

**Testimony of Jordan Dressler, Civil Justice Coordinator  
Before the New York City Council’s Committee on General Welfare  
“DSS Preparation for Expiration of the Eviction Moratoriums”  
January 25, 2021**

Good afternoon Chair Levin and members of the General Welfare Committee and thank you for the opportunity to testify about the Department for Social Services’ work on rental and eviction prevention support during the COVID-19 pandemic. My name is Jordan Dressler and I represent the Office of Civil Justice (OCJ) of the Human Resources Administration, where I am proud to oversee our work as the Civil Justice Coordinator. I am joined today by Bruce Jordan, HRA’s Chief Homelessness Prevention Officer, and Sara Zuiderveen, Deputy Commissioner for Prevention and Housing Assistance at HRA.

The Homelessness Prevention Administration’s mission is to execute programs and services aimed at keeping New Yorkers stably housed, ensuring they are connected to resources they are eligible for, such as rental assistance and legal services. Within the Homelessness Prevention Administration are the Housing and Homeless Services/Initiatives Division, the Rental Assistance Program, the Early Intervention Outreach Team, and the Office of Civil Justice, all of which are vital in assisting New Yorkers in need.

As part of HRA/DSS, the Office of Civil Justice launches, manages and monitors the City’s civil legal services programs for low-income and other vulnerable New Yorkers in need. OCJ is currently working with over 70 nonprofit legal service organizations to ensure thousands of New Yorkers in need across the five boroughs have access to legal services, in legal matters involving housing, immigration, and the workplace.

**DSS’s Eviction Prevention Work to Date**

New York City has taken an aggressive and multipronged approach to help New Yorkers stay in their homes and secure stable affordable housing. DSS has leveraged its programs to specifically address housing stability and eviction prevention. Through these initiatives we’ve built a strong foundation enabling us to effectively serve unstably housed New Yorkers across the five boroughs. Among these programs, we want to highlight the following:

**Legal Services for Tenants and the City’s Right-to-Counsel Law:** New York City has become the national leader in ensuring that tenants facing housing instability have access to quality legal

assistance to help them preserve and protect their homes, first through dramatic multi-year investments in expanding legal services for tenants implemented in partnership with over twenty nonprofit legal services organizations across the city, and culminating in the City's enactment and HRA's implementation of the nation's first right-to-counsel initiative, ensuring that tenants facing eviction in Housing Court or in NYCHA administrative proceedings have access to free legal services.

The impacts of these efforts have been dramatic and positive. Residential evictions by city marshals fell by over 40% between 2013 and 2019, while nationwide evictions trended upwards, and the percentage of tenants facing eviction in court with the help and protection of legal representation stood at 38% at the end of 2019, up from only 1% in 2013. Moreover, in the overwhelming majority of cases, when tenants have lawyers in eviction proceedings, they get positive results: in resolved cases in FY2020, 86% of households represented in Housing Court and public housing proceedings by OCJ-funded tenant lawyers were able to remain in their homes.

Every day, OCJ partners with legal services providers, court administrators, judges and other system stakeholders to bolster access to legal assistance. This effort has led to hundreds of thousands of tenants facing eviction proceedings being able to leverage the support of high-quality and free legal assistance through our programs. To date, over 450,000 New Yorkers have received free legal representation, advice, or assistance in eviction and other housing-related matters since 2014 through HRA's legal services programs.

**Rental assistance programs:** first, through reestablishing rental assistance programs and then streamlining them into one program aligned with the State's FHEPS rental assistance program, we have increased access to rental assistance for New Yorkers struggling to bridge the gap between income and rent. By consolidating prior programs, it is now easier for tenants to request and secure rental assistance. For landlords, fewer programs means easier access and an increased willingness to work with us. We've invested in building out a landlord management system, making it easier for landlords to receive rent payments and easier for DSS to manage caseloads. Additionally, we have worked to expand the accessibility of emergency rent arrears grants (also known as 'one-shot deals') – a program designed to support housing stability by flexibly meeting the circumstances of a household, which may be in need of rent, utilities and mortgage payment support to address arrears, thereby maintaining their housing.

**Homebase:** we have nearly doubled the number of Homebase centers across the five boroughs, where New Yorