access to an attorney as a low-income tenant in order to navigate the daunting legal system is still seen as a luxury.

Intro 214-A will provide an enforceable right to counsel, a guarantee that is significantly more secure than just a budget line item that could be reduced or eliminated by subsequent administrations.

There are many moving pieces involved in guaranteeing New Yorkers the right to counsel, and we are committed to ensuring success throughout the implementation process. This is why the phasing scheme built into Intro 214-A is crucial.

Adopting this phase-in process will allow service providers to build internal capacity, to hire and train staff to ensure high quality assistance, and to negotiate working agreements with the City. It will allow for the most vulnerable communities to start accessing attorneys without further delay, with service being provided to additional populations in conjunction with service providers building increased capacity. It will also allow for coordinated efforts among organizations and organizers in order to make this right widely known to eligible populations.

The need for Intro 214-A is both urgent and timely.

We continue to face a crisis where an overwhelming majority of tenants are still denied access to legal representation and remain housing insecure. Evictions still remain the number one cause of homelessness in New York.

Intro 214-A provides an important piece of the solution.

Guaranteeing a right to counsel is an essential step for this City to take, and fits into the plans and goals it has to combat homelessness and housing insecurities that affect the most vulnerable of our communities.

We are all New Yorkers who are proud to call this place our home. Instead of allowing New York City to become a place that displaces and pushes individuals, families and communities out of their homes, we could lead the way and be the first city in the country to establish a right to counsel for tenants facing eviction.

# URBAN JUSTICE CENTER

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My name is Hillary Exter and I am an attorney and the Coordinator of the Anti-Harassment Tenant Protection Program at the Urban Justice Center, which is the lead agency of LEAP, a consortium of 13 legal services providers working through a city-funded grant to provide free legal services to low-income tenants who are victims of threats, harassment or displacement aimed at causing or likely to cause the tenant to move out of their apartment or home in targeted zip codes in the city. Our organizations defend tenants from eviction or to be restored to possession after being evicted or ousted inappropriately from the apartment or home in Housing Courts in each borough. We enforce the right to live in safe and habitable housing and where tenants suffering from conditions in their apartment or home that threaten or seriously diminish their tenancy that have not been repaired after a reasonable time and notice, we are able to obtain court-ordered repairs.

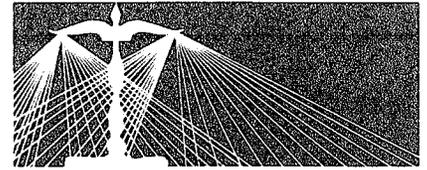
There have been a number of contracts, such as the one I help coordinate, with legal service providers to provide tenants representation in housing court. In a sense they can be viewed as a test of the effectiveness of representation—does having a lawyer in housing court make a difference? Can a lawyer protect tenants from eviction or provide time for tenants to secure alternate housing and avert the consequences of being forcibly removed? The results are clear and convincing. Lawyers play a critical role in averting eviction and obtaining repairs. The impact is tremendous both in the lives of the families who have been protected from eviction and in the fabric of the communities in which they live.

What can be more basic than having a place to live? The ability of students--children and adult learners—to focus on their studies, the ability of households to prepare nutritious food, to get a good night's sleep, the importance of having a place to visit with family and friends—all require a home. We must protect the housing of all the city's residents and the right to counsel is essential to do so.

65% of New Yorkers are renters. Close to 300,000 New Yorkers are brought to Housing Court every year to fight an eviction. 97% of all cases in Housing Court are initiated by landlords. In 2013, 28,848 families were evicted in NYC. At least half of them wouldn't have been evicted if they had an attorney. 57,000 people are in NYC's shelter system. The #1 cause of homelessness is eviction. At least 30% of all tenants evicted last year were evicted from a Rent Stabilized Apartment. These numbers clearly establish how important it is to make the necessary investment in our city's future by funding the right to counsel in housing court.

We urge you to pass Intro 214 to provide attorneys for low income tenants and homeowners who are facing eviction and foreclosure in Housing Court.

THOMAS McC. SOUTHER, BOARD CHAIR  
MARTIN S. NEEDELMAN, ESQ., CO-EXECUTIVE DIRECTOR, CHIEF COUNSEL  
PAUL J. ACINAPURA, ESQ., CO-EXECUTIVE DIRECTOR, GENERAL COUNSEL



Brooklyn Legal Services Corporation A  
SHRIVER TYLER MACCRATE CENTER FOR JUSTICE

TO: New York City Council Committee on Courts and Legal Services  
FROM: Brooklyn Legal Services Corporation A  
DATE: September 26, 2016  
RE: Testimony in Support of Tenants' Right to Counsel in Housing Court

Good afternoon Chairman Lancman, and Council Members of the Committee on Courts and Legal Services. My name is Ezi Ukegbu and I am a Staff Attorney in the Preserving Affordable Housing Program at Brooklyn Legal Services Corporation A, Brooklyn A for short. At Brooklyn A, we prevent the evictions of hundreds of low-income tenants and their families in North and Central Brooklyn, primarily Williamsburg, Greenpoint, Bedford-Stuyvesant and East New York each year through our model of collaborative group representation. We also bring affirmative litigation on behalf of tenants in order to defend them from harassment and discrimination. Brooklyn A is also a member of the Right to Counsel and LEAP Coalitions, organizations that support this bill, Intro 214-A, which provides the right to counsel to tenants who live at or below 200% of the federal poverty level.

I am here today to talk about how crucial a right to counsel is for low-income tenants in New York City based on: 1) seeing that the working poor in rapidly gentrifying neighborhoods, like the ones we serve in Brooklyn, are incredibly vulnerable to displacement and 2) the uneven playing field in Housing Court where tenants, unlike landlords, do not have legal representation.

A right to counsel is crucial because many landlords harass and try to evict rent stabilized tenants in low-income areas by any means possible due to the current housing crisis in New York City. These landlords file meritless eviction cases, and if that doesn't work, they refuse to make repairs forcing tenants and their children to live with collapsing ceilings, mold, no hot water and heat, hoping that the rent stabilized tenants will leave so they can renovate the building and charge market rate prices.

I have witnessed these tactics first hand while working in East New York, an area concentrated with poverty. One in three families in East New York earn less than \$23,000 for a three-person household, which is \$17,320 less than 200% of the federal poverty level.

Due to these dire economic circumstances coupled with landlords' desire to capitalize from gentrification, landlords often harass tenants with the goal to evict them from their rent stabilized apartments. For example, one tenant in a rent stabilized building we currently represent in East New York did not have a functioning bathroom for a month because the landlord refused to repair a pipe leak that caused her bathtub to be filled with sewage and sludge. As a result, this tenant and her young son had to shower in a neighbor's bathroom for an entire month. This same landlord also refused to repair another tenant's bathroom sink for a year and brought meritless eviction actions against this tenant in Housing Court. Many landlords use similar tactics to force tenants out of their homes. It is impossible to bear such terrible housing conditions, withstand such harassment, and at the same time fight for your rights *without counsel* -- all in a Housing Court that is

*building communities, ensuring opportunity, achieving justice*

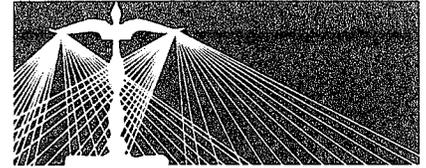
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**Brooklyn Legal Services Corporation A**  
SHRIVER TYLER MACCRATE CENTER FOR JUSTICE

often plagued with delays and in which a landlord, unlike tenants, virtually always has a lawyer. In fact, 90% of landlords in Housing Court have legal representation while more than 90% of tenants appear without representation. Under these deplorable circumstances, the need for a right to counsel for low-income tenants cannot be overstated.

Brooklyn A enthusiastically supports this bill and hopes that the Council will pass it into law. Thank you.

*building communities, ensuring opportunity, achieving justice*

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**New York City Council  
Committee on Courts and Legal Services  
Hearing, September, 26, 2016  
Testimony of Steven Hasty, The Bronx Defenders**

Chairperson Lancman and members of the Committee, my name is Steven Hasty. I am a Staff Attorney at The Bronx Defenders with the Civil Action Practice. The Bronx Defenders is a holistic public defense office serving 35,000 people per year. Our Civil Action Practice assists clients with civil legal matters that frequently follow from criminal or family court involvement. Housing is the principal area of our practice.

We help clients with some of the most challenging cases in housing court—drug-related evictions, nuisance allegations, and interpersonal disputes that sometimes give rise to both criminal and housing cases. The Bronx Defenders also represents clients in criminal and family court, both contexts in which there is a longstanding right to counsel. To witness the protection of clients' rights in criminal and family court versus their protection in housing court is to witness entirely different universes. Yet the stakes are often just as high in housing court.

We often represent people enmeshed in multiple public justice systems at once. The proceedings in each forum are complex on their own, and one mistaken move in one can have devastating effect in another. To expect New Yorkers to navigate these complexities on their own, without lawyers, is to expect the impossible. Establishing a right to counsel would alleviate this problem.

M.M. is a 41-year-old woman with a teenage daughter who has been a stable member of her community, residing in the same apartment for fifteen years. M.M. receives Section 8 and pays a relatively low rent in a gentrifying area. Her landlord wants her out so that he can convert the apartment to market rate, and he has repeatedly filed frivolous legal actions against her. In the span of two years, we successfully got three of these cases dismissed.

In June, M.M. was served with a fourth set of eviction papers for rent arrears of less than \$700. Embarrassed by her situation, she attempted to handle the case on her own and received an extension of time to pay. After a few weeks, she got the money together and brought with her to court a money order for the full amount owed. But at the very time she was in court the city marshal changed her locks, putting her out of her home and rendering her and her daughter homeless. At this point, she called me. Eventually I was able to get M.M. and her daughter back into their apartment. But not before she had been traumatized. Without a lawyer, she and her daughter could well be homeless today. There are thousands of M.M.'s in New York City every year.

A right to counsel would shift the power dynamics of housing court in fundamental ways. Landlords frequently file actions against tenants not because they have a sound legal basis for doing so but, rather, because they think they can get away with it. Almost always, they are right, because they have lawyers, the tenants do not, and the main goal of the courts is not the

protection of rights but the processing of cases. A right to counsel would eliminate these frivolous cases and keep people in their homes.

The Bronx Defenders is grateful to be participating in HRA's new anti-eviction program, which refers clients to us from housing court. But it is far from a cure-all. Even within this program in which attorneys *are* provided, many clients are referred to us only after agreeing to a judgment against them. Landlords' attorneys and court staff frequently pressure tenants without counsel to agree to draconian stipulations at their first court dates. It is difficult if not impossible to vacate these stipulations later, no matter how unjust they may be, no matter how strong the tenant's legal claims and defenses would have been, and no matter that the tenant is at this point represented by counsel. This is like providing lawyers to criminal defendants only after they've pleaded guilty. Only a right to counsel from the outset of the housing court proceeding can address this problem.

Our City has a proud history of national leadership on progressive causes. This should be the next step. The only way to protect *all* New Yorkers in this crucial area, and to embed this collective commitment beyond the term of the current administration, is to establish a *right* to counsel. We respectfully urge the Committee to pass this bill, the full Council to follow suit, and the Mayor to sign it into law. Thank you.

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Greg Berman · Director

**Center for Court Innovation Testimony  
New York City Council  
Committee on Courts and Legal Services  
September 26, 2016**

Good afternoon Chairman Lancman and members of the Committee on Courts and Legal Services. My name is Ignacio Jaureguilorda, and I am the Director of Poverty Justice Solutions, a program of the Center for Court Innovation. Thank you for the opportunity to speak today.

Poverty Justice Solutions is a two-year fellowship for new attorneys that places them with New York City legal service providers to represent low-income tenants threatened with eviction. In 2015 and 2016, our first 20 fellows handled 2,500 cases, serving more than 4200 New Yorkers, including nearly 1,500 families with children. We are an operating project of the Center for Court Innovation, which seeks to create a more effective and humane justice system by designing and implementing operating programs, performing original research, and providing reformers around the world with the tools they need to launch new strategies.

Others here today have spoken and will speak to the critical importance of a right to counsel in housing court and the devastating impact eviction has on affected families and individuals. My role at the Center puts me in a unique position to add two further points in support of intro 0214: The capacity of a new generation of attorneys to meet the increased demand for counsel that the law would entail and the importance of promoting research-based practices along with a right to counsel.

***Research, Innovation, and Technology***

The Center for Court Innovation particularly supports Intro 0214's call for "a plan for the provision of high quality legal services... that considers the use of pro bono representation, technology, partnerships with social service providers, and other innovative approaches to providing cost effective services."

The Center has implemented similar techniques at its Community Justice Centers in Red Hook, Harlem, and Brownsville, each of which leverage partnerships with city-based agencies and community organizations to provide housing resources to tenants. In turn, The Housing Parts at each of these courts have been able to not only keep more tenants in their homes, but also increase public trust in the justice system in these jurisdictions. In short, we can say that concerted planning to introduce new ideas into courts really works: it is possible to change the dynamics of Housing Court.

We believe this provision will ensure that the ongoing conversation among housing court stakeholders about how best to deliver legal services to tenants threatened with eviction leads to concrete and effective solutions.

### ***Legal Services Capacity***

One of the signal challenges that the passage of Intro 0214 raises is one of demand: will the existing legal services infrastructure be sufficient to actually provide counsel to the tens of thousands of New Yorkers who will be eligible for representation? As director of Poverty Justice Solutions, I have had the opportunity to work closely with legal services agencies, New York area law schools, and the corps of Poverty Justice Solutions fellows, and my experiences with each have shown me that the legal services community can rise to meet this challenge.

While recruiting for the fellowship, we encountered a deep reserve of law students eager to take up the fight against evictions. Each fellowship class has 20 spots—in Spring 2016 we had more than twice as many interested students, from New York City area law schools alone. And the law schools we work with have deep connections with legal services groups that facilitate the transition from law student to housing advocate.

We have seen the same public spirit among our fellows, around half of whom participated in the Pro Bono Scholars program and took the Bar Exam halfway through their third year in law school, in exchange for participating in a full time public interest externship in their last semester through the Pro Bono Scholars program. Several Poverty Justice Solutions fellows received

awards from their law schools for their commitment to Pro Bono work, and at least one, Shirley Luong, now at the Legal Aid Society, logged more than 1,000 hours of Pro Bono service before graduation. Poverty Justice Solutions fellows are typical of the new attorneys changing New York City housing court in their sense of urgency—they are not content to sit on the sidelines while tenants are evicted.

Rather than having to build a corps of dedicated and passionate tenant advocates from scratch, the passage of intro 0214 would allow New York City to draw from a battalion of housing attorneys already on the frontlines.

In closing, the Center for Court Innovation looks forward to continuing to work with the Council on housing justice and eviction prevention. We believe that the right to counsel in housing court is critical to expanding access to justice and the Intro 0214 provides a forward thinking and workable model for implementing it. Thank you again for the opportunity to testify, and I am happy to address any questions you may have.



Hello my name is Elvis Santana and I'm a member of the Banana Kelly Residents Council. I am here today to speak in support of the passage of 214-A, Right to Counsel.

I would like to explain, why I, personally feel the passage of this bill will benefit me and my community.

Unfortunately my mother was forced to appear in court due to false allegations that we were behind on rent two months ago. Because my mother doesn't speak fluent English, my brother accompanied her to translate. Immediately after my brother said two sentences in Spanish, the judge asked "Do you speak Spanish Fluently?" My brother replied saying "Yes. That is why I'm here with my mother." Without hesitation, the judge ruled to reschedule and said "Next time bring someone who does speak Spanish". Councilmembers, everyone in my family speaks fluent Spanish and if you like I can explain everything to you in Spanish as proof. However that is not why I'm here.

I'm here because there are thousands of family who suffer from what my mother suffered and that is being treated unfairly on court simply because we're not given the right to counsel when we're being financially crippled or misunderstood by the landlords or like my mother, in the court of the law. Since then, my mother repeatedly had to miss work (without pay) in attempts to yet again prove against the landlord's claims that she paid her rent.

It's been reported on average that a family of 4 makes little less than \$25,000 a year in my district. Affording a lawyer or hoping that a lawyer would do pro bono work appears to be unrealistic to my family and other families around. Also as you probably know, close to 25,000 families were evicted in New York just last year most because they couldn't afford legal representation.

All I'm asking is to pass 214-A so that families and mothers like mine are given the best representation possible to avoid being part of another statistic.

Thank you.



Hello my name is Wanda Swinney and I am a member of the Banana Kelly Resident Council. I am here today to speak in support of the passage of 214-A, Right to Counsel.

I would like to explain, why I, personally feel the passage of this bill will benefit me and my community.

I myself come from the shelter system and was given access to affordable housing in the South Bronx, which allowed me to raise 6 children in a stable environment. The help that I received early on not only helped me to become a working class shop steward union member of DC37 Local 420, it allowed me to found a tenant association, and create a community garden in my neighborhood.

Nearly 25,000 families, including older adults, were evicted in New York City last year. As an older adult in this city, this could be me. I have worked hard throughout my life to get to where I am, and it is an injustice that if any hardship fell on me I could be back in the shelter.

A right to counsel in eviction proceedings will save the city money. Keeping families and older adults in their homes and avoiding homelessness will strengthen our city, save money, and will give our families stability.

I urge City Council to pass 214-A before the end of the year.

Thank you.

Lisa Young Rubin, Paralegal/Advocate  
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TESTIMONY BEFORE THE NEW YORK CITY COUNCIL IN SUPPORT OF INTRO 214-A ("RIGHT TO COUNSEL" IN EVICTION/FORECLOSURE/EJECTION PROCEEDINGS) - SEPT. 26, 2016

Good morning, Madam Speaker, Council Members, and Co-Sponsors Mark Levine and Vanessa Gibson:

My name is Lisa Young Rubin, a paralegal/advocate, who worked on the Right to Counsel legislation in its previous phase while I worked with then- Council Member Alan Jay Gerson at the New York City Council. I would like to thank the co-sponsors, the Speaker, the other current and former Council Members and Prof. Andrew Scherer of New York Law School – the godfather – if you will – of the idea that we must establish the right to counsel for persons in New York City who are in proceedings that could result in the loss of their homes. And I would also like to thank former New York State Chief Judge Jonathan Lippman for his advancement of the idea as well as some of the steps he has taken to help implement access to counsel for persons in civil proceedings.

While I understand that financial constraints have limited the scope of this proposed City right to persons who are within 200 percent of the Federal Poverty Line (FPL) and who are in actual proceedings, I think that there could be cost-effective and helpful steps that the Council can take to help a wider pool of New York City residents at risk of losing their homes and perhaps cut down on the need for attorney time in court to begin with:

1. The Council should require that the Mayor's new Office of Civil Justice establish a central hotline within or via the 311 or perhaps a 211 system and a prominently displayed link within the NYC.gov website that persons at risk of losing their homes - even before they are served with any court papers – can call or view for immediate linkage and/or referrals to appropriate community-based agencies.
2. This Office must provide adequate funding so that these agencies can be staffed with intake attorneys and paralegals who can at least provide legal information and if necessary, additional referrals for help. Those persons who are at risk of losing

their homes – irrespective of whether they would qualify for assistance under the Right to Counsel legislation - could at least obtain legal and procedural information about what preliminary steps they can take to perhaps prevent the proceedings from occurring or to prepare themselves for the pending proceedings.

3. The Office must also provide adequate attorney and paralegal funding for these agencies to assist persons at risk of homelessness with “ancillary” issues, especially if the resolution of these issues could eliminate or reduce this risk. Examples of these issues could include difficulties with applications or appeals regarding Social Security benefits, the rent freeze program (via the Disability or Senior Rent Increase Exemption (DRIE/SCRIE) programs, or the new City-initiated Living In Communities (LINC) program.

Thank you to the Co-Sponsors, the Speaker and the New York City Council Members and I look forward to do whatever I can to help in this endeavor.

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A CASA leader (Community Action for Safe Apartments) and also a member of the coalition of Right to Counsel and a community board member. I have lived in the Bronx half of my life. I am a single parent of five children and a grandfather of three. At my age I should not have been going to housing court for non-payment. My landlord who is a slumlord refused to do repairs in my apartment. I have a section 8 voucher, inspection of my apartment did not pass which led to section 8 to stop payments of the rent and the landlord took me to court for their portion. My portion of the rent was up to date. Then, channel 11 news came into my apartments and highlight the conditions, entry to the building with no locked doors, damaged mailboxes, mice and roaches, leaks throughout the entire apartment and there were mold and mildew everywhere. There were windows that weren't insulated to keep cold weather out. My nightmare began when my landlord's lawyer served me eviction papers. I was just released from the hospital with COPD, emphysema, so being taken to court had a mental effect on me and my daughter. The mental effect had on me was more medication and my daughter went from a B student to a D student. I was in court 2 1/2 years. If I did not have a lawyer, I would have been part of the 14,981 homeless families and my daughter would have been part of the 23,213 homeless children. There is no way that tenants would have a fair chance in housing court without a lawyer. Ninety percent of landlords are represented by lawyers and tenants are not. Tenants do not know how to adjourn a case, know what is a default stipulation, holdover, or how to write up a deposition, and know that they have the right to have a trial and don't have to talk to the landlord's lawyer. This is a language that a lawyer would know. I am in a brand new apartment and my daughter's 2<sup>nd</sup> semester in college all because, I had a lawyer. Right to Council will save the city money and stop displacement of families and it will balance the scales of justice for low-income tenants.

Luetella Dordan  
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September 23, 2016

Right to Counsel Hearing:

I appeal to the **City Council** and **Mayor Bill de Blasio** to pass and fund this bill. It is so crucial for New York City to have such a bill established so that tenants such as myself can be protected from predatory landlords who have exploited loopholes in the existing laws to move tenants out of their homes.

**My Experience:**

**I stand before you and share my story. The continuous harassment my current and former landlord was action I should not have endured, especially being a tenant who was currently up to date with my rent. The landlord was taking me to housing court for non- payment when rent had been paid. Excessive payments had been paid and landlord/management had not properly credited the ledger. After successfully organizing my documents, I realized then the landlord willfully was seeking possession of the apartment. As a result I filed a complaint with the State Division of Human Rights for discrimination and harassment.**

**Proud member of DC-37, I was counseled by MELS Legal Services. I can share with you a time when I was in housing court without legal counsel and it was very frightening. This is why I am here to be supportive of this bill because “WE WILL NOT SUCCUMB TO DISPLACEMENT”.**

In this expedited climate of **Greed** and **Gentrification** landlords have a discriminatory impact and have targeted those who have lived in rent controlled and rent stabilized apartments for 20, 30, and 40 years.

1. Tenants with federal subsidies (Section-8)
2. Low Income tenants
3. Senior Citizens
4. Working class families
5. Disabled (Genders with a Disability)

**Final Thoughts:**

This is a situation that is prevalent in our City and no less in our society as a whole. In conclusion, I am asking that we seize control of this situation for the sake of so many. We must submit to doing what is right as if Humanity still exists in this City and more so in the world all over. Again I appeal to you Mayor Bill de Blasio and the City Council to pass and fund this bill **214-A**. Let **NYC** become the first **City** in the nation to have a **Right to Counsel** for tenants to defend their homes. Thank you!

Testimony of Joan Beranbaum of District Council 37  
Municipal Employees Legal Services in Favor of Intro  
214-A

My name is Joan Beranbaum and I am the Director and Chief Counsel of District Council 37 Municipal Employees Legal Services known as MELS. I am very pleased to be here today to speak in favor of Intro 214-A.

MELS provides the right to counsel to the members of District Council 37 in most types of civil matters, most particularly in eviction proceedings. The members of D.C. 37 receive this benefit as a result of the collective bargaining agreement between the City and the union as part of the health and welfare benefits that are negotiated in each contract.

We started providing this benefit to our members in 1977 after a study was conducted by the Columbia School of Social Work and the Ford Foundation to determine what the legal needs of our members were. As a result of the study, we represent our members in landlord-tenant, foreclosure, consumer, debt, bankruptcy, divorce, wills, government benefits, real estate closings and Family Court matters, but the greatest demand is for landlord-tenant representation.

Anyone who is entitled to our services (which includes approximately 100,000 active and 50,000 retired City employees) has the right to counsel. If you are eligible for our services, all you need to do is call for an appointment and we will represent you.

Having worked at MELS for all 39 years of its existence and having supervised the landlord-tenant unit before becoming the Director of the program, I can attest to how well this works. We handle approximately 10,000 cases a year, one-quarter of which are landlord-tenant matters. We appear in all five counties of the City of New York as well as Westchester and Nassau Counties. We are able to prevent our clients from being evicted in non-payment and holdover cases; we assure that they get the repairs to which they are entitled; prevent them from being harassed by their landlords and defeat frivolous lawsuits that their landlords bring against them. We are able to obtain money from the Department of Social Services to help pay the rent for those who are entitled to that benefit or negotiate payment schedules so that landlords also benefit from our representation of their tenants. I can count on the fingers of one hand the number of our clients who are evicted in any given year in spite of our representation.

But the importance of our program for purposes of this hearing is for you to understand that City workers have the right to counsel and if it works for the people who the City employs, it should be a right for all the residents of the City of New York as envisioned by Intro 214-A.

I need it ASAP  
Please  
My phone 917-207-4982

I am requesting  
Both Audio + transcripts

REQUEST FOR AUDIO RECORDS

THE CIVIL COURT OF THE CITY OF NEW YORK

Control Number \_\_\_\_\_ /20

1 COUNTY OF KINGS LT/SC

4 Case Index # LT-74399/14

2 2 Pearlman Drive

5 Request for audio record to:  
 Transcribe  Listen  Copy (FTP / Audio)

vs.

3 Debby Stevens

Processed by

Audio Picked Up

Audio E-mailed

Transcript Received  
pick up in person  
Req. Recv. By Email

Initials	Date
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The indicated Litigant/Attorney requests the Court to provide the audio record in this matter in order that a transcription of such audio record can be made, or to obtain information for it/them.

6 NAME OF JUDGE: Susan Avery

part 25

7 DATE OF TRIAL

8 TIME OF TRIAL

9 PART AND ROOM #

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12 PHONE # 917-207-4982

15 Debbie Stevens 16 8-29/16

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in person even if its a different



**FOR THE RECORD**

**HOMELESS SERVICES UNITED**  
446 W. 33RD STREET, 6TH FLOOR  
NEW YORK, NY 10001-2801  
T 212-367-1582  
[www.HSUnited.org](http://www.HSUnited.org)

**Testimony of Catherine Trapani, Executive Director, Homeless Services United, Inc.  
Before the NYC Council Committee on Courts and Legal Services  
September 26, 2016**

Good morning, my name is Catherine Trapani, Executive Director of Homeless Services United (HSU). HSU is a coalition of over 50 non-profit agencies serving homeless and at-risk adults and families in New York City. HSU provides advocacy, information, and training to member agencies to expand their capacity to deliver high-quality services. HSU advocates for expansion of affordable housing and prevention services and for immediate access to safe, decent, emergency and transitional housing, outreach and drop-in services for homeless New Yorkers.

Homeless Services United's member agencies operate hundreds of programs including shelters, drop-in centers, food pantries, HomeBase, and outreach and prevention services. Each day, HSU member programs work with thousands of homeless families and individuals, preventing shelter entry whenever possible and working to end homelessness through counseling, social services, health care, legal services, and public benefits assistance, among many other supports.

Homeless Services United strongly supports Into. 214-A which would grant the right to counsel to low-income New Yorkers facing eviction. According to the Independent Budget Office, eviction was the leading cause for homelessness amongst families. For those who know the facts about housing court, this is not a surprising statistic. Tenants who cannot afford attorneys are at a great disadvantage. All too often when faced with an eviction notice tenants are unaware of their rights, available defenses or even basic information on the court process and what to expect. Without an attorney to represent their interests, many people simply cannot begin to defend themselves and lose their homes even in cases where other remedies should

have been available. Landlords are represented by counsel 90% of the time while tenants are forced to navigate the courts on their own in at least 75% of cases.

Unrepresented tenants are at the mercy of unscrupulous landlords who withhold vital services, illegally increase rents or refuse to renew leases all in an effort to take advantage of forces of gentrification that can lead to higher profits. In such cases even rent paying tenants or tenants who withhold rent due to lack of services like heat and hot water are at risk of displacement simply because they cannot afford an attorney to defend them.

The impact of evictions on communities is devastating. Children miss school, parents miss work, neighbors are displaced and poor people get pushed further and further towards the margins until there is no place left to go. As a result, the shelter system is overwhelmed with the number of people coming through the doors every night. The City must do everything it can to stem the tide of preventable evictions and help low-income New Yorkers remain stably housed.

Establishing a right to counsel would make a tremendous difference for people in those situations. Thanks to the recent expansion of civil legal services last year evictions are down 18%. That's an excellent start but we can do even more. Ensuring that everyone has access to an attorney is critical to protect tenants from predatory landlords, unlawful evictions and homelessness.

Testimony of  
Coalition for the Homeless

On

Int. No. 214-A – In relation to the Provision of Legal Services in Eviction, Ejectment and  
Foreclosure Proceedings

Presented before

The New York City Council  
Committee on Courts and Legal Services

Giselle Routhier  
Policy Director  
Coalition for the Homeless

September 26, 2016

The Coalition for the Homeless welcomes this opportunity to testify before the Committee on Courts and Legal Services regarding the provision of legal services in eviction, ejection and foreclosure proceedings.

### **Eviction is a Leading Driver of the Homelessness Crisis**

New York City is in the midst of the worst homelessness crisis since the Great Depression. In July 2016, 60,456 New Yorkers, including a record 15,156 families, slept in shelters each night. Despite laudable progress made by the de Blasio administration toward housing-based solutions (including the establishment of new rental subsidies and the reinstatement of the homeless priority for NYCHA public housing and Section 8 vouchers), New York's ongoing affordability crisis continues to push new families into homelessness every day. With shelters bursting at the seams and thousands more people bedding down in subways, parks and other public spaces, the City must enact bold solutions that match the scale of the current problem.

We cannot effectively address the homelessness crisis without a robust commitment to preventing displacement in the first place, and eviction remains among the primary causes of rising demand for emergency shelter. With the growth of incomes still trailing the sharp increase in rents over the past decade<sup>1</sup>, many New Yorkers are just one missed paycheck or one unforeseen setback away from falling behind in rent. Every week, the Coalition's Eviction Prevention Program Hotline is flooded with tenants desperately trying to cobble together enough funds to pay off their rental arrears, terrified at the prospect of losing their homes. Nearly 22,000 evictions were carried out in New York City last year<sup>2</sup>, and with an ever-shrinking supply of affordable housing citywide, many of these families had no choice but to enter the shelter system. For thousands of New Yorkers each year, housing court is the last stop on the way to the shelter intake center. In fiscal year 2015, eviction was listed as the direct reason for homelessness for 37 percent of adult families and 25 percent of families with children.<sup>3</sup>

### **Intro 214-A Would Level the Playing Field in Housing Court, Save Taxpayer Dollars, and Prevent Homelessness**

Housing court is an exceptionally intimidating place and the stakes are high when tenants' homes are literally on the line. Unfortunately, the majority of those facing eviction in housing court lack legal representation and face the technical and confusing process alone. Meanwhile, more than 90 percent of landlords have lawyers, placing tenants at a serious disadvantage. Many tenants are not fully aware of their rights, are unable to negotiate payment plans, or access resources to pay arrears that could keep them in their homes without the assistance of a lawyer.

The City has made progress in addressing this disparity, but more work is necessary. Recent increases in legal assistance – as a result of the City's historic investment in programs for the most vulnerable communities – have coincided with a decrease in residential evictions by City marshals. Between 2013 and 2015, evictions by marshal have decreased by 24 percent.<sup>4</sup> The NYC Office of Civil Justice recently reported that more than a quarter of tenants are currently represented by a lawyer in housing court, which marks a dramatic improvement from the 1 percent of tenants who were represented in 2013. But three-quarters still remain unrepresented, with lower-income households much more likely to face housing court without representation.

We commend the Council and the de Blasio administration for taking key steps toward increasing legal representation in housing court, but additional funding is not the same as an enshrined right to

counsel, which would greatly expand the initial positive effects of increased legal assistance across the City. As evidenced in the OCJ report, lawyers can help guide tenants through the housing court process, empower them to assert their rights, and negotiate more time to pay off arrears. Intro 214-A would solidify the legacy of the current City Council and administration, sending a clear message that New York City values the rights of its citizens regardless of income level, and adding a vital layer of support to help keep thousands of low-income families and individuals in their homes, saving them from the trauma of homelessness.

Establishing a right to counsel in housing court is both morally and fiscally responsible. A 2016 report by the private financial firm Stout Risius Ross, Inc., found that Intro 214-A would more than pay for itself.<sup>5</sup> In fact, guaranteeing legal representation for all New Yorkers at or below 200 percent of the poverty level would save the City more than \$320 million per year in foregone costs to provide shelter and preserve affordable housing. Currently, it costs nearly \$34,000 per year to provide shelter to a single adult, and more than \$43,000 per year to shelter a family.<sup>6</sup> The instability of homelessness is also associated with an increase in other costs, such as medical expenses and law enforcement. Given the steep price tag of homelessness, the estimated \$1,600 to \$3,200 per case to provide full legal representation and potentially avoid eviction is a sound investment.

Simultaneously, a right to counsel would help preserve the City's dwindling supply of affordable housing by protecting tenants against landlord harassment and reducing the risk of rent deregulation when units become vacant. It is more cost-effective for the City to preserve affordable units than to build new housing, and the SRR report estimates that Intro 214-A would save the City \$259 million by retaining thousands of affordable units. At a time when more than half of New York City renters pay over 30 percent of their income toward rent and utilities<sup>7</sup>, the City must fight to preserve every affordable unit.

Guaranteeing legal representation to low-income New Yorkers in housing court is certainly a bold idea, but the severity of the homelessness and housing crises demands bold action. We urge the Council to pass Intro 214-A this year, to create a desperately needed layer of protection and support for New Yorkers who are at imminent risk of homelessness.

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#### About Coalition for the Homeless

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

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: supportive housing for families and individuals living with AIDS; job-training for homeless and formerly-homeless women; and permanent housing for formerly-homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious meals each

night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation on behalf of homeless men and women in *Callahan v. Carey* and *Eldredge v. Koch* and remains a plaintiff in these now consolidated cases. In 1981 the City and State entered into a consent decree in *Callahan* through which they agreed that, “The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter.” The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families.

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<sup>1</sup> Furman Center: <http://furmancenter.org/thestoop/entry/according-to-just-released-acs-data-new-york-city-renter-household-incomes>

<sup>2</sup> NYC Office of Civil Justice 2016 Annual Report: [http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OBJ%202016%20Annual%20Report%20FINAL\\_08\\_29\\_2016.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OBJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf)

<sup>3</sup> Source: NYC Department of Homeless Services, via FOIL

<sup>4</sup> NYC Office of Civil Justice 2016 Annual Report: [http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OBJ%202016%20Annual%20Report%20FINAL\\_08\\_29\\_2016.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OBJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf)

<sup>5</sup> Stout Risius Ross Report: [http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf)

<sup>6</sup> NYC Mayor’s Management Report

<sup>7</sup> Furman Center State of New York City’s Housing & Neighborhoods 2015 Report

**New York City Council  
Committee on Courts and Legal Services  
Council Member Rory I. Lancman, Chair  
September 26, 2016**

**Testimony by Katelyn Hosey, Housing Policy Analyst, LiveOn NY  
in support of Intro. 214-A**

LiveOn NY thanks Committee Chair Lancman for holding a hearing on this issue. LiveOn NY also thanks Council Member Levine and cosponsors of Intro. 214-A.

LiveOn NY respectfully submits the following testimony on Intro. 214-A.

LiveOn NY is pleased to stand with Council Members Levine and Gibson, and City Council, to support Intro-214A. At the core of LiveOn NY's mission, is the desire to make New York a better place to age. Supporting the Right to Counsel is one way to do just that.

Enabling low-income New Yorkers the right to a lawyer in housing court, the Right to Counsel is a groundbreaking piece of legislation and New York should be proud to be the first city nationally to enact it. For seniors, the prospect of eviction could not be more devastating, as research clearly shows the importance of aging in place to a senior's health and quality of life. The stress of possibly losing your home and being disconnected from the social networks built over decades can have substantial adverse effects on the health of an older adult. Rates of depression are decreased and life expectancy is increased by aging in place, which can only be achieved through secure and stable housing in a community.

Seniors are anchors in their communities and have often lived in their homes for decades. The inability to pay for representation should not undermine the community roots they have worked so hard to maintain. Currently, over 200,000 older New Yorkers sit on waitlists to secure affordable housing, as found by a research study conducted by LiveOn NY. With the increasing difficulties tenants face to merely secure affordable housing, their shelter should not be easily stripped away, nor should they live in fear of unjust eviction.

Further, currently an estimated 3,000 seniors are homeless, sleeping in shelters or on the street every night. Data shows an estimated 37% of homelessness having stemmed from eviction, meaning that many of these homeless seniors may have avoided the harrowing experience of homelessness, if they had only received proper legal representation. New York has a moral obligation to ward against these unjust evictions for all New Yorkers, and particularly for seniors and other vulnerable populations.

Seniors, and all New Yorkers, need and deserve due process of law and it is up to City Council to ensure that it is received. Affirmed in the Constitution and provided for in criminal court cases, due process of law cannot be maintained without representation. With so many tenants unable to afford representation, and landlords recognizing the unbalanced nature of housing court, it is time that city Council tip back the scales towards a fair, equal, and just process.

The reasons to support Intro. 214-A are both numerous and compelling, as shelter is one of the most basic of human needs and the most important of senior's needs and should not be so easily stripped away. For these reasons, and so many more, LiveOn NY urges City Council, not only to support the Right to Counsel, but to pass Intro. 214-A, this year.

# LiveOn NY

Making New York a better place to age

Thank you for your time in working to address this issue.

*LiveOn NY is dedicated to making New York a better place to age. Founded in 1979, with a membership base of more than 100 organizations ranging from individual community-based centers to large multi-service organizations, LiveOn NY is recognized as a leader in aging. LiveOn NY's membership serves over 300,000 older New Yorkers annually and is comprised of organizations providing an array of community based services including elder abuse prevention and victims' services, case management for homebound seniors, multi-service senior centers, congregate and home-delivered meals, affordable senior housing with services, transportation, NORCs and other services intended to support older New Yorkers. LiveOn NY connects resources, advocates for positive change, and builds, supports and fosters innovation. Our goal is to help all New Yorkers age with confidence, grace and vitality.*

TESTIMONY  
BEFORE THE

NEW YORK CITY COUNCIL  
COMMITTEE ON COURTS AND LEGAL SERVICES

Council Chambers – City Hall  
New York, NY

Good Morning and thank you for this opportunity to present this testimony before you. My name is RueZalia Watkins and I am a resident of the Bronx. I am also a member of the Banana Kelly Residents Council.

Unfortunately, I have been a part of eviction processes. The first day of court, I was given an adjournment. I remember going to the information desk in the lobby to find out what this process was and how I could get help; I knew nothing. I was told to go to the computers or, I believe the third floor, where the line was so long that it took an hour plus to get to the person who was answering questions. I hoped to get some kind of understanding and direction.

I did not get understanding; I was still tumbling in a haze of confusion and fear. I did, however, get direction: "Go to the 4<sup>th</sup> floor to the Legal Aide/Counsel office". When I got to the 4<sup>th</sup> floor I knocked on the door and there was no answer. When the person came out, I asked if I could speak with her and she informed me that I had to return the next day, because she had already reached her daily quota of 15 people, some of whom were still waiting for her. I had already missed a day of work and now I might miss another tomorrow.

Fortunately, the next day, I was able to see this person and she was able to confirm that I was entitled to an attorney, but only because of my age. Had I been served a notice three months earlier, I would not be eligible for counsel.

I received another appointment to be processed for/with the attorney. I will still be plagued with feelings of fear, but my sense of helplessness was easing because I felt someone would be with me to guide me thru this process and to protect me. For me, I had counsel, but for so many there is none.

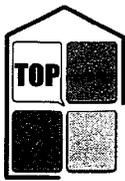
The provision of counsel being proposed goes beyond the provision of a lawyer. It provides understanding, because the lawyer is able to answer questions. Having access to a lawyer helps us to hold onto our jobs, because we do not have to take off from work to get answers to our questions. For those of us with various infirmities, having a lawyer at least lowers our blood pressure, if not preventing more serious medical traumas. And the most important aspect of having access to an attorney is saving our life in our homes and preventing homelessness.

In developing, inserting and implementing Chapter 4 of Section 1. Title 27 of the administrative code of the city of New York, it is so important to think about the current capacity in our housing courts throughout New York City today, as well as the trials and difficulties facing so many low income New Yorkers.

Aside from emphatically supporting the establishment and implementation of Int. No 214-A, giving low income New Yorkers access to lawyers to assist them in stopping evictions, foreclosures and other processes that would render them homeless, as they stand in court next to landlords properly armed with legal counsel, I put forward the following recommendations:

- Given increasing AMI's, it is crucial that the medical expenses, particularly for the disabled community be considered to determine eligibility for these services, especially in that these expenditures on premiums, medication etc. may have caused the financial difficulty resulting in the need for these processes;
- It is strongly suggested that 27-4003 be changed to giving the civil justice coordinator authority to –
  - designate more than one organization for the rendering of these legal services, as NYC is too large and diverse for these needs to be met by one organization and such a limited structure could make lines and time frames for accessing these services longer, causing many people to miss work;
  - the plan being developed by the New York city bar association, as well as the identification of eligible organizations should include time frames for both the initial referral/response and provision of legal services;
  - the provision of monitoring by the commissioner of housing, preservation and development, include these timeframes in their establishment of procedures;
- It is my hope that access to partnerships with social service providers, technology and “innovative approaches” will never be provided in place of legal counsel but in addition to it.

I thank you for considering these suggestions and remain so grateful for your broader action today, namely, ensuring legal access for thousands of New Yorkers who are trying to avoid harassment and in too many cases, homelessness.



**THREE-QUARTER HOUSE  
TENANT ORGANIZING PROJECT**

**Three-Quarter House Tenant Organizing Project**

2094 Fulton Street  
Brooklyn, NY 11233  
info@topnyc.org  
www.topnyc.org

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**Testimony of Felix Plaza Hernandez  
Leader in the Three-Quarter House Tenant Organizing Project  
In support of Intro-214A  
September 23, 2016, 10:00 a.m.**

Hello, my name is Felix Plaza Hernandez, and I am a leader in the Three-Quarter House Tenant Organizing Project (TOP).

I live in a three-quarter house in East New York. If you aren't familiar with three-quarter houses, they are private homes operated by landlords who are profiting off of the homeless. Tenants get packed into rooms, pay the \$215 shelter allowance (most of the time), and often face serious abuse by landlords and house managers. Tenants are sometimes forced to go to drug treatment programs to keep their housing. This is a system of Medicaid fraud that keeps landlords and drug treatment providers rich. When tenants are no longer profitable enough for landlords, tenants get illegally evicted and become homeless.

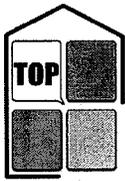
From May 2015 through September 2015, I was a tenant in a three-quarter house. In mid-September, a new operator took over the house where I had been living for almost five months without any issues. Then, on September 29<sup>th</sup>, I was accused of using drugs inside of the house and was illegally evicted by house staff.

The house staff informed me that I was being "discharged," and that I could no longer live in the building. They told me to pack up all of my belongings and leave immediately. I refused to leave, so the house staff called the police. When the police arrived they told me to leave the premises or I would be arrested for trespassing. I was instantly made homeless.

I spent several nights in the street and lost some of my most important possessions. The worst part was that my mental and physical health was put at risk. I am a former drug user. Losing the roof over my head was like losing any stability I had in that moment.

I was luckier than other tenants in this position. I had friends in my house who knew that I had rights as a tenant living in New York City. A friend of mine called MFY Legal Services and I got in touch with an attorney who would eventually help me get back into my house.

Without the help of a lawyer, I don't know where I would have ended up – probably in the street or the homeless shelter, but maybe even jail. I was scared to go to housing court on my own and I knew the odds would be against me without an attorney. I also knew that my landlord would have an attorney even if I didn't.



**THREE-QUARTER HOUSE**  
**TENANT ORGANIZING PROJECT**

## Three-Quarter House Tenant Organizing Project

2094 Fulton Street  
Brooklyn, NY 11233  
info@topnyc.org  
www.topnyc.org

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No one should feel so powerless in the face of such desperate situations. No one should have to walk through the halls of housing court, without knowing where to go or who to talk to. With MFY's help, I was able to file a case in housing court, fight for my rights, and get back into my house. Because of this help, I am now a member of the TOP and I am working to let others know that they have rights too.

We need this bill to be passed by the end of the year. It's especially important because we have record high homelessness in New York City, and eviction is the number one reason that people go into the homeless shelter. Thank you for taking the time to listen to my story.

TESTIMONY  
BEFORE THE

NEW YORK CITY COUNCIL  
COMMITTEE ON COURTS AND LEGAL SERVICES

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New York, NY

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I did not get understanding; I was still tumbling in a haze of confusion and fear. I did, however, get direction: "Go to the 4<sup>th</sup> floor to the Legal Aide/Counsel office". When I got to the 4<sup>th</sup> floor I knocked on the door and there was no answer. When the person came out, I asked if I could speak with her and she informed me that I had to return the next day, because she had already reached her daily quota of 15 people, some of whom were still waiting for her. I had already missed a day of work and now I might miss another tomorrow.

Fortunately, the next day, I was able to see this person and she was able to confirm that I was entitled to an attorney, but only because of my age. Had I been served a notice three months earlier, I would not be eligible for counsel.

I received another appointment to be processed for/with the attorney. I will still be plagued with feelings of fear, but my sense of helplessness was easing because I felt someone would be with me to guide me thru this process and to protect me. For me, I had counsel, but for so many there is none.

The provision of counsel being proposed goes beyond the provision of a lawyer. It provides understanding, because the lawyer is able to answer questions. Having access to a lawyer helps us to hold onto our jobs, because we do not have to take off from work to get answers to our questions. For those of us with various infirmities, having a lawyer at least lowers our blood pressure, if not preventing more serious medical traumas. And the most important aspect of having access to an attorney is saving our life in our homes and preventing homelessness.

In developing, inserting and implementing Chapter 4 of Section 1. Title 27 of the administrative code of the city of New York, it is so important to think about the current capacity in our housing courts throughout New York City today, as well as the trials and difficulties facing so many low income New Yorkers.

Aside from emphatically supporting the establishment and implementation of Int. No 214-A, giving low income New Yorkers access to lawyers to assist them in stopping evictions, foreclosures and other processes that would render them homeless, as they stand in court next to landlords properly armed with legal counsel, I put forward the following recommendations:

- Given increasing AMI's, it is crucial that the medical expenses, particularly for the disabled community be considered to determine eligibility for these services, especially in that these expenditures on premiums, medication etc. may have caused the financial difficulty resulting in the need for these processes;
- It is strongly suggested that 27-4003 be changed to giving the civil justice coordinator authority to –
  - designate more than one organization for the rendering of these legal services, as NYC is too large and diverse for these needs to be met by one organization and such a limited structure could make lines and time frames for accessing these services longer, causing many people to miss work;
  - the plan being developed by the New York city bar association, as well as the identification of eligible organizations should include time frames for both the initial referral/response and provision of legal services;
  - the provision of monitoring by the commissioner of housing, preservation and development, include these timeframes in their establishment of procedures;
- It is my hope that access to partnerships with social service providers, technology and “innovative approaches” will never be provided in place of legal counsel but in addition to it.

I thank you for considering these suggestions and remain so grateful for your broader action today, namely, ensuring legal access for thousands of New Yorkers who are trying to avoid harassment and in too many cases, homelessness.

Good Afternoon. Thank you for giving me the opportunity to speak with you today. My name is Fatisha Pinkney. My two sons and I moved into the Lead Safe House in April of 2016. I had called 311 due to peeling and chipping paint in my apartment. HPD came to my apartment and found lead in my apartment. I was advised to leave

until repairs were completed due to my two children ages 7 months and 6 years old at the time being at risk of getting lead poisoned. A month after moving into the Lead Safe House I received an eviction notice without any warning. The Links program had been paying my rent, I had lived there for one year and never had any issues with the

landlord. I attended my court dates, but I did not have a lawyer. Olga Apt-Dudfield the Social Worker for the Lead Poisoning and Prevention program at Montefiore accompanied me and advocated for me, but I still lost. Due to the lead safe house being a temporary placement, my family and I had to enter the shelter system in July,

where I am still living. I am currently waiting for permanent placement. If I had had a lawyer I am sure that I would have had a better chance of being able to stay in my home. I strongly agree that those who qualify should have access to legal counsel when facing an eviction. Thank you again for your time.

Taylor James, Esq.

Staff Attorney – Housing Help Program (Brooklyn Neighborhood Office, Legal Aid Society)  
Association of Legal Aid Attorneys – UAW Local 2325

**Testimony to the Committee on Courts and Legal Services on Intro No. 214-A**

Good afternoon. Thank you very much for the opportunity to speak briefly on such a crucial issue.

My name is Taylor James, and I am a housing attorney with The Legal Aid Society, where I represent low-income New Yorkers facing eviction. I am also a member of The Association of Legal Aid Attorneys—UAW-Local 2325. The unit in which I practice—the Housing Help Program—already successfully implements a right to counsel model in zip codes where tenants have a high risk of entering the shelter system after eviction. These tenants are entitled to legal representation by an attorney from The Legal Aid Society. Over the years at the Housing Help Program, I have seen the tremendous difference that having an attorney in Housing Court can make in a tenant’s battle to preserve her housing—a basic human need. All too often, unrepresented tenants enter into settlement agreements containing clauses they don’t understand or with consequences that any layperson would be unlikely to be aware of. It is these consequences that frequently deepen the problems faced by tenants, particularly low-income tenants, in Housing Court, which includes damage to credit scores; payment of fees landlords typically are barred from collecting in Housing Court unless the tenant agrees; or even the loss of affordable housing and subsequent entry into homeless shelters—maintained at great cost to the city—to name but a few consequences.

There are numerous cases where I have seen the outcomes dramatically altered for the better because of the work that my colleagues and I have had the honor of doing as attorneys for low-income tenants in our unit’s right to counsel model. In one case early in my tenure at the Housing Help Program, I represented a woman who ran a daycare out of her HUD-subsidized Section 8 apartment. The woman’s landlord had filed a case to evict her, alleging that her daycare was an illegal business. While still unrepresented, the woman signed a settlement agreement where in exchange for a chance to save her home, she promised to refrain from operating her longstanding daycare—her sole source of income for many years. Fortunately, the judge realized that the tenant qualified for assistance from the Housing Help Program and

therefore referred the tenant to our program instead of allowing the agreement to go through. The case involved a complex legal issue that the judge noted was a case of first impression in New York. After motion practice involving interpretation of federal statutes, agency regulations, and legal terms of art, the judge dismissed the case against my client and issued a well-reasoned decision that held that my client has the right to run her longtime daycare business out of her HUD Section 8 apartment.

Members of the committee—this type of story is not uncommon. Representation for low-income New Yorkers in Housing Court can make all the difference in helping them save their homes and preserve their livelihoods in a city facing ever-increasing threats to affordable housing. Not only is protecting New Yorkers' homes in and of itself vitally important work, but its importance is also amplified when one sees the domino effect of devastating collateral consequences that the loss of a family's home—a foundation of stability—can unleash. The city has moved in the right direction by greatly increasing funding for civil legal services for low-income tenants, but it is critical, given the current dynamics in New York City, that we continue to lead the way and codify a right to counsel in eviction proceedings, ensuring that the program receives the funding necessary to guarantee robust representation so that we can continue and expand the work already being effectively performed by The Legal Aid Society's right to counsel program.

Testimony in Support of Intro 214A To Provide a  
Right to Counsel to Tenants facing Eviction  
September 26, 2015

Housing Court Answers, Inc.  
Jenny Laurie,  
Executive Director

There are a lot of reasons for passing right to counsel and I am going to focus on the horrible things that happen to tenants in Housing Court. New York City has been a leader in a national trend of increasing rent burdens for low income tenants thanks to the shrinking supply of affordable housing, increased rents and incomes that have failed to keep up; most low income tenants now pay more than 30% of their income for rent.

Housing Court Answers was founded over 30 years ago as the Citywide Task Force on Housing Court by advocates concerned for the unfair treatment of tenants. Our first report "5 Minutes Justice" done in 1986 found that unrepresented tenants had about 5 minutes in front of the judge. A few years later, we did a survey of tenants in court in order to show that the right to counsel would save the city money in shelter costs. In 1993, that study found: "A tenant facing eviction in NYC's Housing Court more than likely is African American or Latina, is unable to afford or obtain a lawyer, and lives in one of the poorest neighborhoods in the City. Each year, Housing Court presides over proceedings that result in an average of 25,000 evictions. Each year, close to half of the households entering shelter became homeless through evictions."

While evictions and filings have gone down thanks to increased funding for legal services, conditions for tenants without lawyers have worsened. In the first six months of this year, 2016, we assisted 23,000 tenants without lawyers from our information tables in the 5 county housing courts, the harlem community justice center and at NYCHA's office of impartial hearings.

The typical tenant we see at our tables:

Consents to a money and possessory judgment the first time the case is heard, consents to a warrant of eviction, agrees to be evicted unless all the back rent and the ongoing rent are paid in 4 weeks, rarely if ever gets meaningful language requiring repairs or the restoration of services. We also assist hundreds of tenants who don't come to court until they get the marshal's notice - often because they feel the situation is hopeless.

The 5 minutes is now about 90 seconds for most tenants, particularly in the Bronx and in Brooklyn. All agreements are negotiated in the hallways, out of sight, highly experienced

landlord attorney and a completely inexperienced tenants. Back at the time of the Donaldson report, a typical stipulation contained no judgment (judges rarely allowed them the first time the case was on) and usually allowed for a scheduled inspection and specific instructions on repairs. In fact, many tenants withheld their rent intentionally in order to get an inspection and to get the repair work done under the demanding eye of a Housing Court judge.

A tenant I spoke to last week had gotten two months behind in rent after paying for funeral expenses for the grandmother who had raised her. Her rent stabilized apartment in Carnarsie had just been bumped up from a preferential rent of just over \$1000 to a legal rent of \$1700 when she got behind. She explained to the landlord's lawyer that with two kids and an income of just about \$30,000 she couldn't pay that - and the lawyer told her that if she didn't like the rent she could file a complaint with the state. She thought that was helpful information so went to the DHCR and sure enough, the previous tenant had been paying just over \$700 a month so she filed an overcharge complaint. Like tens of thousands of other tenants in the city with preferential rents, she will have to pay the legal rent for one to two years in order to get an order lowering the rent. She is bound by her stipulation to paying the back rent, plus the new \$1700 ongoing rent or be evicted 6 weeks from her court date. With a lawyer, the illegal overcharge would have been caught or the preferential rent would have been kept in place, she would have gotten repairs, and she and her two kids wouldn't be looking for a new apartment.

Even in NYCHA cases, where the landlord has no profit incentive to evict low income people, we hear on daily basis from tenants who have agreed to pay back rent they shouldn't owe, and who are forced to live with hair-raising housing conditions for months, sometimes years. The courts are not just unpleasant - they are unfair and unjust. A right to counsel will fix that.

**Good Afternoon. First I would like to thank you for giving me the opportunity to speak with you. My name is Olga Apt-Dudfield and I am the Social Worker for the Lead Poisoning Prevention and Treatment Program at Montefiore Medical Center. Our program is also designated by the NYS DOH as the downstate regional lead resource center. In our Lead Clinic we schedule approximately 750 patient visits for children and pregnant women with lead poisoning annually. We also have a lead safe house, which is a multiunit apartment building where families with children at risk of being poisoned from lead containing paint in their apartments can live temporarily while repairs are done to make their homes lead safe/free. In many cases, while we are waiting for repairs to be completed, instead of complying with the NYC housing code a landlord will attempt to evict a family, leaving them homeless. It is then my responsibility to help these families obtain permanent housing, which often results in my having to refer them to the NYC shelter system because these families do not have the finances to start over, and do not have pay stubs or credit etc to be able to obtain an apartment on the open market.**

**Many of our patients and their families who reside in the lead safe house are from minority groups, live under the poverty line, live in overcrowded conditions, are undocumented, etc. Because of this they feel inferior and are often afraid to speak up about poor living conditions, such as peeling or chipping paint, roaches, mice, mold etc. for fear of retaliation from the landlord and possibly losing their home. This under-reporting affects the accuracy of The Department of Health's reporting of housing code violations as well as posing health risks to those affected by these violations. Some of our patients report having complained to the landlord or management office regarding such violations numerous times to no avail. They then stop paying rent to have some leverage, but often this results in an eviction.**

**Our patients also report experiencing retaliation and harassment by landlords or management when apartments are cited for lead violations.**

Many of our families report receiving eviction papers for no apparent reason other than as retaliation for lead violations. Unfortunately these families do not have the resources to obtain legal counsel and when the landlord (usually) wins the case, the families are left homeless. I have attended housing court with several families in order to advocate for them, which they find helpful and supportive, but I am not qualified to represent them legally, which is what they need. It can be a very intimidating and stressful experience for these families, especially if they do not speak English.

In the month of August we had 6 children admitted to the hospital due to very high lead levels requiring chelation (drug) treatment. Half of these children were poisoned from peeling and chipping leaded paint in their homes, and have not been able to return to their home because the repair work has not been completed. By passing and funding Intro 214-A, not only would the city save millions of dollars for families entering the shelter system, but families such as ours would be provided free legal counsel to help them not only to stay in their homes, but to live in a healthy and safe home. In a 2012 guidance document, even the CDC urged that families facing eviction following landlord violation of lead rules should have access to legal services. Thank you for allowing me the opportunity to speak before you today.

## **Testimony by Leyla Martinez, Tenant**

**before the New York City Council,  
Committee on Courts and Legal Services:**

**Intro. 214-A, A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income eligible tenants who are subject to eviction, ejection or foreclosure proceedings**

**September 26, 2016**

Chair Lancman, Council Members, and staff, good morning and thank you for the opportunity to speak about Intro. 214-A, in relation to providing legal counsel for low-income eligible tenants who are subject to eviction, ejection or foreclosure proceedings. My name is Leyla Martinez and I am a tenant in a rent stabilized apartment in the Bronx. I am single mother, first generation American, a survivor of domestic violence, Latina, I am a formerly incarcerated person, and I am a student at Columbia University. I am a Human Rights major and I expect to graduate with my Bachelor's degree, in May of 2018.

I have had two Housing Court cases in my current apartment. Prior to that, I have been homeless. The first time I was in to court, I did not have a lawyer, therefore I had to represent myself. After being denied a one shot deal because my rent of \$1250—for a two-bedroom apartment—was too high, I sought the help of other organizations, they advised me to try and have the landlord lower my rent so that I would be eligible for the Family Eviction Prevention Supplement (FEPS), which is a rental subsidy available only for people who are in receipt of public

assistance, have minor children in the home, have a court case, and where the rent is low enough. For example, for a family of five the rent must be \$1,250.00 per month or less. At that time, my rent was \$1,250, but I had fewer than five people in my household, so the landlord agreed to issue a preferential rent agreement of \$900.00 per month for one year so that I would be eligible for FEPS. When I applied for help from HRA, their advice to me was to find an apartment in NYC that was less expensive than my current two-bedroom apartment for which I paid \$1250.00. Due to the gentrification which has been taking place in NYC, it is practically impossible for me to find an apartment on my own for only \$950.00 per month. Even studios are more expensive and I cannot live in a studio apartment with my children. I was approved for FEPS and they paid for my arrears and the case was vacated, and I was subsequently able to pay my portion of the rent. However, as I previously stated, the preferential rent agreement was only for one year. Once my preferential rent expired, my rent skyrocketed to \$1,346.00 per month and I was expected to pay the difference between \$850.00—which is the maximum FEPS would pay—and \$1,346.00 on my own from my Public Assistance cash grant, which is about \$240.00 a month and my part-time work study employment. I should be getting a little bit more money per month from Public Assistance, but I am being recouped for money they paid towards my light bill. Needless to say, even though I tried desperately to find an apartment that was

less expensive and to raise the funds through charitable organizations and scholarships. I was unable to pay my rent and other bills every month and ended up in Housing Court once again.

The second time I was in court, I tried for over a year to represent myself because I was unable to find a lawyer that would represent me for free. I was trying to make ends meet and would make payments to my landlord as much as I could. However, the case never ended because I was not able to come up with all the money that was owed. I applied for assistance from several charities but was told that they could not help me because they had helped me previously. I asked for help from Public Assistance, but they would not help me because they were already paying the FEPS portion and said I was responsible for my portion. They once again suggested that I should find an apartment that was less expensive—my reply to the person was “I would love to move to an apartment that is less expensive, find it for me, I will gladly move!!!!”

I filed many orders to show cause (OSCs) for extensions of time to pay, but when my last OSC was denied, we were locked out by the Marshal. It was only at that point—by the grace of God—that I was able to connect to a lawyer through a friend of a friend and I found Kamilla Sjodin at the Urban Justice Center. Thankfully, she was able to get me back in to my apartment. If I had had a lawyer earlier in the process, I would never have been locked out and I would not have

ended up owing almost double that of my judgment. Because I was locked out, I had to pay an additional \$4,000.00 in Marshal and legal fees to get back in. This is on top of the rent that I already owed.

I wholeheartedly support the passing of Intro. 214-A. It is imperative that all tenants, especially those of us who are living under the poverty level, have lawyers to represent them in Housing Court. Low income families are being punished for their socioeconomic level. Why is it that our country continuously choses to punish those of us who live in poverty instead of helping us thrive and truly make this country great? Why do we end up owing more money if it's clear that we can't afford it in the first place? I have tried relentlessly to find housing options that would be affordable to me, but I have not found anything that is remotely reasonable. I have been on Temporary Assistance For Needy Families (TANF), also known as public assistance, for almost three years, because after being the victim of domestic violence, I lost my job and had no other source of income to support my children. I made the decision to return to college last year, because the lack of having a degree coupled with my criminal record, have made finding a livable wage job impossible. As I sat in court about to become homeless, I made the decision to return to school with the expectation that by obtaining a degree, I would be able to avoid putting my family in the same predicament ever again. However, this has not been easy. In fact, having to be in court so often put me in a

very difficult situation, I was on the verge of becoming homeless and possibly losing my full scholarship to Columbia University, because being constantly in court affected my ability to attend class on a regular basis and I even had to miss work which impacted my salary.

I am simply someone who is struggling to obtain a degree in order to escape poverty and achieve the '*American Dream*,' I want to give my children a better life, I don't want to turn to illegal ways of making money and I don't want to depend on the government for support for my entire life. As I stated before, I am a formerly incarcerated person, many people tend to judge us for the choices we made to defy the norms of society, however they do this without knowing the options that we had. If I had the money I would pay my landlord on time every month, however I simply cannot afford to, because the income I receive from public assistance and work study does not cover my current living expenses. I have no other means of support since I am a single mother, struggling to stay away from becoming homeless while also trying to find my way out of poverty by obtaining a degree so.

We have all heard the staggering statistics time and time again—the U.S. encompasses only 5 percent of the world's population; but we have over 25 percent of the world's populace confined in jail or prison. '*The Land of the Free*' has an estimated 2.3 million people in county jails, state/federal and private prisons,

making us the country with the highest incarceration rate in the world. However, what we do not here that often is how research has shown that the majority of people who become involved in the criminal justice system are individuals who were living in poverty before being arrested. I need all of you to think about that when you are putting boxes on job applications, school applications and even housing applications which ask people to reveal any criminal history. Our country is constantly punishing people who live in poverty, let's change that, let's alleviate some of the structural issues that are preventing people from achieving the '*American Dream.*' One seemingly small yet very significant way to do this would be to pass Intro. 214-A.

Thank you for the opportunity to testify today.

Respectfully submitted,

Leyla Martinez

My name is Eduardo Paez and I'm here with Catholic Migration Services. I have lived at 28-18 38<sup>th</sup> Avenue in Long Island City for 15 years now and my wife, 2 daughters, my nephew and grandson also live with me.

About 10 years ago, my neighbors and I started having problems with the landlord, who didn't want to provide us with our renewal leases. For a good while now, the landlord has been looking for ways to get us out of our apartments and unfortunately, a good number of our neighbors have already left the neighborhood. Luckily, we had the opportunity to meet an attorney, from Catholic Migration Services, who was doing a presentation at the church where I attend. The attorney said a lot of things that caught our attention and that encouraged us to talk to him. In the beginning, I didn't trust the attorney completely because he would say that the services the organization provided were free, but in the back of my head I was thinking that at some point we had to pay something. But we needed the help, so we went ahead and talked to him about our situation and he said that his team would help us out. We met up with the attorney multiple times, and since all tenants in the building were going through the same situation, we tried to get organized and work as a group. However, most tenants were afraid to do something against the landlord and the ones, who wanted to do something, thought that if everyone didn't take part on the case, we were not going to be able to do anything. The attorney explained to us that we could still start a case even if not everyone participated, so 4 of us decided to take action. In the beginning the attorney gave us the option to try to negotiate with the landlord before taking legal action. So after speaking to the landlord, he agreed not only to send us the renewal leases, but also to take care of the repairs needed in the apartments. Even though the landlord send out the renewal leases, he didn't do the repairs so we decided to take him to court. The landlord always did whatever he wanted to, and we never complaint about anything. So whenever he got the court papers, he became alarmed and started complaining.

The landlord realized that we had learned about our rights and that we could do things for ourselves. We started calling 311 and the inspectors would come and find violations. Since the landlord didn't take care of the conditions, the city would fine him, which would make him more furious. All of this, helped us realize about the landlord's responsibilities. After appearing in court multiple times, the judge ordered the landlord to do the repairs, and even though he didn't take care of everything, a lot of things in the building were fixed. Also, our communication with the landlord changed, he doesn't ignore us anymore, and at the end we were able to keep our homes and live in better conditions.

The situation is repeating again and now it's worst. But knowing that we have an attorney who could help us in this situation, encourage us to continue. We still get stressed out and worried, but if we didn't have access to an attorney, everything would be chaos and most

likely we would already be out of our apartments. This is why I'm asking the City Council and the Mayor to pass Intro 214-A. If you give us the right to an attorney, not only the city will save 300 million dollars, but we would prevent a lot of people from going into the shelters. This would also encourage tenants to assert the rights when landlords don't do their part and overcharge us or don't do repairs. If we had an attorney, we wouldn't feel intimidated.

We think you have all the facts to decide to pass and fund Intro 214-A. We expect it to be passed by the end of the year!! We can't wait anymore.

Thank you!

**REPORT OF  
STOUT RISIUS ROSS, INC.**

**March 16, 2016**

**Presented for:**

**Pro Bono and Legal Services Committee  
of the  
New York City Bar Association**

**The Financial Cost and Benefits of Establishing a  
Right to Counsel in Eviction Proceedings Under Intro 214-A**



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# At a Glance

# SRR

STOUT | RISIUS | ROSS

## Who We Are

Stout Risius Ross (SRR) is one of the largest independent, privately owned global advisory firms in the industry.

## What We Do

We specialize in three main services: Investment Banking, Valuation & Financial Opinions, and Dispute Advisory & Forensic Services.

## Who We Serve

We serve a range of clients from Fortune 500 Corporations to privately held companies in numerous industries around the world. Our clients and their advisors rely on our premier expertise, deep industry knowledge, and unparalleled responsiveness on complex financial matters.

## Our clients include:

- Audit & Tax Advisory Professionals
- Boards of Directors
- Corporate Attorneys
- Distressed Companies
- ESOP Companies & Advisors
- Family Law Attorneys
- Financial Sponsors
- General Counsel
- Intellectual Property Professionals
- Litigators
- Middle Market Companies
- Public & Large Private Companies
- Public Sector

## Industry Expertise:

- Business Services
- Consumer Staples
- Financials
- Industrials
- Materials
- Telecommunications
- Consumer Discretionary
- Energy & Utilities
- Healthcare
- Information Technology
- Media, Sports & Entertainment

## Quick Facts:

# 12

 OFFICES

ACROSS THE U.S. WITH A NETWORK OF STRATEGIC GLOBAL ALLIANCES.

## U.S. Locations

Atlanta	Dallas	Los Angeles
Baltimore	Denver	New York
Chicago	Detroit	Tysons Corner
Cleveland	Houston	Washington, DC

# 350

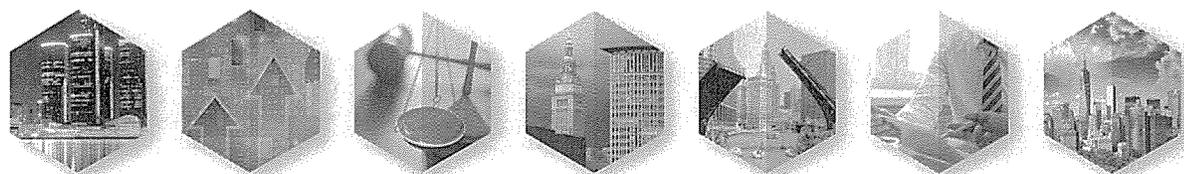
 EMPLOYEES  
AND GROWING AT A RAPID PACE.

# 25

 YEARS  
OF DELIVERING CLIENT SUCCESS.

**\$102 million**  
2015 Revenue

**Chief Executive Officer:**  
Craig L. Stout



1991

Founded in Detroit

1997

Investment Banking Group Started

1998

Dispute Group Started

2000

Cleveland Office Opened

2001

Chicago Office Opened

2004

Tysons Corner Office Opened; ESOP Advisory Group Expansion

2007

New York Office Opened; Headquarters moved to Chicago

# At a Glance

# SRR

STOUT | RISIUS | ROSS

## Recognition



■ With a firm record of 48 fairness opinions rendered in 2015, SRR was once again ranked as one of the top fairness opinion advisors in the United States according to the Thomson Reuters 2015 Mergers & Acquisitions Review (Financial Advisors). In addition, SRR ranks as the top U.S. fairness opinion advisor for the past five years, based on the total number of deals reported in Thomson Reuters' Mergers & Acquisitions Review (2011-2015).

■ SRR was named winner of two deal of the year awards by The M&A Advisor in 2015. SRR won M&A Deal of the Year for transactions over \$250MM to \$500MM for its role as a financial advisor in the employee acquisition of Nation of Safe Drivers. SRR also won the Financial Services Deal of the Year category for transactions between \$10MM to \$100M for serving as a financial advisor in the acquisition of NCB Management Services, Inc. by NCB Employee Stock Ownership Trust. This was SRR's third consecutive year winning an award from The M&A Advisor.

■ SRR Managing Directors John R. Bone, CPA, CFF; Edward A. Gold, Ph.D., ASA; David A. Haas, CLP; and Michele M. Riley, CPA/CFF, CFE were recognized as world leading patent professionals by Intellectual Asset Management (IAM) Magazine Patent 1000 for 2015. The IAM Patent 1000 publication identifies individual and firm expertise in all major areas of patent law and practice. Through an extensive research process conducted by a team of highly qualified, full-time analysts, the publication identifies the top patent practitioners, as well as leading patent law and attorney firms, in 41 of the world's most important jurisdictions and 18 US states. Only those individuals identified by market sources for their exceptional skill sets and profound insights into patent matters feature in the IAM Patent 1000.

■ SRR's Dispute Advisory & Forensic Services group was recognized as an industry leader in multiple categories for the Best of the National Law Journal Legal Times DC-market awards in 2015. SRR was selected based on the votes of members of the Washington, D.C. area law community, including attorneys, paralegals, legal assistants, and law school students. SRR ranked in the following categories:

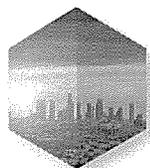
- 1st Place: Forensic Accounting Provider
- 2nd Place: Expert Witness Provider
- 3rd Place: End-to-End Litigation Consulting Firm

■ SRR earned kCura's Relativity Best in Service designation in 2015, which recognizes Relativity Premium Hosting Partners who provide an exceptional Relativity experience for end users. kCura evaluates partners' individual data centers in three areas: technical infrastructure, customer service, and product expertise. Additionally, Best in Service partners meet a set of requirements for their duration as a hosting partner, size of Relativity installations, and core Relativity certifications.

■ SRR was named one of the Nation's 2015 Best and Brightest Companies to Work For. The Best and Brightest Companies to Work For® competition identifies and honors organizations that display a commitment to excellence in their human resource practices and employee enrichment. The winning organizations for 2015 were assessed based on categories such as communication and shared vision, diversity, employee education, and employee achievement and recognition.

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2011  
Los Angeles  
Office Opened



2012  
HFBE, Inc.  
Merger;  
Dallas and  
Houston  
Offices Opened



2012  
Washington, DC  
and Atlanta  
Offices Opened



2013  
Creation of  
SRR-Asia;  
SRR-Europe,  
and SRR-  
South America



2014  
Baltimore and  
Denver  
Offices Opened



2015  
Firm Revenue  
Exceeds  
\$100M



2016  
Natoma  
Partners  
Acquisition.  
Firm 25-Year  
Anniversary



The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A

Report of Stout Risius Ross

March 16, 2016

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The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A

Report of Stout Risius Ross

March 16, 2016

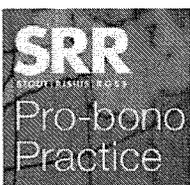
## I. Scope of Work

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1. Stout Risius Ross, Inc. ("SRR") has been asked by the Pro Bono and Legal Services Committee of the New York City Bar Association to undertake on a pro bono basis, a cost / benefit analyses regarding the cost of City Council Intro 214-A ("Intro 214-A"), and to review cost/benefit reports on City Council Intro 214 conducted by the Independent Budget Office ("IBO") and the Finance Department ("Finance") of the City of New York ("City"). It is SRR's understanding that from a cost benefit analysis the major difference between the original ("Intro 214") and amended version ("Intro 214-A") is the increase in poverty threshold of eligible cases from 125%-200%. However, in this report SRR refers to both versions of the report as "Intro 214-A". In reviewing these reports, key inputs of each report's analysis have been identified, compared, and evaluated.<sup>1</sup>
2. Additionally, SRR has identified certain benefits / cost savings the City would likely realize through funding right to counsel in eviction matters that are not quantified in either the IBO or Finance reports. SRR is also in receipt of cost surveys of current providers of indigent defense in eviction matters which have been incorporated into our analysis.
3. Based on our review of the information presented above and consideration of other relevant information, SRR has prepared this independent opinion regarding the cost and benefit to the City of Intro 214-A. It should be noted that SRR employed a conservative method of analysis and quantified only items where data was available to support these conclusions.

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<sup>1</sup> Although Intro 214-A would provide for a right to counsel in foreclosure as well as in eviction cases, this report focuses exclusively on the costs and benefits of eviction, as did both the IBO and Finance Reports.





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## II. Executive Summary

4. SRR has reviewed and analyzed cost benefit analyses of Intro 214-A as prepared by the IBO and Finance, including source information used in their preparation where available. The IBO report concluded that the net annual cost to the City for Intro 214-A would be between \$100 million and \$203 million while Finance concluded this cost would be \$66 million.
5. SRR reviewed information that was published subsequent to the issuance of these reports as well as additional benefits of Intro 214-A not fully explored by IBO and Finance. In consideration of these items, SRR has determined that Intro 214-A should provide net cost savings to the City.
6. It is SRR's opinion that the IBO and Finance reports have underestimated or not considered benefits to the City from Intro 214-A. As such, SRR performed an independent analysis of the costs and benefits to the City under Intro 214-A and has concluded that implementation of Intro 214-A would provide a net cost savings to the city of \$320 million. A summary of SRR's analysis is presented below.

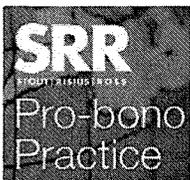
### Cost of Providing Counsel

7. In determining the cost of providing counsel under Intro 214-A, SRR employed a similar methodology to that utilized by both IBO and Finance. This methodology considers the number of cases heard in housing court and the determination of eligible cases under Intro 214-A. In making the determination of eligible cases, both the IBO and Finance Reports utilized the then current threshold in Intro 214-A of 125% of the poverty line. It is SRR's understanding that this threshold has now been increased to 200% which was incorporated into SRR's analysis.
8. Incorporating the revised income threshold of 200% of the poverty line, SRR has estimated that approximately 82% of cases heard in housing court would qualify under Intro 214-A; this is estimated at 128,692 cases. Using survey responses from providers of anti-eviction legal counseling it was determined that the average cost per case is approximately \$2,000. In addition, the cost of a case coordinator was added at approximately \$144,000 and the reduction for the City's currently projected \$60 million in spending on anti-eviction legal services was subtracted as an offset to the costs under Intro 214-A because NYC currently plans to spend that amount whether or not Intro 214-A is adopted.
9. From the consideration of these inputs, SRR has estimated the annual cost of Intro 214-A to be approximately \$199 million.

### Benefit of Reduced Homeless Shelter Costs

10. SRR calculated the benefit of reduced shelter costs by employing a methodology similar to that employed in the IBO report. SRR estimated this benefit by identifying that 14,472 families entered shelter during 2014.<sup>2</sup> It is estimated that

<sup>2</sup> Coalition for the Homeless. State of the Homeless 2015.





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47% of the families in homeless shelter are homeless due to eviction.<sup>3</sup> Further, it has been estimated that the number of warrants for eviction decrease by 77% when legal counsel defends the eviction suit.<sup>4</sup> Therefore, SRR has estimated that 5,237 families annually could avoid shelter entry from anti-eviction legal services.

11. The total cost of sheltering a family was estimated to be \$43,222 in 2014,<sup>5</sup> which results in annual cost savings of approximately \$226 million. In addition, SRR has accepted the IBO reports' estimation that an additional \$25 million of shelter costs for individuals could be avoided under Intro 214-A. Thus, the total annual estimated shelter savings are estimated at \$251 million.
12. The IBO and Finance reports both reduce the benefit of shelter savings for the portion of shelter funding from the federal and state governments, as they assume these savings would result in a lower future allocation of federal/state funds. However, from review of supplemental guidance issued by the IBO which notes the existing permissions to redirect federal and state funds it is likely that the City could realize the entire benefit of shelter savings.

#### **Benefit of Affordable Housing Cost Savings**

13. It is estimated that 3,414 units of rent-regulated, affordable housing will be preserved from providing legal counsel in eviction defense. Under Mayor Bill de Blasio's housing plan, preserving these units results in savings of over \$1.3 billion annually in replacement costs, of which \$259 million will be saved directly by the City through the term of the Housing Plan.<sup>6</sup>

#### **Benefit of Unsheltered Homeless Cost Savings**

14. The total unsheltered population for the City is estimated at 3,000,<sup>7</sup> although some estimates are as high as 12,000.<sup>8</sup> It is estimated that 12% of these unsheltered homeless are homeless due to eviction and cost the City \$31,000 each annually in medical and law enforcement costs.<sup>9,10</sup> As anti-eviction legal services has been estimated to reduce warrants of eviction by 77%,<sup>11</sup> SRR has estimated the savings

<sup>3</sup> Housing Help Program; Homelessness Prevention Pilot Final Report. June 2010.

<sup>4</sup> The IBO Report cited a program conducted by the Legal Aid Society and the Bar of the City of New York that tracked the success rate of tenants that were represented by legal counsel in eviction proceedings and those who were not. This program resulted in a warrant of eviction in 10% of the cases where legal counsel was present and 44% of the time when legal counsel was not, representing a decline of 77%.

<sup>5</sup> Coalition for the Homeless. State of the Homeless 2015.

<sup>6</sup> Calculated from costs included in "Housing New York: A Five Borough, Ten-Year Plan."

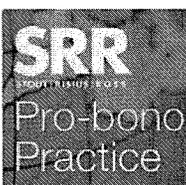
<sup>7</sup> Hu, Winnie. "New York City Reaches Out to Homeless People Who Are Wary of Traditional Shelters" *New York Times*. 8 Feb 2015.

<sup>8</sup> Prakash, Nidhi. "It's Cold Out There: Homeless People in New York City Won't Be Allowed to Sleep on the Subway This Winter" *Fusion.net*. 21 Oct 2015.

<sup>9</sup> New Jersey's 2015 Point-In-Time Count of the Homeless.

<sup>10</sup> Yglesias, Matthew. "Giving Housing to the Homeless is Three Times Cheaper Than Leaving Them on the Streets" *www.vox.com*. 4 Feb 2015.

<sup>11</sup> The IBO Report cited a program conducted by the Legal Aid Society and the Bar of the City of New York that tracked the success rate of tenants that were represented by legal counsel in eviction proceedings and those who were not. This program resulted in a warrant of eviction in





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from Intro 214-A to the City from unsheltered homeless cost savings at approximately \$9 million annually.

**SRR Conclusion**

15. SRR has concluded that even with the income eligibility threshold raised to 200% of the poverty level (as opposed to the 125% level utilized by the IBO and City Council), the City would realize a benefit from Intro 214-A of \$320 million, annually.<sup>12</sup> Moreover, even if the City were to realize a loss of revenue equivalent to 70% of the shelter savings (\$176 million), as calculated in the Finance report, from the loss of federal and state funds, SRR estimates that the City would still realize an annual benefit of approximately \$144 million annually from Intro 214-A. A summary of the key components of SRR’s analysis as well as those conducted in the IBO and Finance reports is presented below.

Comparison of SRR’s findings with those of the IBO and Finance			
Description	IBO	Finance	SRR
Cost of Providing Counsel	(\$153 - \$256 Million)	(\$117 Million)	(\$199 Million)
Gross Homeless Shelter Cost Savings	\$143 Million	\$171 Million	\$251 Million
Reduction for Non-City Shelter Funding	(\$90 Million)	(\$120 Million)	n/a
Annual Cost of Affordable Housing	n/a	n/a	\$259 Million
Savings From Unsheltered Homeless	n/a	n/a	\$9 Million
<b>Total (Cost) / Benefit of City Council Intro 214-A</b>	<b>(\$100 - \$203 Million)</b>	<b>(\$66 Million)</b>	<b>\$320 Million</b>

16. In addition to the aforementioned benefits to the City from Intro 214-A, SRR also considered additional benefits to the City, but lacked information to further quantify. These include, but would not be limited to:

- a. The cost associated with homeless children as a result of eviction manifested through education costs, juvenile justice costs, and welfare costs;
- b. The cost of providing welfare when jobs are lost due to eviction;
- c. Enforcement of rent law and regulations; and
- d. A likely reduction over time in the numbers of eviction cases needing counsel because landlords would bring fewer cases knowing that tenants will have legal counsel and because cases will be resolved with greater finality and less repeat filings when both sides have counsel.

10% of the cases where legal counsel was present and 44% of the time when legal counsel was not, representing a decline of 77%.

<sup>12</sup> SRR has not conducted an analysis to match the benefits received from Intro 214-A to the costs of providing counsel. It is believed that some of the cost savings estimated in this report would be in periods subsequent to the initial outlay of costs for providing counsel as not all eviction shelter entries are immediate.



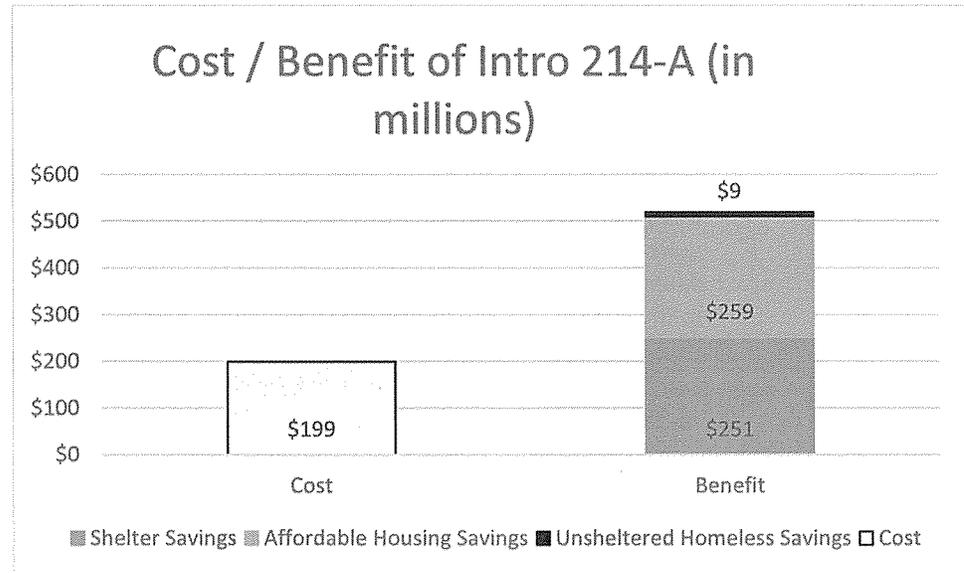


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17. Based on the considerations as presented above, and throughout this report, SRR has concluded that the City would realize a benefit from Intro 214-A of \$320 million, annually, which is visually presented below.<sup>13</sup>



<sup>13</sup> Ibid.





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### III. Key Inputs and Conclusions of IBO Report

18. The IBO report conducted its analysis by calculating the cost to provide counsel for indigent defense in eviction matters and the benefit to the City of providing such defense through homeless shelter savings. Each of the inputs used in this analysis will be explained below, as well as the conclusions reached by the IBO.

#### Cost to Provide Counsel

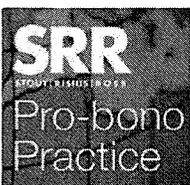
19. The IBO started its analysis by identifying the pool of households facing eviction. This was determined by identifying the number of housing court cases heard in 2013: 156,941. The IBO then determined that 55% of the total cases heard in housing court would meet the income thresholds in Intro 214-A by utilizing a study named "Housing Court, Evictions and Homelessness: the Costs and Benefits of Establishing a Right to Counsel." This study included a survey of the income levels of households in eviction defenses and reported the percentage of cases heard by income level.
20. From the application of the 55% housing court cases meeting the, then current, income qualifications, the IBO report concluded that 86,318 housing court cases would be eligible to receive counsel. Next, the IBO determined that the cost of counsel per case would be between \$2,000 and \$3,200 per case resulting in costs of providing counsel between \$173 million and \$276 million. The IBO report also added an additional \$125,000 for the salary of a case coordinator and an offset of \$20 million for current anti-eviction legal services contracts. The IBO report concluded that the total cost of providing counsel under Intro 214-A was between \$153 million and \$256 million.

#### Benefit of Reduced Homeless Shelter Costs

21. The IBO report noted differentiating factors between sheltering homeless families and homeless individuals such as the intake process, costs of shelter, and source of funds. As such, the cost of sheltering families and individuals is discussed separately.

#### Cost of Sheltering Families

22. The IBO report noted that the intake process for families entering homeless shelters includes information on why housing is needed. This intake process, as of 2012, resulted in 36% of families reporting their need for shelter was the result of an eviction. Additionally, the IBO Report also noted that 11% of families entering homeless shelter was the result of over-crowded living situations. Therefore, the IBO Report added an additional 1% to the 36% of shelter needs as a result of eviction theorizing that many families likely move in with a friend or relative after being evicted before going into a homeless shelter.
23. The IBO Report then applied this 37% of family shelter entries as a result of eviction to 10,500 shelter entries in 2012 to estimate that 3,885 families entered a housing shelter in 2012 as a result of an eviction. However, in order to determine the costs of sheltering evicted families, the IBO report examined the observed





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decrease in evictions from defenses that were aided by counsel and those that were not.

#### Eviction Reductions from Legal Counsel Defense

24. The IBO report concluded that there is a 77% reduction in evictions when legal counsel assists in the defense compared to those without legal counsel. This reduction of evictions was obtained from a randomized experiment operated by the Legal Aid Society and the Association of the Bar of New York City. In this experiment, it was found that when legal counsel assisted in the defense of evictions, warrants of evictions were issued in 10% of the cases compared to 44% without legal counsel.
25. Thus, the IBO report applied the 77% observed reduction in issued warrants of eviction to the 3,885 family shelter entries as a result of eviction to conclude that 2,991 of the 3,885 families would have likely avoided eviction if the defense included legal counsel. The IBO report further stated that the cost of sheltering these families was approximately \$118 million.
26. However, the IBO report noted that the City's shelter system is funded by Federal and State funds in addition to funds provided by the City. The federal government provides 60% of the funding for the family shelter while the City and state governments provide 30% and 10%, respectively. Therefore, the IBO report concludes that the City's benefit of reduced shelter costs from anti-eviction legal counsel would be limited to its share of funding, 30%, which is calculated at \$35 million.

#### **Cost of Sheltering Individuals**

27. The IBO report noted that the shelter intake process for single adults is different than the intake process for families where the reason for shelter entry, e.g. eviction, is not captured. However, 10% of single adults reported renting a home in the same year prior to shelter entry. The IBO Report utilized half of this figure, 5%, as a representation for single adult evictions. Additionally, 35% of single adults lived with friends or family prior to eviction and the IBO utilized 10% of this amount, 3.5%, as an additional representation for single adult eviction. The IBO report then combines the 5% of entrances who had previously rented a home with the 3.5% of single adult shelter entrances who had previously lived with friends or family to conclude that 9% of single adult shelter entrances are the result of an eviction.
28. The 9% of single adult shelter entrances is then applied to 16,448 single adult shelter entrances to conclude that 1,480 of these entrances were the result of eviction. The same methodology for the estimated decrease in these entrances as family entrances was applied which reduced the 1,480 entrances by 77% to 1,140.
29. The IBO report then estimates that the cost of sheltering these 1,140 single adults is \$25 million with funding provided by federal, state, and City governments at 4%, 23%, and 73% respectively.





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Eviction Reductions from Legal Counsel Defense

30. The IBO Report concludes that the City’s savings from single adult shelter entry through providing legal counsel in eviction defense is \$18 million.

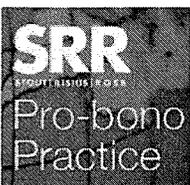
**Total Eviction Reductions from Legal Counsel Defense**

31. The IBO report estimated that total shelter savings from Intro 214-A was \$143 million, although only \$53 million would be realized by the City, due to the source of shelter funding.

**Conclusion of IBO Report**

32. The IBO report concluded that the cost of Intro 214-A to the City would be between \$100 million and \$203 million. This is derived from estimated cost of legal counsel of between \$153 million and \$256 million with shelter savings of \$53 million after reduction for non-City shelter funding.

<b>Total (Cost) / Benefit of City Council Intro 214-A</b>	
<b>Description</b>	<b>IBO</b>
Cost of Providing Counsel	(\$153 - \$256 Million)
Gross Homeless Shelter Cost Savings	\$143 Million
Reduction for Non-City Shelter Funding	(\$90 Million)
Annual Cost of Affordable Housing	n/a
Savings From Unsheltered Homeless	n/a
<b>Total (Cost) / Benefit of City Council Intro 214</b>	<b>(\$100 - \$203 Million)</b>





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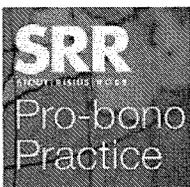
## IV. Key Inputs and Conclusions of Finance Report

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33. The Finance report structured its analysis similarly to the IBO report where the cost to provide counsel for eviction legal defense was presented along with the benefit to the City for providing such defense through homeless shelter savings. Each of the inputs used in this analysis will be explained below, as well as the conclusions reached by Finance.

### Cost to Provide Counsel

34. The Finance report calculated the cost of providing counsel for eviction legal defense similarly to that of the IBO report where the number of cases heard in housing court was multiplied by an estimated cost per case. However, the Finance report varied in the way some of these inputs were calculated.
- a. **Number of Cases Heard:** the Finance report took a three year average of the cases heard in housing court from 2011 through 2013 (156,310), whereas the IBO report utilized the number of cases heard in 2013 (156,940).
  - b. **Income Threshold:** the Finance report estimated that 50% of the cases heard would qualify for legal services under Intro 214-A. This was calculated using the same study as the IBO report, "Housing Court, Evictions and Homelessness: the Costs and Benefits of Establishing a Right to Counsel". However, the Finance report utilized the low end of the income range (50%) whereas the IBO Report utilized the midpoint of the range (55%).
  - c. **Cost per Case:** The Finance report utilized \$1,500 as cost per case opposed to between \$2,000 and \$3,200 utilized in the IBO Report. The Finance report's cost per case was determined through information provided by the New York City Human Resources Administration and various New York City Legal service providers. It was noted however, that these costs were based upon payment by the City and not necessarily the entire cost of each provider.
  - d. **Case Coordinator:** the Finance report estimated the cost of a case coordinator would be \$143,893 annually, which is commensurate with the \$125,000 estimated in the IBO Report plus approximately 15% for benefits.
  - e. **Current Anti-Eviction Spending:** not considered in Finance report.
35. Based on these inputs, the Finance Report concluded that eviction legal defense would cost the City \$117 million, annually.





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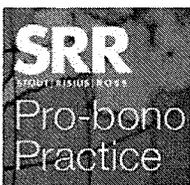
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### Benefit of Reduced Homeless Shelter Costs

36. The Finance report did not differentiate between family and individual shelter costs as presented in the IBO report. Alternatively, the Finance report only presented an analysis for the costs of sheltering families.<sup>14</sup> In addition, the methodology utilized by the Finance report is materially different than that presented in the IBO Report.
37. The Finance report did not analyze homeless shelter entries and the reason for those entries as presented in the IBO Report. Instead, the reductions in family homeless shelter entries is calculated by utilizing a study titled “Housing Help Program” conducted between the Department of Homeless Services, United Way, and Legal Aid Society. In this study, it is concluded that 5% of families avoid homeless shelter with the assistance of legal counsel in an eviction defense. This rate is then applied to the 78,155 housing court cases for which legal assistance is contemplated. This results in the conclusion that 3,836 families would avoid homeless shelter if legal counsel assisted in the eviction defense.
38. The Mayor’s Management Report is then cited to present the average length of stay per family at 440 days and a \$101.50 cost per day for fiscal year 2014. This results in a cost of \$44,672 per family for a total of \$171 million for the 3,836 families estimated to avoid homeless shelter.
39. Therefore, the Finance report concluded that the City would save \$54 million by providing legal counsel in eviction matters. This is calculated by realization of \$171 million in homeless shelter cost savings less the cost of providing legal services of \$117 million.
40. However, the Finance report notes that approximately 70% of shelter costs are reimbursed by federal and state funds. Thus, it is estimated that the City would realize a loss in revenue of \$120 million due to reduced reimbursements.

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<sup>14</sup> Although not expressly stated, the Finance report inherently includes individual shelter entrants in its conclusion through including the total number of cases heard in housing court in its calculations which included both families and individuals.





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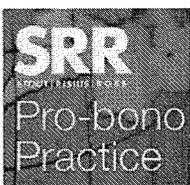
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### Conclusion of Finance Report

41. The Finance report concluded the net impact of Intro 214-A to be a cost to the City of \$66 million. This is derived from estimated cost of legal counsel of \$117 million with shelter savings of \$171 million to realize a cost savings of \$54 million, which is then offset by a loss of revenue of approximately \$120 million.

Total (Cost) / Benefit of City Council Intro 214-A	
Description	Finance
Cost of Providing Counsel	(117 Mill\$ion)
Gross Homeless Shelter Cost Savings	\$171 Million
Reduction for Non-City Shelter Funding	(\$120 Million)+071
Annual Cost of Affordable Housing	n/a
Savings From Unsheltered Homeless	n/a
<b>Total (Cost) / Benefit of City Council Intro 214</b>	<b>(\$66 Million)</b>



## V. Comparison of IBO and Finance Reports

42. Presented below is comparison of the key inputs of the IBO and Finance reports for providing counsel under Intro 214-A.

Cost of Providing Counsel		
Description	IBO	Finance
Pool of Households Facing Eviction	156,941	156,310
Share of Cases Meeting Poverty Threshold	55%	50%
Cost per Case	\$2,000 - \$3,200	\$1,500
Cost of Case Coordinator	\$125,000	\$143,893
Current Spend	\$20 Million	n/a
<b>Total Cost of Providing Counsel</b>	<b>\$153 - \$256 Million</b>	<b>\$117 Million</b>

43. Presented below is comparison of the key inputs of the IBO and Finance reports for the homeless shelter cost savings from providing counsel under Intro 214-A.

Homeless Shelter Cost Savings		
Description	IBO	Finance
Families Entering Shelter as a Result of Eviction	2,991	3,836
Cost of Providing Shelter per Family	\$39,452	\$44,672
Singles Entering Shelter as a Result of Eviction	1,140	n/a
Cost of Providing Shelter per Single	\$21,930	n/a
<b>Subtotal Gross Homeless Shelter Cost Savings</b>	<b>\$143,000,000</b>	<b>\$171,361,792</b>
Less: Non-City Funding Family	(\$82,600,000)	(\$119,953,254)
Less: Non-City Funding Individual	(\$6,750,000)	n/a
<b>Total Net Homeless Shelter Cost Savings</b>	<b>\$53,650,000</b>	<b>\$51,408,538</b>

44. Presented below is comparison of the conclusions of the IBO and Finance reports for providing counsel under Intro 214-A.

Total (Cost) / Benefit of City Council Intro 214-A (\$ in millions)		
Description	IBO	Finance
Cost of Providing Counsel	\$153 - \$256 Million	\$117
Net Homeless Shelter Cost Savings	\$54	\$51
<b>Total (Cost) / Benefit of City Council Intro 214-A</b>	<b>(\$100 - \$203)</b>	<b>(\$66)</b>



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## VI. SRR Analysis

45. SRR considered the information and methodologies utilized in the IBO and Finance reports as well as additional information to conduct its own independent analysis of the costs and benefits of Intro 214-A. Presented below is a discussion of this analysis.

### Cost of Providing Counsel

46. As presented in the previous section, the IBO and Finance reports utilized similar methodologies in computing the cost to provide counsel for indigent legal defense in eviction matters. Both reports estimated the number of cases which would qualify for defense, estimated the cost per case, and considered the cost of a case coordinator.<sup>15</sup> SRR believes this methodology is reasonable and an appropriate measure of costs of Intro 214-A.
47. However, the IBO Report concluded the cost of indigent eviction legal defense would cost the City between \$153 and \$256 million whereas the Finance estimated this cost closer to \$117 million. The difference between these calculations is the result of utilizing different inputs within the same calculation. Each of these inputs, including SRR's analysis, will be discussed below.

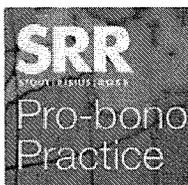
### Eligible Cases

48. In determining the number of eviction cases that would be eligible for legal counsel, SRR began with the number of cases heard in housing court as presented in the IBO report. Although, the number of cases utilized in each report was not materially different (IBO 156,941 v. Finance 156,310), SRR accepted the IBO input. This selection was made as the IBO report utilized the more current period available and material annual fluctuations are not expected.
49. Next, in determining the number of cases eligible for counsel, SRR noted the difference between IBO and Finance reports was 5% (55% v. 50%, respectively). However, these percentages were selected based on the then-current version of Intro 214-A, which set the income threshold for qualifying cases at 125% of the poverty line. SRR has since learned that this threshold is now at 200% of the poverty line and thus conducted an analysis to determine the number of cases that would be eligible.
50. In conducting this analysis, SRR first identified the poverty line at \$24,830 for a family of four.<sup>16</sup> SRR then utilized the same study cited by both the IBO and Finance reports, to determine the income levels of tenants in housing court.<sup>17</sup> However, this study was conducted in 1990 and SRR inflation adjusted the income levels reported in this study by 3% per year for 25 years to bring this data current

<sup>15</sup> The IBO Report also used the current indigent legal defense spending by the City as an offset to these costs.

<sup>16</sup> 2014 US Census.

<sup>17</sup> Study utilized in each report was "Housing Court, Evictions and Homelessness: the Costs and Benefits of Establishing a Right to Counsel".





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to 2014. This study, inflation adjusted, suggested that 82% of the tenants in housing court have incomes below \$50,000 (200% of \$24,830 poverty threshold is \$48,460).

51. Thus, SRR estimated that 82% of the 156,941 cases heard in housing court would be eligible to receive legal counsel. If all of those who are eligible to receive legal counsel elected to do so, SRR estimates that 128,692 cases would need to be funded.

### Cost per Case

52. The IBO and Finance reports differed in the estimation of the cost per case with the IBO utilizing between \$2,000 and \$3,200 and Finance selecting \$1,500. Therefore, SRR conducted an independent analysis utilizing survey results of seven different providers of eviction legal defense. Survey respondents were asked to complete responses in relation to salary & benefits, support costs, operating expenses, paid time off, and billable hours per case.
53. SRR used this information to determine the average cost per case of all seven providers was approximately \$1,400 per case which increased to approximately \$1,900 per case when paid time off was considered. The costs per case were consistent between six of the seven providers with only one provider reporting a materially different cost per case of \$700 and \$961 with the consideration of paid time off. Therefore, SRR removed the data from this provider and calculated the average cost per case at approximately \$1,500, and increasing to approximately \$2,000 per case when including paid time off.
54. SRR selected \$2,000 as a cost per case for purposes of computing the total cost of providing legal counsel under Intro 214-A.

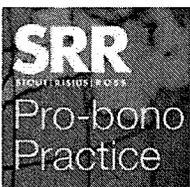
### Case Coordinator

55. The costs of a case coordinator were estimated at \$125,000 and \$144,000 by the IBO and Finance reports, respectively. The difference between these figures is the result of the Finance report including benefits in its estimation. As such, SRR has accepted the salary and benefits figure provided by the Finance report as an estimation of the cost of a case coordinator.

### Current Legal Spending

56. The IBO Report stated that the City currently spends approximately \$20 million on anti-eviction legal services that would be replaced by Intro 214-A. This was not considered in the Finance report. SRR has not conducted a full review of all the anti-eviction legal services offered by the City but understands that all or nearly all of the anti-eviction legal services are offered for low-income tenants.
57. However, SRR's research into the funding for eviction attorneys in housing court has revealed that the City's anticipated funding in this area is \$60 million.<sup>18</sup> As

<sup>18</sup> Levine, Mark and Broshnahan, Mary. "How to Fight Homelessness" The New York Times. 19 Oct. 2015.





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such, SRR accepts the premise that the current spending on anti-eviction legal services is likely to continue and is thus duplicative of what would be required to implement Intro 214-A and should be included as an offset in the amount of \$60 million.

### Cost of Providing Counsel - Conclusion

58. Based on the inputs as described above, SRR has concluded that the costs of providing counsel under Intro 214-A are approximately \$199 million.

### Benefit of Reduced Homeless Shelter Costs

59. The IBO and Finance reports utilize different methodologies in computing the cost savings of reduced homelessness from anti-eviction legal spending. In review of these two methodologies, SRR mirrored its analysis to that contained in the IBO report. The methodology contained in the IBO report was more easily tested and verifiable of its representation of homeless eviction populations. In addition, this methodology more clearly articulated the decrease in evictions from the assistance of legal counsel in the defense.
60. While the same basic methodology utilized by the IBO was utilized, SRR found updates to certain inputs to more accurately reflect current homeless populations as a result of eviction. The updates made to the IBO reports calculation of evicted homeless populations are discussed below.

### Number of Families Entering Shelter

61. In determining family shelter entrances, The IBO report utilized the number of entrances as of 2012: 10,500. However, by January 2015, the Coalition for the Homeless (“CFTH”) reported that, on average, 14,524 families were sheltered by the City.<sup>19</sup>
62. This difference may be related to several factors, including, but not limited to::
- a. growth in homelessness over time; and
  - b. the use of “entrances” compared to “average families sheltered”.
63. SRR believes that utilizing the number of “average families sheltered” compared to shelter entrances better matches the cost of providing counsel to the benefit received over an annual period. This is the result of two factors:
- a. the average shelter stay exceeds one year; and
  - b. not all shelter entrances will be in the same year as the counsel.
64. Therefore, it is SRR’s opinion that the number of average families sheltered as of January 2015, 14,524, is a reasonable starting point in determining the number of families sheltered as a result of eviction.

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<sup>19</sup> Coalition for the Homeless. State of the Homeless 2015.





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### Calculation of Family Entries as a Result of Eviction

65. As previously stated, the IBO Report determined that 37% of family shelter entries were the result of an eviction. However, SRR believes that the IBO's inclusion of only 1% for families who have experienced an informal eviction is understated.<sup>20</sup>
66. Information cited in the HHP study revealed that at the time of the study (2007), 23% of families entering shelter listed eviction as the direct cause of their shelter entry. However, when surveyed specifically about evictions, 38% of families responded that they had experienced a formal eviction and an additional 9% of families reported an informal eviction within the last five years.<sup>21</sup>
67. The difference in survey results is likely explained by the fact that in order to be determined eligible for shelter entry due to eviction, tenants must show documentation of the eviction;<sup>22</sup> it is likely that not all tenants maintain this information while seeking alternative living arrangements. In addition, this survey is representative over a five year period, thus capturing evicted tenants that did not go directly to shelter.
68. As such, it is SRR's opinion that 47% of sheltered families, 6,802, entered shelters as a result of eviction.

### Cost of Sheltering Evicted Families

69. The IBO report estimated the cost of sheltering the 2,991 families that would avoid eviction with counsel was \$118 million. However, the IBO report does not state how this figure was derived and if it is for an annual period or longer length of time. Data provided by the Community Coalition for the Homeless released information stating the average annual cost for sheltering a homeless family in 2014 was \$37,047.<sup>23</sup> In addition, this report also noted that the average length of stay for families with children was more than 14 months, which results in a total cost per stay of \$43,222.
70. Based on SRR's calculation that 6,802 families enter shelter due to eviction along with the \$43,222/family cost, it is estimated that the City spends approximately \$294 million annually sheltering homeless families as a result of eviction. It has also been shown that providing legal counsel in eviction proceedings results in a

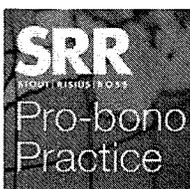
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<sup>20</sup> New York City Independent Budget Office. "The Rising Number of Homeless Families in NYC, 2002 – 2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From." November 2014.

<sup>21</sup> Informal evictions are situations where a tenant leaves housing voluntarily before or after an order of eviction, without forcibly being evicted by a Marshall. If SRR were to utilize the 37% annual figure as noted in the IBO Report, projected costs savings would be reduced by approximately \$48 million.

<sup>22</sup> New York City Independent Budget Office. "The Rising Number of Homeless Families in NYC, 2002 – 2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From." November 2014.

<sup>23</sup> Coalition for the Homeless. State of the Homeless 2015.





77% decrease in the number of warrants of evictions.<sup>24</sup> Thus, it is estimated that approximately \$226 million of the cost to shelter evicted families can be saved by providing legal counsel in eviction defense.

### Cost of Sheltering Individuals

71. In addition to the costs of sheltering evicted families, the IBO report also concludes that the City could avoid \$25 million of costs related to sheltering individual adult men and women if legal counsel assisted in an eviction defense. The data relied on to conclude this figure was not available to SRR; however, SRR agrees with the overall methodology utilized in this calculation. In addition, as noted above, SRR found the calculations for cost of sheltering families conservative. Therefore, SRR accepts the \$25 million in cost savings concluded by the IBO report from sheltering individual men and women.

### Family and Individual Cost Savings

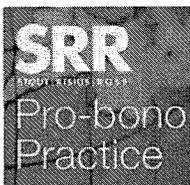
72. The total combined cost savings from family and individual shelter entry from legal counsel eviction defense is therefore estimated at \$251 million.

### Source of Homeless Shelter Funds

73. Both the IBO and Finance reports note that the City receives federal and state funds to support its homeless shelters. The IBO report notes that the primary source of funding for family shelters is from federal funds through the Temporary Assistance to Needy Families (“TANF”) block grant at 60%. It is also noted that the state contributes 10% towards the funding of family sheltering and the City receives 23% and 4% from state and federal governments of the costs for individual men and women shelters. As such, both the IBO and Finance reports reduce the cost savings from preventing shelter entries due to evictions by the portion of funding not directly covered by the City.
74. The IBO released additional guidance on the sources of funds for sheltering the homeless almost a year after the release of the IBO Report. In this Fiscal Brief, the IBO notes “Family Shelter costs are calculated through a per diem rate established for each shelter facility, multiplied by the number of days care was provided... then applied to public assistance program...”<sup>25</sup> Thus, if the number of families in shelter were to decline, the TANF funds for shelter costs would decline as well.
75. However, the state of New York has already given the City the ability to redirect family shelter savings to other purposes. “If the City is able to realize family

<sup>24</sup> The IBO Report cited a program conducted by the Legal Aid Society and the Bar of the City of New York that tracked the success rate of tenants that were represented by legal counsel in eviction proceedings and those who were not. This program resulted in a warrant of eviction in 10% of the cases where legal counsel was present and 44% of the time when legal counsel was not, representing a decline of 77%.

<sup>25</sup> “Albany Shifts the Burden: As the As the Cost for Sheltering the Homeless Rises, Federal & City Funds Are Increasingly Tapped.” New York City Independent Budget Office Fiscal Brief. October 2015.





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shelter savings, New York State has already granted the City permission to redirect the savings, including federal TANF funds and state Safety Net funds, towards a rental assistance program that serves repeat and long-term shelter users (LINC II). The state has also allowed the city to use federal TANF funds to help pay for a rental assistance program targeting homeless domestic violence survivors (LINC III). Although there are federal restrictions on the use of TANF funds, it is possible that the state could permit the city to expand its use of these funds to pay for other programs targeting welfare eligible families with minor children. Alternatively, the state could choose to use TANF savings to raise the overall cash assistance grant, which would benefit low-income households more generally.”<sup>26</sup>

76. Thus, while the City’s receipt of federal and state funds is under the overall discretion of the State of New York, however, the state has already granted permission to redirect family cost savings for other purposes. It is also possible that the State could permit the City to use these funds to pay for other programs within TANF’s permissible uses which would alleviate City funding in other programs. As such, it is SRR’s opinion that the City could realize the full cost savings of shelter avoidance from its investment in Intro 214-A.<sup>27</sup>

#### Other Benefits Not Quantified in IBO and Finance Reports

77. Both the IBO and Finance reports measure the benefits to the City of Intro 214-A through homeless shelter cost savings. However, SRR has analyzed additional costs of evictions. These costs relate to the loss of affordable housing and costs of unsheltered homelessness. A discussion of these costs and SRR’s analysis is presented below.

#### Cost of Affordable Housing

78. It has been argued that “New York Law currently provides landlords with numerous incentives to evict tenants and raise rents.”<sup>28</sup> One of these incentives is to evict tenants in rent regulated units and replace the tenant with one that pays market prices. Thus, when this situation occurs, the City loses a unit of affordable housing which is costly to replace.
79. Under Mayor Bill de Blasio’s Housing Plan (“Housing Plan”) the City intends to build or preserve 200,000 units of affordable housing.<sup>29</sup> The allocation of preservation to new construction is represented at 60:40, respectively.<sup>30</sup> Thus, under this plan, the City expects to build 80,000 new units of affordable housing. The projected cost for this new construction is estimated at \$30.6 billion, which

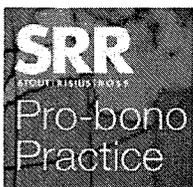
<sup>26</sup> Ibid.

<sup>27</sup> The source of state and federal funds utilized in individual men and women sheltering are unknown. However, given the permissions given by the state to redirect family shelter savings and the fact that individual shelters are almost completely funded by the City already, SRR opines that materially all of these shelter savings would also likely be realized by the City.

<sup>28</sup> Klein, Jeffrey. “Senator Klein Calls on New York City & State to Investigate Unscrupulous Bronx Landlords” The New York State Senate. 22 June 2015.

<sup>29</sup> The City of New York Mayor Bill de Blasio. “Housing New York: A Five Borough, Ten-Year Plan.”

<sup>30</sup> Ibid.





equates to \$383,000 per unit.<sup>31</sup> The City's portion of funding this program is 20%, which results in City funds of approximately \$76,000 per unit.

80. From 2002 through 2012, it was found that 43% (32,166 entries) of shelter entries were from rent-regulated private housing.<sup>32</sup> Of these shelter entries, 32% were the result of eviction.<sup>33</sup> This equates to 10,293 units of affordable housing lost over that period.<sup>34</sup> As detailed previously, if legal counsel had assisted in the defense of these evictions, it is estimated that 77% of these evictions, 7,925 units, could have been avoided. The cost to replace these units under the Housing Plan is estimated to be \$3 billion in total, where \$608 million will be funded directly by the City.
81. In 2013 and 2014, there were 29,910 and 32,226 shelter entries, respectively.<sup>35</sup> If the same percentages and methodology of rent-regulated units lost as a result of eviction are applied to these shelter entries it is estimated that 8,550 units of affordable housing were lost to eviction. Applying the 77% expected decrease in eviction from legal counsel defense, it is estimated that 6,583 of these lost units could have been avoided. The cost to replace these units under the Housing Plan are estimated \$2.5 billion in total, where over \$500 million will be funded directly by the City.
82. Therefore, it is estimated that 18,842 units of affordable housing were lost from 2002 through 2014, nearly a quarter of what the Housing Plan intends to build. If legal counsel had been available for eviction defense over this period, it is estimated that the loss of 14,508 of these units, could have been avoided. The cost to replace these units under the Housing Plan is estimated at \$5.5 billion in total, where over \$1.1 billion will be funded directly by the City.
83. Going forward, it is estimated that 3,414 units of affordable housing will be preserved from providing legal counsel in eviction defense. This is calculated by utilizing the number of evictions from 2014 and applying the percentages for rent-regulated units lost due to eviction and the decrease in eviction from legal counsel defense.
84. Preserving these units results in savings of over \$1.3 billion annually in costs to replace these units under the Housing Plan, of which \$259 million will be saved directly by the City annually through the term of the Housing Plan.

<sup>31</sup> Ibid.

<sup>32</sup> New York City Independent Budget Office. "The Rising Number of Homeless Families in NYC, 2002 – 2012: A Look at Why Families Were Granted Shelter, the Housing They Had Lived in & Where They Came From." November 2014.

<sup>33</sup> Ibid. As stated in earlier sections of this report this figure is likely understated.

<sup>34</sup> This figure includes the assumption that the evicted tenant was replaced with a tenant paying market rates.

<sup>35</sup> Department of Homeless Services, Preliminary Mayor's Management Report, Page 105.





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### Costs of Unsheltered Homelessness

85. There are many studies that reflect additional costs of homelessness beyond direct sheltering costs. Most notably, it has been observed that homeless populations incur costs to society for medical care and law enforcement.
86. In a study published in the *New England Journal of Medicine* (“NEJM”), it was found that homeless patients stayed 4.1 days longer per admission in the City’s public general hospitals than other low-income patients.<sup>36</sup> It was also found that “many of these patients were spending long periods in hospitals awaiting placement in public housing or community-treatment programs.”<sup>37</sup> The average costs per day for all these patients was \$2,414 per day at the time of the study.<sup>38</sup> In addition, homeless patients had higher readmission rates than other public hospital patients.
87. Another study completed in Florida found that each homeless person costs society \$31,000 annually.<sup>39</sup> These costs were comprised of the salaries of law enforcement officers to arrest and transport homeless individuals for crimes such as trespassing, public-intoxication, and sleeping in parks. As the City plans on “cracking down” on homeless people trying to take shelter in the subway shelter this winter<sup>40</sup> it is likely the City will incur law enforcement costs related to homelessness.
88. However, while not directly stated, the medical costs and law enforcement costs noted in these studies appear to be more closely related to unsheltered homelessness than sheltered homeless. The study noted in the NEJM correlated the longer stays to waiting for placement in public housing. The law enforcement noted in the central Florida study of trespassing and sleeping in parks are also associated with an unsheltered population. Thus, determining the number of unsheltered homeless individuals as a result of eviction is necessary before any of the costs associated in these studies can be applied as potential savings to the City.
89. The total unsheltered population for the City is estimated at 3,000,<sup>41</sup> although some estimates are as high as 12,000.<sup>42</sup> In a survey of unsheltered homeless populations in New Jersey, it was found that 12% of those surveyed listed eviction as the reason for their homelessness.<sup>43</sup> An additional 12% of respondents stated they were asked to leave a shared residence and an additional 27% cited loss or reduction in job

<sup>36</sup> Salit, Sharon A.; Kuhn, Evelyn M.; Hartz, Arthur J.; Vu, Jade M. “Hospitalization Costs Associated with Homelessness in New York City” *New England Journal of Medicine*. Vol 338 No 24. 11 June 1998.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid.

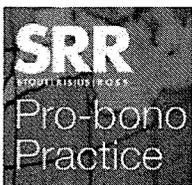
<sup>39</sup> Yglesias, Matthew. “Giving Housing to the Homeless is Three Times Cheaper Than Leaving Them on the Streets” [www.vox.com](http://www.vox.com). 4 Feb 2015.

<sup>40</sup> Prakash, Nidhi. “It’s Cold Out There: Homeless People in New York City Won’t Be Allowed to Sleep on the Subway This Winter” [fusion.net](http://fusion.net). 21 Oct 2015.

<sup>41</sup> Hu, Winnie. “New York City Reaches Out to Homeless People Who Are Wary of Traditional Shelters” *New York Times*. 8 Feb 2015.

<sup>42</sup> Prakash, Nidhi. “It’s Cold Out There: Homeless People in New York City Won’t Be Allowed to Sleep on the Subway This Winter” [fusion.net](http://fusion.net). 21 Oct 2015.

<sup>43</sup> New Jersey’s 2015 Point-In-Time Count of the Homeless.





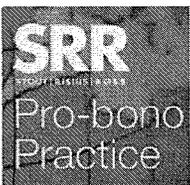
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income / benefits. Therefore, it is likely that a higher percentage of the unsheltered homeless experienced eviction than what was recorded directly in the survey.

90. Nonetheless, SRR applied the 12% as directly cited in the survey as the cause of homelessness to the 3,000 unsheltered homeless population. This results in 360 unsheltered homeless as a result of eviction. With legal counsel reducing evictions by 77%, it is estimated that 277 individuals experiencing unsheltered homelessness could be avoided. At a cost of \$31,000 per unsheltered homeless individual, a cost savings of nearly \$9 million is estimated.





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## VII. Consideration of Other Unquantifiable Benefits of Eviction Prevention

91. Included above are benefits of eviction prevention that are quantifiable with available data and information. However, there are many benefits to society of a population that enjoys stable housing that are not easily quantifiable and therefore are not included in SRR's calculations. Below, are other consideration of benefits to the City from providing legal counsel in eviction matters.
92. As previously stated, SRR has estimated that 6,802 families have entered homeless shelters as a result of an eviction. Many more have likely moved into overcrowded living situations. Both sheltered and over-crowding living situations are certainly not ideal and can possibly interfere with the development of children. A wealth of research has documented the difficulties homeless children face, from school disruption to emotional trauma and health problem.<sup>44, 45</sup> The impact of homelessness to these children can manifest through education costs, criminal justice costs, and welfare costs, among others.<sup>46</sup> These costs are estimated at over \$40,000 per child who spent at least one night homeless; however, some of these costs might not be directly funded by the City.<sup>47</sup>
93. The loss of a home can also be impactful to the wage earning adults of a household who may lose their employment following the loss of their home. Eviction can set off a cascade of problems "including depression and subsequent job loss, material hardship, and future residential instability",<sup>48</sup> which can increase the likelihood of the receipt of welfare assistance programs.
94. When tenants are represented by an attorney in housing court, rent laws and regulations are more likely to be enforced. For example, when unscrupulous landlords fail to make necessary repairs, tenants can withhold rent accordingly with less fear of being evicted as a result.

<sup>44</sup> Routhier, Giselle. "Voiceless Victims: The Impact of Record Homelessness on Children" Coalition for the Homeless. 25 Sept 2012.

<sup>45</sup> Sandel, Megan; Sheward, Richard; and Sturtevant, Lisa. "Compounding Stress: The Timing and Duration Effects of Homelessness on Children's Health" Insights From Housing Policy Research. June 2015.

<sup>46</sup> "Estimated Cost of Child Homelessness in Pennsylvania: \$363 Million" People's Emergency Center. June 2012.

<sup>47</sup> Ibid.

<sup>48</sup> Weise, Karen. "Spiraling Effects of Being Evicted" Businessweek. 13 Dec 2013.





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95. Finally, when low-income tenants have a right to counsel it is likely that, over time, the number of eviction proceedings will diminish because some number of eviction proceedings will not be brought because landlords will be aware that tenants have the right to representation and because, with representation, cases are more likely to be resolved with finality thus averting multiple proceedings. This should result in fewer cases needing representation and diminishing cost to the city.
96. While all of these items represent real costs paid by taxpayers, SRR lacks reliable data in which to estimate these items.





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## VIII. Conclusion

97. SRR has reviewed and analyzed cost benefit analyses of Intro 214-A as prepared by the IBO and Finance. The IBO report concluded that the net annual cost to the City for Intro 214-A would be between \$100 million and \$203 million while Finance concluded this cost would be \$66 million.
98. From its review and analysis of these reports, it is SRR's opinion that the IBO and Finance reports have underestimated the reductions in shelter costs from providing legal counsel in eviction defenses by approximately \$108 million and \$80 million, respectively. The IBO and Finance reports both further reduce the benefit of shelter savings for the portion of shelter funding from the federal and state governments. However, from review of supplemental guidance issued by the IBO which notes the existing permissions to redirect federal and state funds it is reasonable to expect that the City could realize the entire benefit of shelter savings.
99. In addition, neither the IBO or Finance reports consider the cost to replace affordable housing lost to eviction or the costs of unsheltered homeless. SRR has estimated these benefits to the City at \$259 million annually and \$9 million annually, respectively. However, even if these costs are not considered, SRR estimates that the City would still realize a cost savings of approximately \$52 million.

Comparison of SRR's findings with those of the IBO and Finance			
Description	IBO	Finance	SRR
Cost of Providing Counsel	(\$153 - \$256 Million)	(\$117 Million)	(\$199 Million)
Gross Homeless Shelter Cost Savings	\$143 Million	\$171 Million	\$251 Million
Reduction for Non-City Shelter Funding	(\$90 Million)	(\$120 Million)	n/a
Annual Cost of Affordable Housing	n/a	n/a	\$259 Million
Savings From Unsheltered Homeless	n/a	n/a	\$9 Million
<b>Total (Cost) / Benefit of City Council Intro 214-A</b>	<b>(\$100 - \$203 Million)</b>	<b>(\$66 Million)</b>	<b>\$320 Million</b>

100. Therefore, SRR has concluded that the City would realize a benefit from Intro 214-A of \$320 million, annually.<sup>49</sup>
101. The IBO report offsets the cost of providing counsel under Intro 214-A by \$20 million because the city already budgeted that amount for provision of eviction-prevention legal services to low-income tenants at the time the report was issued. The city now intends to spend \$60 million annually for eviction prevention services. Therefore, SRR is offsetting \$60 million from the cost of providing counsel pursuant to Intro 214-A. However, even if that amount were not

<sup>49</sup> SRR has not conducted an analysis to match the benefits received from Intro 214-A to the costs of providing counsel. It is believed that some of the cost savings estimated in this report would be in periods subsequent to the initial outlay of costs for providing council as not all eviction shelter entries are immediate.





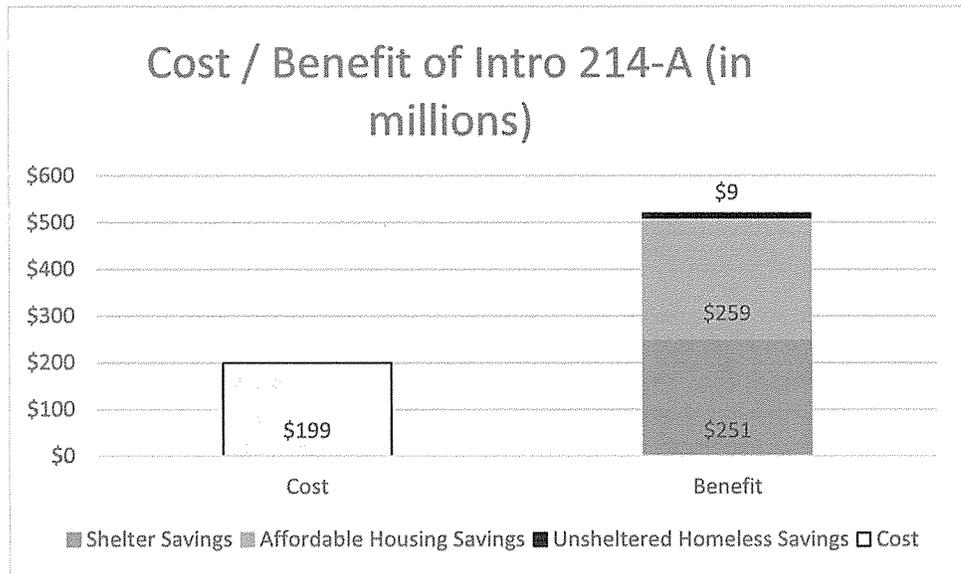
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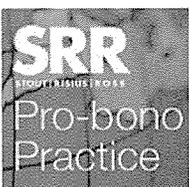
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considered an offset, the annual benefit to the city from implementing Intro 214-A would still be \$260 million.

102. In addition to the aforementioned benefits to the City from Intro 214-A, SRR has also considered additional financial benefits to the City that are not easily quantifiable that are incurred from evictions. These include:
- a. The cost of homeless children as a result of eviction manifested through education costs, juvenile justice costs, and welfare costs;
  - b. The cost of providing welfare when jobs are lost due to eviction;
  - c. Enforcement of rent law and regulations; and
  - d. A reduction, over time, of the number of eviction cases brought as a result of implementing the right to counsel.
103. Based on the considerations as presented above, and throughout this report, SRR has concluded that the City would realize a benefit from Intro 214-A of \$320 million, annually, which is visually presented below.<sup>50</sup>



<sup>50</sup> Ibid.





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## IX. Assumptions and Limiting Conditions

104. SRR's conclusions are based on the information received to date. SRR reserves the right to change those conclusions should additional information be provided.
105. SRR's review, research and analysis was conducted on an independent basis - no one that worked on this engagement has any known material interest in the outcome of the analysis. Further, SRR has performed this analysis on a pro bono basis and therefore without compensation

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## **State Senator Adriano Espaillat's Testimony on Introduction 0214-2014**

*Providing legal counsel for low-income eligible tenants who are subject to eviction, ejection or foreclosure proceedings*

Submitted on September 26, 2016

New York City has a housing crisis. I see it every day. In the mother who told me yesterday that she can't afford to pay her rent this month and buy groceries. In the family that I met in Washington Heights last month that has lived there for decades but can't afford a 20 percent rent increase. And I see it in the uptick in constituents who come to my office because they are being harassed by their landlords.

Landlords who want to drive-out working class New Yorkers to make way for wealthier residents who can afford to pay a premium for a remodeled kitchen and bathroom. Landlords who drag their tenants to housing court and into a complicated process where 98% of the time they have legal representation and where 75% of the time their tenants have no representation. It is time to even the playing field and stop landlords from using the court room as a form of intimidation. It is time to ensure every tenant who needs a lawyer has one.

We know providing counsel to tenants without legal representation works. Tenants without representation are served with eviction orders four times more often than tenants with legal representation. In a pilot program that provided counsel to families from 2006-2008 in the South Bronx called the 'Housing Help Program', 85 percent of evictions were stopped. The cost of this program was \$450,000 (\$987 per client) and it was estimated to have saved the City over \$700,000.

For all of these reasons, Introduction 214-A will be a game changer for tenants. Landlords will think twice before bringing their tenants to court and for the first time every tenant in housing court will have a fighting chance to keep their home. This will help protect working families from gentrification and save the City money.

In 2015 there were 21,988 evictions, 21,988 families pushed out of their homes. Let's pass Introduction 214-A this year and make 2015 the last year where a majority of tenants had to go it alone.

I want to commend the bill's sponsor Councilman Mark Levine for his tireless advocacy on behalf of tenants who have no legal representation in cases that decide if they can keep their homes. An injustice which we must bring to an end.



LATOYA JOYNER  
Assemblywoman 77<sup>th</sup> District  
Bronx County

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Subcommittee on Diversity  
in Law

COMMITTEES  
Housing  
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Aging  
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Testimony of Assemblywoman Latoya Joyner  
Submitted to NYC City Council regarding Intro 214-A  
September 26, 2016

Hello Chairperson Rory I. Lancman and members of the New York City Council Committee on Courts and Legal Services, I am Assemblywoman Latoya Joyner and I appreciate the opportunity to speak before you today regarding Intro No. 214-A.

As the state elected representative for the 77<sup>th</sup> Assembly District, an area that includes the Bronx Housing Court, I am fully aware of the many needs and concerns of my more than 125,000 constituents, which call home the communities of Claremont, Concourse, Highbridge, Mount Eden and Morris Heights sections of The Bronx.

Nearly three-quarters of families live in apartments that are under rent regulation and approximately 81.8% of all Bronxites are listed as renters, according to the NYU Furman Center. These issues hit home and affect my constituents' livelihoods on a daily basis. Intro No. 214-A – legislation that is sponsored by my Bronx colleague Council Member Vanessa L. Gibson – will require the Office of Civil Justice (OCJ) to create a program that will ensure legal counsel for low-income tenants whom are subject to eviction, ejection or foreclosure proceedings. Quality legal representation is needed – especially in the Bronx. As indicated in a recent report by OCJ, more than 200,000 residential evictions petitions are filed on an annual basis in New York City – nearly two-thirds of which are concentrated in the Bronx and Brooklyn. The Bronx is seeing a small, but steady increase in residential eviction petitions, however.

While I am thankful for Mayor Bill de Blasio and New York City's overall investment in civil legal services for low-income families, there is an urgent need to expand even further. The Housing Court can be a very scary place for Bronxites – it is even scarier if you are struggling to make ends meet for your family. In my district, the latest available data indicates that the median household income is \$26,436 – one of the lowest median household incomes of any district in New York City. As a direct consequence, the 77th Assembly District is also one of the most rent burdened communities in New York. These families need these services so that they can remain in their homes without and are protected from unsavory landlords that will do everything in their power to jack up rents into unaffordability. Legal representation will empower tenants and protect the very fabric of our community – those hardworking individuals that have grown up here in the Bronx and have chosen to remain here to raise their families.

As always, I look forward to working with my City Council colleagues on issues of shared concern.

Thank you.



# NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO

President  
**VINCENT ALVAREZ**

Secretary-Treasurer  
**JANELLA T. HINDS**



## **Testimony of Anthony Thomas, Political Director New York City Central Labor Council, AFL-CIO**

### **New York City Council Committee on Courts and Legal Services**

**September 26, 2016**

Good morning, my name is Anthony Thomas, and I am the Political Director at the New York City Central Labor Council, AFL-CIO. Representing 1.3 million workers across 300 affiliated unions, the Central Labor Council strongly supports passage of Introduction 214-A, Right to Counsel. Working New Yorkers—both tenants and property-owners—lack the adequate protections necessary to preserve and protect their housing. The Right to Counsel would positively benefit thousands of New Yorkers, while also protecting our families and communities from further displacement and harassment.

The Right to Counsel would reduce homelessness, as well as the cost associated with displacement therein. According to a report by distinguished firm Stout Risius Ross, 47% of families in New York City homeless shelters are there due to eviction, and warrants for eviction decrease by 77% when legal counsel defends an eviction suit<sup>1</sup>. Stout Risius Ross projected an estimated 5,237 families currently in the New York City shelter system (displaced within the last year) could have kept their homes if legislation like Right to Counsel had been passed into law. We cannot allow New York City landlords and property managers to play on the fears and misnomers of tenants to intimidate and remove people playing by the rules.

In addition to preserving housing and preventing homelessness, Right to Counsel prevents negative externalities of housing insecure families. The destabilization experienced not only by families, but also communities, can last long after an actual eviction. As Harvard sociologist Matthew Desmond points out in his book, *Evicted: Poverty and Profit in the American City*, evictions are brutal, enduring processes, which leads families to, “Experience 20 percent higher levels of material hardships than similar families who were not evicted;” this is embodied as food insecurity, utility turn-off notices, and forgoing a school field trip, along with many, many other ignored or overlooked hardships and stresses<sup>2</sup>. If approaching homelessness from a holistic perspective, it is clear the negative externalities created by displacement bare a far greater cost than the current incarnation of Intro 214-A.

The Right to Counsel will protect families and affordable housing. Keeping families in their homes will maintain long-run affordability necessary for preserving working class New York City communities. The report mentioned earlier by Stout Risius Ross also calculated the total savings of Right to Counsel for the City to be approximately \$320 million<sup>3</sup>, making this policy fiscally responsible. Intro 214-A is a step in the right direction for balancing the odds between tenants and landlords. The Central Labor Council strongly supports the Right to Counsel, and supports passage as soon as possible. Thank you for your time and consideration.

<sup>1</sup> "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A." March 16, 2016. Accessed September 22, 2016. [http://www2.nycbar.org/pdf/report/uploads/SRR\\_Report\\_Financial\\_Cost\\_and\\_Benefits\\_of\\_Establishing\\_a\\_Right\\_to\\_Counsel\\_in\\_Eviction\\_Proceedings.pdf](http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf).

<sup>2</sup> Matthew Desmond, *Evicted: Poverty and Profit in the American City* (Crown, 2016). Page 297.

<sup>3</sup>The report (footnote one) explains savings will come from gross homeless shelter cost savings (\$251 million,) annual cost of affordable housing (\$259 million,) and savings from unsheltered homeless (\$9 million,) less the cost of providing counsel (\$199 million.)

Testimony to New York City Council's  
Committee on Courts and Legal Services on  
**Providing Legal Counsel for Low-Income Eligible Tenants Subject to**  
**Eviction, Ejectment, or Foreclosure Proceedings**  
Monday, 26<sup>th</sup> September, 2016

MY NAME IS FITZROY CHRISTIAN. I AM A RESIDENT OF THE SOUTHWEST BRONX, AND A TENANT IN A RENT SUBSIDIZED APARTMENT. I AM ALSO A TENANT LEADER AT CASA (COMMUNITY ACTION FOR SAFE APARTMENTS), A SOUTHWEST BRONX COMMUNITY-BASED TENANT ADVOCATE ORGANIZATION.

I THANK THIS COMMITTEE AND THE CITY COUNCIL FOR THE OPPORTUNITY TO STRESS THE NEED FOR NEW YORK CITY TO PASS AND FUND INTRO 214-A, A PIECE OF LEGISLATION THAT WILL, *INTER ALIA*, STEM THE TIDE OF EVICTION AND INCREASED HOMELESSNESS THAT HAS REACH CRISIS PROPORTIONS IN NEW YORK CITY.

FIRST, IT IS NOT BY ACCIDENT THAT THE HOUSING COURT SYSTEM IN NEW YORK CITY IS POPULARLY REFERRED TO AS THE LANDLORD'S COLLECTION AGENCY AND EVICTION MILL. LAST YEAR – 2015 – JUST UNDER 24,000 FAMILIES WERE EVICTED WITH A LARGE PERCENTAGE OF THEM ENTERING THE HOMELESS/SHELTER SYSTEM AT UNIMAGINABLE COST TO INDIVIDUALS, FAMILIES, COMMUNITIES, AND TO THE CITY ITSELF.

A COUPLE OF WELL-ESTABLISHED FACTS: ALMOST 100% OF LANDLORDS, WHO BRING MORE THAN 80% OF THE CASES TO HOUSING COURT, HAVE LAWYERS. AND UNTIL VERY RECENTLY, WITH THE CURRENT CITY ADMINISTRATION'S 10-FOLD INCREASE IN FUNDING FOR CIVIL LEGAL SERVICES, MORE THAN 90% OF TENANTS BROUGHT TO COURT BY THEIR LANDLORDS DID NOT HAVE LAWYERS. THE RESULTS OF THIS COURT

ROOM POWER IMBALANCE, THIS JUSTICE INEQUITY, ARE MANIFESTED IN HIGH EVICTION RATES AND GROSSLY UNFAIR FINANCIAL AGREEMENTS WHICH INCREASE TENANTS' RENT BURDEN AND PLACE ADDED STRESS ON THEIR HOME FINANCIAL CIRCUMSTANCES. THEY ARE ALSO DISPLAYED IN COLLATERAL DAMAGE IN THE FORMS OF THE DESTRUCTION OF FAMILIES AND COMMUNITIES, THE LOSS OF AFFORDABLE HOUSING, CHILDREN ABSENT FROM SCHOOL, PARENTS LOSING THEIR JOBS OR NOT FINDING EMPLOYMENT BECAUSE THEY DO NOT HAVE A PERMANENT ADDRESS, THE LIFE-LONG TRAUMA TO CHILDREN CAUGHT UP IN THE HOMELESSNESS SYSTEM, AND OTHER CALCULABLE AND INCALCULABLE COSTS TO INDIVIDUALS, FAMILIES, AND THE CITY.

INTRO 214-A IS A BILL THAT IF PASSED INTO LAW WILL GUARANTEE THE RIGHT TO LEGAL REPRESENTATION IN HOUSING COURT FOR TENANTS WITHIN 200% OF THE FEDERAL POVERTY LEVEL. PROVIDING LEGAL COUNSEL TO THESE TENANTS WILL MAKE A DRAMATIC DIFFERENCE IN THE OUTCOMES OF HOUSING COURT CASES, BECAUSE IT WILL GO FAR IN LEVELING THE PLAYING FIELD, TIPPING THE SCALES OF JUSTICE BACK INTO SOME SEMBLANCE OF BALANCE, AND MAKING HOUSING COURT A PLACE WHERE TENANTS CAN GO TO GET JUSTICE. IT WILL ALSO CHANGE THE NATURE OF THE COURT, BECAUSE COURT OFFICIALS, FROM THE JUDGES DOWN TO CLERICAL STAFF, BEHAVE VERY DIFFERENTLY WHEN TENANTS ARE REPRESENTED BY ATTORNEYS.

APART FROM MY ADVOCACY WORK AS A TENANT LEADER AT CASA, I AM EMPLOYED AS THE BRONX BOROUGH COORDINATOR FOR HOUSING COURT ANSWERS. THERE, IN THE BRONX HOUSING COURT, I GET TO SPEAK WITH HUNDREDS OF TENANTS EVERY MONTH, AND GET TO HEAR THEIR PERSONAL STORIES.

- I HEAR HOW THEY HAVE TO MAKE CHOICES FOLKS SHOULD NEVER HAVE TO MAKE: DO I RISK LOSING MY JOB BY ASKING FOR TIME OFF EVERY FEW WEEKS AS LANDLORDS KEEP POSTPONING OR ADJOURNING CASES? OR DO I JUST SIGN AN AGREEMENT WITH THE LANDLORD, GIVING UP MY RIGHTS TO FIGHT FOR JUSTICE, AGREEING TO ONEROUS CONDITIONS TO MY TENANCY, SO THAT I CAN KEEP MY JOB AND BE ABLE TO KEEP A ROOF OVER MY FAMILY'S HEADS?
- I SEE AND HEAR OF THE VARIOUS ABUSIVE TACTICS AND STRATEGIES LANDLORDS UTILIZE TO INTIMIDATE TENANTS INTO AGREEING TO PAY PROBABLY ILLEGAL FEES AND CHARGES THAT TYPICALLY ARE NOT A PART OF HOUSING COURT PROCEEDINGS. THIS HAPPENS BECAUSE MOST TENANTS DO NOT KNOW THEIR RIGHTS AND HOUSING LAWS, AND LANDLORDS USE THIS KNOWLEDGE TO BULLY TENANTS INTO AGREEMENTS THAT ARE ABSOLUTELY UNFAVOURABLE TO THE TENANTS.

OVER THE PAST TWO PLUS YEARS, THE CITY HAS INVESTED TENS OF MILLIONS OF DOLLARS FOR TENANT PROTECTION IN SPECIFIC COMMUNITIES AND NEIGHBOURHOODS AROUND THE CITY EARMARKED FOR REZONING. WE ARE ALREADY SEEING A SLIGHT DIFFERENCE IN THE OUTCOMES OF CASES GOING TO HOUSING COURT IN THESE AREAS WHERE THE CITY IS PROVIDING FREE OR VERY LOW COST LEGAL REPRESENTATION TO TENANTS. THERE IS A REDUCTION IN TENANT EVICTIONS IN THOSE AREAS. TENANTS ARE NOT ON THE HOOK FOR MONIES LANDLORDS ARE UNJUSTLY CLAIMING. IN QUITE A FEW CASES, LANDLORDS SIMPLY ABANDON THEIR CASES WHEN THEY REALISE TENANTS HAVE LEGAL COUNSEL. TENANTS NO LONGER HAVE TO REQUEST REPEATED TIME OFF TO GO TO COURT. JUDGES SPEND LESS TIME REVIEWING AND ALLOCUTING SETTLEMENTS

BECAUSE THEY ARE NEGOTIATED BY EQUALLY TRAINED COUNSEL. TENANTS ARE NOT RETURNING TO COURT TO RESTORE THEIR CASES TO THE CALENDAR BECAUSE THEY REALISE AFTER THE AGREEMENTS HAVE BEEN SIGNED THAT THEY HAVE BEEN TREATED VERY UNFAIRLY. LEGAL REPRESENTATION FOR TENANTS ALSO RESULTS IN FEWER “JUDGMENTS” AS OUTCOMES, SO THAT MORE TENANTS DO NOT HAVE THEIR CREDIT NEGATIVELY IMPACTED.

BECAUSE OF THIS INVESTMENT, ABOUT 27% OF TENANTS GOING TO HOUSING COURT NOW HAVE LEGAL REPRESENTATION, AN INCREASE FROM THE LESS THAN 10% WHO HAD LEGAL COUNSEL BEFORE THIS INCREASE IN SPENDING BY THE CITY. THIS IS A GOOD START, WITH GOOD RESULTS, BUT IS NOT A SUBSTITUTE FOR A UNIVERSAL RIGHT TO COUNSEL FOR THE RESIDENTS OF NEW YORK CITY WHO CANNOT AFFORD THEIR OWN ATTORNEYS IN HOUSING COURT.

THESE RESULTS ARE ADDITIONAL REASONS WHY PASSAGE OF INTRO 214-A IS URGENTLY NEEDED. A NUMBER OF EXPERTS, INCLUDING THE CITY’S INDEPENDENT BUDGET OFFICE, HAVE RELEASED REPORTS SHOWING THAT APART FROM ***RIGHT TO COUNSEL*** PAYING FOR ITSELF AND RETURNING SIGNIFICANT SAVINGS TO THE CITY, THERE WILL BE EXPONENTIALLY FEWER EVICTION CASES BROUGHT TO COURT, RESULTING IN SUBSTANTIALLY FEWER EVICTIONS, AND SIGNIFICANTLY MORE FAMILIES REMAINING IN THEIR HOMES AND COMMUNITIES, AND RELIEVING THE PRESSURES BEING BROUGHT TO BEAR ON THE STOCK OF AFFORDABLE HOUSING WHICH IS ALREADY DWINDLING AT A REMARKABLE PACE.

THE **RIGHT TO COUNSEL** WILL BE A GAME CHANGER BOTH IN THE LIVES OF TENANTS IN NEW YORK CITY AND IN THE WAY HOUSING COURT DISPENSES JUSTICE. THE RIGHT TO

COUNSEL WILL SAVE THE CITY HUNDREDS OF MILLIONS OF DOLLARS ANNUALLY WHEN FULLY IMPLEMENTED. THE RIGHT TO COUNSEL WILL KEEP FAMILIES IN THEIR HOMES WITH MORE MONEY IN THEIR POCKETS TO BOOT, HELP KEEP COMMUNITIES INTACT AND VIABLE, HELP PRESERVE AFFORDABLE HOUSING, AND HELP MAKE NEW YORK CITY AN INCLUSIVE CITY IN WHICH PEOPLE OF ALL ECONOMIC, ETHNIC, RACIAL, AND SOCIAL GROUPINGS CAN ENJOY A QUALITY STANDARD OF LIVING AND A LIFE WITH A GREAT MEASURE OF DIGNITY.

PASSING AND FUNDING INTRO 214 IS THE RIGHT THING TO DO. PASSING AND FUNDING INTRO 214 IS THE SMART THING TO DO. PASSING AND FUNDING INTRO 214 IS THE HUMAN RIGHT THING TO DO. PASSING AND FUNDING INTRO 214 MEANS JUSTICE EQUITY WILL BE MORE OF A REALITY IN NEW YORK CITY, AS IT LEADS THE WAY FOR THE NATION TO PROVIDE CIVIL LEGAL SERVICES FOR FAMILIES AND INDIVIDUALS THREATENED WITH THE LOSS OF THEIR HOMES.

**PASS INTRO 214! FUND INTRO 214! WE NEED IT. WE DESERVE IT. WE HAVE WORKED FOR IT. WE HAVE EARNED THE RIGHT TO IT. PASS INTRO 214! FUND INTRO 214! PASS INTRO 214! FUND INTRO 214!**

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**Testimony of New York State Senator Brad Hoylman  
In Support of Intro 214-A and a Right to Counsel for  
Low-Income Tenants At Risk of Eviction**

**September 26, 2016**

Thank you for the opportunity to submit testimony on New York City Intro 214-A, which would provide legal counsel to tenants facing eviction, ejection, or foreclosure proceedings, whose incomes are below 200% of the federal poverty line. As the State Senator representing New York's 27th District, which includes gentrifying neighborhoods like Chelsea, the East Village, and portions for the Upper West Side, my constituents and I are all too familiar with the urgent eviction crisis in our city.

C.B., one of my constituents, has lived in the East Village for 25 years. When a severe mold infestation grew in his apartment, his landlord ignored his requests for repairs. C.B. just wanted a safe, healthy living environment, so he brought an HP Action in Housing Court against his landlord and withheld a portion of his rent. When the landlord then filed to evict him, C.B. feared he would lose his rent-regulated apartment and have nowhere to go -- but thanks to a pro-bono attorney, he won both cases, was able to stay in his home, and get the dangerous mold in his apartment remediated.

For C.B., an attorney made all the difference - and he is not alone. Today, more than 200,000 New Yorkers go to Housing Court every year - the vast majority of whom are low income tenants who can't afford a private attorney.

Forcing low-income tenants to represent themselves, usually against wealthy and well-represented landlords, has created a civil legal system that is sharply skewed against working-class New Yorkers. This unfair system has predictable results: an eviction epidemic. From the early 2000s through 2015, the number of families who were forced out of their home by evictions grew steadily - reaching nearly 30,000 families in 2013, according to the *New York Times*. Evictions are driving New York's ballooning

homelessness crisis; tonight, nearly 60,000 people will sleep in city shelters, about two thirds of whom are families with children.

The status quo is unacceptable, and this bill is the obvious solution. According to a report commissioned by the New York City Bar Association, tenants are 77% less likely to be evicted if they have an attorney. In fact, New York has seen an 18% decline in evictions since Mayor de Blasio's commendable expansion of legal services for low-income tenants. The evidence is clear: having an attorney is often what keeps New York families in their homes.

Ensuring access to counsel for vulnerable New Yorkers is both the right thing to do and, in the long run, is fiscally responsible. Helping New Yorkers stay in their homes means helping keep our neighbors out of the shelter system. According to a report commissioned by the New York City Bar Association, the costs of implementing this bill would be approximately \$199 million; meanwhile, the City spends approximately \$294 million annually sheltering families who are homeless because of evictions. In other words, providing counsel to low-income New Yorkers wouldn't really cost us money – it would ultimately *save* about 25 million taxpayer dollars by reducing the shelter population, even before we factor in harder-to-measure costs that come from disrupting a child's education, increased health and safety risks, and difficulty maintaining stable employment that often follow when a family is forced into homelessness. This bill helps keep vulnerable New Yorkers in their homes while wisely saving taxpayer dollars.

That's why I am proud to support Council Member Levine, tenants, and Intro 214-A, which would create a right to counsel in Housing Court for low-income New York tenants. Not only do I support Right to Counsel in New York City, I am proud to cosponsor the equivalent legislation in the State Senate – so no tenant in New York State is evicted from their home simply because they couldn't afford an attorney.

Thank you for your consideration of my comments and this critical legislation I also want to take a moment to thank the fantastic pro-bono legal service providers who defend and advise tenants in my district, especially MFY Legal Services, Housing Conservation Coordinators, and the Urban Justice Center. I know for a fact that Manhattan, and New York as a whole, is more affordable, diverse, and safely housed thanks to your efforts. I look forward to our continued work to ensure no New York tenant is ever unfairly evicted from their home.

To: The City Council of the City of New York  
From: Professor Mary Marsh Zulack, Columbia Law School  
[mzulack@law.columbia.edu](mailto:mzulack@law.columbia.edu), 212-854-8214  
Re: Testimony in Support of Right to Counsel, Intro 214  
Date: September 26, 2016

=====  
Congratulations. This is the start of a magnificent era. You will be a beacon to the nation and to the world. This is a watershed moment for justice.

The recent infusion of money for tenant representation in Housing Court has provided an excellent proof of concept for you. The New York Times Editorial on September 23, 2016, along with many other reports and articles, powerfully presented the basics: the importance of justice, of saving low income renters from calamity and tragedy, saving the affordable housing stock, saving City money otherwise devoted to the massive needs of homeless individuals and families.

This effort to achieve a right to counsel—this particular, right to counsel has been virtually the life work of many people: some for many years, while others for decades. There are some who have passed on without being able to see it come to fruition. I want to pay tribute to them and to each of you who will vote for Intro 214. The day is dawning, and it is thrilling to see it finally here.

Let me add just a few technical points to the rich and passionate record before you.

I have been teaching at Columbia Law School for slightly more than 25 years. For the 20 years before that I practiced law with legal aid and legal services programs in NYC, largely representing low income tenants.

POINT 1: In many Jurisdictions a tenant cannot preserve tenancy rights after missing rent payments. In New York this is different. We have “pay and stay”.

We have seen the impressive statistics that tenants with attorneys will “win” a vast number of cases. How is this possible? Are landlords bringing that many faulty cases? Are tenants’ attorneys unusually gifted?

Well, both of these possibilities may be true. But there is something else. In many jurisdictions, if a tenant does not pay rent, that is a breach of the lease. The landlord brings the case to court, proves that breach and the tenant will be evicted. End of story.

In New York there are two differences. One is that the amount owed is determined in light of the landlord's obligations to the tenant for the conditions of the home; the other is that there is a grace period in which to pay a judgment and thereby prevent eviction.

A residential landlord has to fulfill an unwritten law-imposed obligation. The landlord must live up to the "implied warranty of habitability." This means it must keep the premises free from conditions hazardous or detrimental to life health or safety and must keep the premises fit for habitation.

Often, especially for tenants living in poverty, the landlord has breached the implied warranty. An attorney presenting the case for the tenant will provide evidence of the duration and extent of the breach and the judge will determine the "abatement" or reduction of the rent owed.

In other words, the court will determine the unpaid rent, subtract the amount of the abatement and other credits for the tenant, and come up with the proper amount for the tenant to pay. If the amount owed by the tenant is larger than the amount subtracted for the landlord's breach, then a judgment of rent can be entered against the tenant for that amount.

However, the fact that there is a judgement does not mean the tenant will be evicted. To prevent that, the tenant must pay the judgment in the time allotted (5 days) and before a warrant of eviction is issued by the court.

If the judgment is paid in that time, the tenancy continues. This seems logical, and we are used to this result in New York, but it does not work that way in many other jurisdictions. In other states, any nonpayment whatsoever dooms the tenant to eviction.

Here winning a nonpayment case-- for the tenant—means securing a proper payment amount, and securing the money that allows the tenant to pay the judgment in time.

The New York rule provides that only the “the issuance of a warrant for the removal of a tenant cancels the agreement under which the person removed held the premises, and annuls the relation of landlord and tenant...” (Real Property Actions and Proceedings Laws Sec. 749.3.) So the tenancy continues in full force if the judgment is paid before the warrant is issued. This vital step of prompt payment before a warrant is issued is well understood by an attorney. New York has “pay and stay”. Perform the “pay” in time and the tenant “wins” and keeps the apartment. This doctrine greatly increases an attorney’s ability to protect the tenant’s home: make sure the amount is right and work diligently to secure payment, from whatever combination of sources, in time, and you will prevent eviction.

POINT 2: Fairness to Housing Court Judges requires Right to Counsel.

The whole Housing Court system deeply needs this. One small point is that once most tenants are represented by attorneys, the court can enter the modern age and, like other courts with digital filing of papers, eliminating the long lines spiraling around in front of the entrances to Housing Courts, unrepresented tenants waste hours simply standing in line to speak to a clerk or to hand in a form.

Housing Court judges can only function properly if there is a right to counsel for indigent tenants. Our adversarial adjudication system in the U.S. is based upon the premise that both parties have competent, devoted attorneys. When that is true, the impartial judge has the benefit of balanced expertise developing the factual record and researching and presenting applicable legal theories.

Just think of the burdens on a judge facing an unrepresented tenant. The judge may address polite inquires but cannot hope to get the details that a tenant’s attorney could. Judges do not have a confidential relationship that allows the tenant to “spill the beans”—to tell all the information whether it puts the tenant in a positive light or not. A judge cannot really investigate. And too much solicitude toward the tenant can raise a question of impartiality. A judge typically has 5 or 10 minutes to try to get to the bottom of things. A tenant’s attorney’s investigation will include many, many hours of interviews, diligence in gathering documents and analyzing them, conferences with resources and possible witnesses, weighing advice and possible options, writing the pleadings, motion papers, memoranda of law, drafting

proposed orders. This is a complex role to fill. It is not fair to deprive a tenant of this, and no well-meaning judge should have to try to balance things in a brief conference at the bench. There is no substitute for an actual attorney for the tenant.

As we know, most cases are settled by an agreement and judges oversee the process of reaching that agreement at least to the extent of asking all sides if they understand and agree. But judges know in their hearts that when there is an attorney on one side and none on the other, the result will be more advantageous to the side with the professional advocate. There is very little they can now do, except hope that they are not participating in a settlement too outrageously off the mark.

In fact, as many reported cases show, once an attorney for the tenant does get on the case, that judges have approved agreements that are fraudulent, the result of misconduct and over-reaching. Examples are tenants who needlessly giving up their tenancy, or agree to pay rent already paid- either by the tenant or by a subsidy program. These are agreements so unfair that they shock the conscience

This is everyone's nightmare. Justice was not, and could not be, served because the judge did not have that essential balance of attorneys for both sides.

As a society we must stop placing our judges in the position of being blind to one side. This is not what that blind-fold on Lady Justice is about. It is supposed to indicate even-handedness: Let there be no favor to the mighty and also no disadvantage to the lowly. We need in every case a clear-eyed judge who sees the true situation.

Housing Court judges already have a burden that is extraordinary. They are charged with preserving the housing stock, to the extent they have cases where this is called for. Let us stop making their job so impossibly difficult. Give them representation for indigent tenants.

In conclusion, having an attorney on your case is very different from following self-help instructions, or getting an hour's worth of advice every so often. Others have invented and enjoyed this analogy: We do not invite a critically injured person into the Emergency Room of a major hospital to play around with the equipment... until they feel better. Let us stop doing this in the justice system.

Thank you, and congratulations on taking this courageous step.

**Wrongful Convictions  
By Richard A. Brown\***

**Dated: October 5, 2010  
Kew Gardens, New York**

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**\*Judge Brown is a retired Justice of the Appellate Division, Second Department and served as Counsel to Governor Hugh L. Carey in 1979-1980. He is also the Chair of the New York Prosecutors Training Institute and for the past almost twenty years has served as the District Attorney of Queens County.**

**All of us, I think it fair to say, share the same goal -- to do everything within our power to insure that the innocent are not wrongly convicted of crimes that they did not in fact commit.**

**As good as it is, however, -- and as many checks and balances as it has built into it -- our criminal justice system is not perfect. But it does have built into it a number of ways in which weak or flawed cases are identified and eliminated -- and by which wrongful convictions are prevented from taking place.**

**Every day, for example, the police screen out suspects. Every day prosecutors decline to prosecute cases where the evidence simply does not meet their standards. Those cases that get by still have to survive grand jury presentations, pre-trial challenges and trial by jury. And, of course, post-conviction there are a number of review procedures available on both the state and federal levels to make sure we get it right.**

**And we do get it right in the overwhelming majority of cases. Wrongful convictions are extremely rare -- although, clearly, one wrongful conviction is one too many and we must continue to do everything that we can to prevent them -- and to set them aside when they are found to have occurred.**

**\* \* \* \***

**At the outset, let me say that I believe that early involvement and aggressive screening by prosecutors is critical to making correct determinations. Wrongful convictions are seldom the result of intentional misconduct -- they are more likely the result of inadvertent mistakes. Police and prosecutors rely on the credible accounts of civilian victims and witnesses as to how the crime was committed and who committed it. And sometimes those victims and witnesses make mistakes. To prevent these mistakes -- most of which , as I say, are honest mistakes -- from having tragic consequences, at the outset we do a number of things:**

- **Firstly, no criminal case brought to us by the police may proceed until it is screened by our Intake Bureau. The bureau is staffed with veteran prosecutors who carefully review every case for legal sufficiency. These are smart, savvy, street-wise attorneys who use their experience and common sense to assess the strength and credibility of the evidence before them. They are not afraid to challenge police officers and complainants, to reject cases if they do not meet our standards, to direct further investigation or to decline to prosecute them at all;**
- **Secondly, we try to get our assistants involved in cases as early as possible. To this end, I have in place in my office a “riding” program which puts my assistants at virtually every major crime scene where they speak to arresting officers, take statements from victims and witnesses, supervise lineups and try, from the very earliest point, to determine the true facts of each case; and**
- **Thirdly, over three years ago we began a program in Queens in which we conduct videotaped interrogations of defendants awaiting arraignment on felony charges. The interrogations are conducted by investigators from our office or by assistant district attorneys in a room in Central Booking. The entire interrogation is videotaped from beginning to end -- and the defendant decides, after being advised of his Miranda rights, whether to speak to us knowing that the interrogation is being videotaped. A copy of the videotape is given to defense counsel at arraignment. The results of the program -- in which over 5,500 interviews have so far been conducted -- have been very positive. The information produced during these interviews has, in some cases, quickly confirmed our assessment of the case, in others led to a modification of the charges and in still others it has promptly exonerated individuals who have been mistakenly arrested.**

**In addition, we make every effort to instill in our assistants the need to keep an open mind throughout the life of a case and to examine and re-examine every aspect to make certain that every witness account makes**

**sense, every piece of forensic evidence fits, every investigative lead has been adequately pursued. I have regularly scheduled 8 a.m. bureau meetings at least three mornings a week at which pending cases and investigations are reviewed and discussed with me and my senior staff. Our truth seeking function never ends and that means that we must continue to ask questions and be secure enough to admit that we can be wrong sometimes.**

**We have also been moving more and more toward vertical prosecution so that the same assistant who rides the case puts the case into the grand jury and also brings the case to trial. That helps to insure that the trial assistant has the best understanding of all the facts and circumstances rather than having to rely on another assistant's investigation or analysis.**

**Also extraordinarily helpful is our plea policy -- which severely limits post indictment plea bargaining. The requirement for rapid grand jury presentment puts pressure on prosecutors to move so quickly that often small problems and inconsistencies in the evidence are overlooked or resolution of those problems is put off until after indictment. Our plea policy helps to remove this pressure to indict swiftly or risk the release of the defendant on bail. In the overwhelming majority of cases, defendants in Queens County choose to waive the provisions of C.P.L. 180.80 in order to engage in discussions with us. This gives us more time to thoroughly investigate and review cases before they are indicted. We also use this pre-indictment time to investigate alibi defenses, speak with additional witnesses or examine other evidence that defense counsel asks us to examine. The extra time also allows us to wait for the completion of scientific or other tests. In a number of cases, this time has enabled us to explore a claim of innocence and ultimately exonerate the accused promptly, before indictment.**

**We all benefit when we uncover problems early and resolve them one way or the other rather than indicting problem cases with the hope that we can sort it all out later. And if we have focused on the wrong man, we are not searching for the right man -- and public safety is endangered.**

\* \* \* \*

**We urge defense counsel to come in early and tell us about any evidence that they might possess that raises concerns about a defendant's guilt. We do not receive claims of innocence every day. So when we are approached by a defense attorney who says that he or she has a genuine concern that his or her client is actually innocent -- and backs up that claim with corroborative evidence or investigative leads that can be checked out -- our response is to immediately undertake a thorough investigation into that claim and the evidence supporting it.**

\* \* \* \*

**While we strongly encourage defense counsel to approach us immediately, we treat wrong man allegations with the seriousness they deserve whenever they are made. We are always ready to listen to claims of innocence. When a credible claim is raised post-conviction, a senior prosecutor is assigned to review it. In a number of cases, we have devoted a team of attorneys and investigators to conduct a complete re-investigation of the case even years after the conviction. Our office has earned a reputation for fairness because we are not afraid to take a hard look at a case after conviction to make sure that justice has been done.**

**You may only hear about the cases that result in dismissals, but there are many other cases that have been extensively investigated where the reinvestigation confirms that the defendant is in fact guilty. It is a long, difficult and time consuming effort to re-examine cases -- particularly many years later when witnesses' recollections may have dimmed and physical evidence and records may no longer be available. We undertake this effort readily, however, when any real issue is presented as to a defendant's guilt, even if it does not ultimately result in the defendant's exoneration. It is the needless reinvestigations of cases involving clearly guilty defendants where no real issue of innocence is presented that drive prosecutors' concerns about finality in judgments. Since there is enormous incentive for a guilty defendant to bring such an application and no sanction for bringing a**

**meritless one, there needs to be some limit on the opportunity to endlessly reopen criminal cases.**

**\* \* \* \***

**What else can we do?**

**Firstly, we must insure that the criminal justice system itself receives sufficient funding. We need resources to reduce the pressure of volume in the courts, insure manageable caseloads for every attorney handling criminal cases and maintain sufficient investigative and support staff. We need to make certain that every case receives the time and attention that it deserves since thorough and painstaking trial preparation is one of the most effective ways to expose previously unidentified weaknesses in a case. There must be adequate funding for training of police, prosecutors, defense attorneys and judges to keep them sensitized to these issues and alert to identify and respond to cases raising red flags.**

**We must also insure that we have prompt and comprehensive access to technology, such as DNA, that can definitively establish defendant's guilt or innocence. We have learned that DNA is a powerful tool to exonerate those who have been wrongly convicted. And yet we have moved far too slowly in expanding our DNA database and still do not take samples from all convicted offenders. Consequently, we have missed many opportunities to promptly and correctly solve crimes. And, although we have invested substantial resources and made considerable progress, it still may take several weeks to get test results that can free a person who has been wrongly charged and lead us directly to the person who actually committed the crime. Few changes in our criminal justice system would have as direct and important an effect on preventing wrongful convictions as early access to DNA test results from an expanded database.**

**We must help change attitudes and work habits that foster an atmosphere in which mistakes can go unnoticed. The participants in the criminal justice system rely too often on others to do their part to insure**

**that justice is done. Prosecutors rely on the police to investigate fully and thoroughly. Police rely on prosecutors to test the legal sufficiency of their cases and the strength and credibility of the evidence. Prosecutors rely on defense attorneys to present a vigorous and professional defense and to aggressively test the prosecution case at trial. When any component of the system fails to perform its role adequately, the potential exists for error. We must begin to instill in every participant, through training and encouragement, a sense of individual and personal responsibility for obtaining a just result.**

**And finally, we must demand the highest ethical and professional standards of all participants in the criminal justice system. Prosecutors, especially, must be held to a higher standard of conduct. They must refrain from improper conduct and at all times act in a manner consistent with the highest ethical standards. In my office, I take every opportunity to send the clearest message to my assistants that our paramount goal is to do justice. Indeed they are literally told on the day they arrive that their responsibility for as long as they work for us is to do justice.**

**\* \* \* \***

**One of the most important means by which a District Attorney can send a clear and unequivocal message to his or her assistants regarding their professional responsibilities is training. Our office, for example, has a full time Director of Training. Assistants in my office receive intensive and repeated instruction throughout their careers on both substantive and procedural law and ethical responsibilities.**

**The training that we provide is supplemented by regional and statewide training programs. The New York State District Attorneys Association has a training committee that conducts day long regional training programs. And NYPTI -- the New York Prosecutors Training Institute -- of which I am the Chair and which serves as the full time training arm of the District Attorneys Association, makes sure that assistants in offices large and small, in every area of the State, have access**

**to free, quality programs. We also send our assistants on a regular basis to the National District Attorneys Association's National Advocacy Center in South Carolina.**

**\* \* \* \***

**We must also guard against moral exhaustion and cynicism. We must refuse to tolerate laziness, incompetence and negligence in ourselves, our colleagues and our adversaries. We must maintain a high state of alert to any indication of corruption or misconduct and root it out immediately. We must trust each other more and eschew gamesmanship for better communication and cooperation in areas where we have a common, vital interest.**

**Judges have a particularly critical role to play. For it is the judiciary to whom we look to insure fairness, to hold both sides to the highest standards of professionalism and to keep a watchful eye out for the slightest indication that justice is not being served.**

**\* \* \* \***

**But most of all, it is essential that each of the components of the criminal justice system work together to strengthen the safeguards against wrongful convictions and erroneous identifications. For as I said at the outset, there is one thing upon which we can all agree -- one conviction of an innocent person is one too many.**

**#**

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-16

(PLEASE PRINT)

Name: Richard W. Finer

Address: 89-07 Spring - Boro. Q.V. NY 11427

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: Pablo Estepita

Address: \_\_\_\_\_

I represent: Dian Hawkins

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-16

(PLEASE PRINT)

Name: Hillary Eyle

Address: 123 William St NYC 10013

I represent: LEAP Coalition - USC

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: JOSE RENTAS

Address: 737 E 219

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Beverly Creighton

Address: \_\_\_\_\_

I represent: CPSA

Address: 1240 Woodcrest Ave Bx, NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-16

(PLEASE PRINT)

Name: Aubelia Figueroa

Address: 1749 Grand Concourse - 6C

I represent: My Casa

Address: 35- Marcy Place Bx NY 10453

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-

(PLEASE PRINT)

Name: Kim Austin

Address: homeless

I represent: myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Olga Apt. Dedfield

Address: 91 East Moshulu Parkway North

I represent: MonteFiore Hospital

Address: 91 East Moshulu Parkway North

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: MONIQUE Murray

Address: 941 Simpson Street #5B

I represent: CASA

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Madeline Mendez

Address: \_\_\_\_\_

I represent: CASA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Olga apt - Dudley

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Fatisha Pinkney

Address: 503 east 175 st

I represent: Olga from Montifore

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Wayne Jackson Calboway

Address: 600 W. 157th St # 3Y

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-2016

(PLEASE PRINT)

Name: Richard William Flores

Address: 8967 Springfield Blvd, Q.V. NY. 11427

I represent: SELF

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Aithea Matthews

Address: P.O. Box 992 Bronx, NY 10451

I represent: CASA / RTC Coalition

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26

(PLEASE PRINT)

Name: Emmanuel Paredilla

Address: 300 E 138<sup>th</sup> St. Apt. 12F Bronx, NY

I represent: Novi Lucero

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Matthew Rivera de Jesus

Address: 92 BERK AVE APT 2A

I represent: CO-OP

Address: BROOKLYN, N.Y. 10451

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: Dian Hawkins

Address: 1081 Jerome ave #5H

I represent: Tenants and neighbor at 1065-

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sept 26, 2016

(PLEASE PRINT)

Name: Margaret Arnold

Address: 145 E 23<sup>rd</sup> St #122 NY NY 10016

I represent: GDNY

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: HEMMER PASCA

Address: 733 Prospect Ave 3

I represent: CASA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: GEORGE SOTIROFF

Address: 701 WACON AVENUE #6G

I represent: COMMUNITY ACTION FOR SAFE APARTMENTS

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ELIZABETH THOMPSON

Address: 2757 CLAFIN AVE 4T

I represent: The BX KHNIA

Address: 2805 University Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sept 26, 2016

(PLEASE PRINT)

Name: VALERIE STEPHENS

Address: 482 PROSPECT AVE

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. A

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: AVA TASAKI

Address: 123 WILLIAM ST 16TH FLOOR NY, NY

I represent: COMMUNITY DEV. PROJECT URBAN JUSTICE

Address: 123 WILLIAM ST 16TH FLOOR CENTER NY, NY

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 26 Sept. 2016

(PLEASE PRINT)

Name: Elizabeth Hellman

Address: 221 Mott St. apt. 1c

I represent: ~~University Settlement~~

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Ernest Martinez

Address: 189 Allen St New York, NY, 10002

I represent: University Settlement

Address: 184 Edridge New York, NY, 10002

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Geneva Smith

Address: 1184 W 125th St Apt 5

I represent: CASA

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Andrew Lehrer / Catholic Migration Services

Address: 47-01 Queens Blvd, Suite 201  
Sunnyside, NY 11108

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ROBERTA COVBEH

Address: 1700 CONVENT AVE #102

I represent: ROBERTA COVBEH

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DAVE SUBREN

Address: c/o CASA

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lourdes Garcia

Address: 1590 Undercliff av

I represent: Casa del Bronx

Address: 35 Mercy Play

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/29/2016

(PLEASE PRINT)

Name: Jenny Laurie

Address: 240 W 98th St NYC 10025

I represent: Housing Court Angwers

Address: 50 Broad Street NYC 10004

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Nancy Alexander for AM Gottfried

Address: 242 W 47th St NYC 10001

I represent: Assembly Member Dick Gottfried

Address: 250 Broadway, NYC

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Mary Marsh Zulack Box D-17 (PLEASE PRINT)

Address: Columbia Law School, 435 W 116<sup>th</sup> St  
NYC 10027

I represent: self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Andrew Lehrer, fmr Judge (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Catholic Charities

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Emily Jane Goodman, fmr Judge (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: private practice

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 09/26/16

(PLEASE PRINT)

Name: Eduardo paez - Lorena Lopez (translator)

Address: 28-18 38th Avenue Apt. ~~1~~ 5

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Luis Cardoso / Lucas Renique (translator)

Address: 371 S. 5th St, Apt. 5B

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. 214-A

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Scott Sommer

Address: WAO, 250 W 5th St, NYC 10018

I represent: WAO

Address: Self @ WAO

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lucy ARROYO

Address: 1175 GERARD AVE

I represent: CAS-2

Address: 35 MARCY PLACE

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: SEPT. 26, 2016

(PLEASE PRINT)

Name: Felix Plaza Hernandez

Address: 1881 PITKINS AVE, BROOKLYN

I represent: TOP

Address: 2094 FULTON STREET, BROOKLYN, N.Y. 11233

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ROCHELLE THOMPSON

Address: 205 W. 138th St #4A

I represent: NYC 10030

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Annette Lane (PLEASE PRINT)

Address: 29 East 2nd St

I represent: Low Income Housing C.A.

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: ADELINA ST. CLAIR (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Rev. Manuel Rodriguez (PLEASE PRINT)

Address: 88-19 Parsons Blvd

I represent: Presentation of the Blessed

Address: Virgin Mary Church  
within Diocese of Brooklyn

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 948,961,968-A Res. No. \_\_\_\_\_

in favor     in opposition

Date: 9/29/16

(PLEASE PRINT)

Name: Manex Jacobs

Address: 54 Evelyn Pl Bx NY 10468

I represent: Maxjacobs (myself)

Address: 54 Evelyn Pl Bx NY 10468

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor     in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: Judge Littman

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Randy D. Hill

Address: 1211 Southern Blvd

I represent: CASH

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9-26-16

(PLEASE PRINT)

Name: Loureskela Cruz

Address: 1505 Townsend Ave. Apt 5E 10452

I represent: CASA

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Chris Chalfant

Address: 9747 Shore Rd Apt C3

I represent: Self, neighbors in my building

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: DAVID WIDELL

Address: Executive Director, National Center for

I represent: Access to Justice at Fordham Law School

Address: 150 West 62nd St.

N.Y., N.Y. 10023

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: Sept 26, 2016

(PLEASE PRINT)

Name: KATIE DUARTE

Address: 1307 EDWARD L. GRANT HWY, BRONX NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lillie Carino

Address: 330 W. 42 St, T.F.I., NYC 10036

I represent: 1199 SEIU

Address: 310 W 43 St, NYC 10036

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: ED JOSEPH

Address: 105 Court St

I represent: LEGAL SERVICES NYC

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)  
Name: Charles Nunez

Address: 11 Park Place, NY, NY 10007

I represent: Youth Represen

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-1 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)  
Name: Taylor James

Address: 111 Livingston street, 7th floor, BK, NY 11201

I represent: UAW-Local 2325, The Legal Aid Society

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)  
Name: Paul Carr

Address: 527 W 22nd St 3N 10011

I represent: myself

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: AVISHA OGLIVIE (PLEASE PRINT)

Address: 720 W 170 ST # 1D NY NY

I represent: MYSELF AND PEOPLE IVE ADVOCATED FOR OVER THE YEARS

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. + Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: Beth Goldman (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: New York Legal Assistance Group (NYLAG)

Address: 7 Hanover Square NYC 10004

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/26/16

Name: Harold Perienzo (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Banana Kelly

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Carmen Vega-Rivera

Address: 888 Grand Concourse 2A

I represent: CASA

Address: 35 Maria Place, Bx NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Katelyn Hosey

Address: 356 W 39<sup>th</sup>

I represent: Live On NY

Address: 45 W. 6<sup>th</sup>

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Angela Pham

Address: \_\_\_\_\_

I represent: Self

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Giselle Pouthier

Address: \_\_\_\_\_

I represent: Coalition for the Homeless

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/29/16

(PLEASE PRINT)

Name: Leyla Martinez

Address: Bronx tenant

I represent: myself

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Joan Beranbaum

Address: 125 Barclay Street, NY NY 10007

I represent: Director, Municipal Employees Legal Services

Address: (MELS), DC37

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Thomas Waters

Address: 90 Terrace View Ave Bronx

I represent: Community Service Society

Address: 633 Third Ave Manhattan

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: David Udell

Address: \_\_\_\_\_

I represent: Fordham Law School

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Risa Kaufman

Address: \_\_\_\_\_

I represent: Columbia Univ. Law School

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Neil Stein Kamp (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Stout Resins + Ross

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Raymond Roth (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: Stout Resins + Ross

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: John Mervan (PLEASE PRINT)

Address: \_\_\_\_\_

I represent: NYC Bar Association

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Diana Sen

Address: \_\_\_\_\_

I represent: Network of Bar Leaders

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Andrew Holder

Address: \_\_\_\_\_

I represent: Legal Aid

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Hon. Gale Brewer, Manh. BP

Address: 1 Centre St

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Andrew Scherer

Address: New York Law School

I represent: 185 W. Broadway

Address: NYC

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 2144-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/26/14

(PLEASE PRINT)

Name: Elvis Santana

Address: \_\_\_\_\_

I represent: Bananak Kelly

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Catherine Carr

Address: 4716 Windsor Philadelphia PA

I represent: National Coalition for a Civil Right to

Address: CLC Ctr for Public Justice Counsel

Baltimore MD

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/14

(PLEASE PRINT)

Name: Wanda Swinney

Address: \_\_\_\_\_

I represent: Banana Kelly

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/14

(PLEASE PRINT)

Name: Tahira Sarmadakis

Address: \_\_\_\_\_

I represent: Banana Kelly 9/26/14

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: FYZROU CHRISTIAN

Address: 15 FEATHERBED LANE #8E B21075

I represent: CASA

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Sept 29, 2016

(PLEASE PRINT)

Name: Ana Reyes

Address: 2298 Cheston Ave Apt 28 R NY

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214 Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Leah Goodridge

Address: \_\_\_\_\_

I represent: MY Legal Services

Address: 299 Broadway

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Lisa Young Rubin

Address: 311 W. 24th St. # 7B

I represent: NYC, NY 10011

Address: I had worked on legislation for Council before

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Jordan Dressler (PLEASE PRINT)

Address: HRA

I represent: Office of Civil Justice Coordinator

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Ezi Ukegbu (PLEASE PRINT)

Address: 1741 Barnes Ave, Bronx NY

I represent: Brooklyn Legal Services Corporation

Address: 619 Throop Ave, 3rd Fl. A.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

Name: Ignacio Jaureguiorda (PLEASE PRINT)

Address: 520 Eighth Ave, 18th Flr. NY, NY 10018

I represent: Party Justice Solutions / Center for

Address: Court Innovation

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/25/16

(PLEASE PRINT)

Name: Luetella Jordan

Address: 263 W 152nd St #2A

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/16

(PLEASE PRINT)

Name: Vivian Sonnenfeld

Address: 1731 Second Avenue NY NY 10128

I represent: MCH

Address: 168 Canal St NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Steven Banks, Commissioner

Address: Department of Social Services

I represent: HRA/DSS

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Elizabeth Strouhan

Address: 1 Whitehall Street

I represent: Enterprise Community Partners

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/26/2016

(PLEASE PRINT)

Name: Esteban Giron

Address: 951 Carroll Street, Brooklyn, NY

I represent: The Crown Heights Tenant Union

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Catherine Irapani

Address: 446 W. 33<sup>rd</sup> St. 6<sup>th</sup> Fl. NY, NY 10001

I represent: Homeless Services United

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/20/16

Name: Borough President (PLEASE PRINT)

Address: Ruben Diaz Sr

I represent: \_\_\_\_\_

Address: PS1 Grand Concourse

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

Name: Edward Ubiera (PLEASE PRINT)

Address: 501 7th AVENUE NYC 10018

I represent: LOCAL INITIATIVES SUPPORT CORP (LISC)

Address: 501 7th AVE NYC 10018

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

[ ]

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/2016

Name: Matthew Abuelo (PLEASE PRINT)

Address: 710 West 73 St

I represent: Met Council

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: 9/26/16

Name: Edward Campanelli (PLEASE PRINT)

Address: 9710 51st Ave, 5A, Elmhurst, NY 11373

I represent: Housing Works, Inc.

Address: 57 Wilton Place, 2nd Floor, Brooklyn, NY 11201

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: \_\_\_\_\_

Name: ELIZA BETH STROJAN (PLEASE PRINT)

Address: ONE WHITEHALL ST

I represent: ENTERPRISE COMMUNITY PARTNERS

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_  
 in favor  in opposition

Date: Sept 26 14

Name: Joseph Rosenberg (PLEASE PRINT)

Address: Catholic Community Relations Council

I represent: 80 Maiden Lane

Address: \_\_\_\_\_

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

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/12

(PLEASE PRINT)

Name: Steven Hasty

Address:

I represent: The Bronx Defenders

Address: 360 E. 161st St., Bronx

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor  in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Debbie Stevens

Address: 212-4th Ave Apt B2

I represent: Biller, NY 11209

Address: 11-207-4982

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 214-A Res. No. \_\_\_\_\_

in favor  in opposition

Date: 9/26/15

(PLEASE PRINT)

Name: Elizabeth Brown

Address: 110 William St 4th Floor NYC, NY 10038

I represent: New York City Independent Budget Office

Address: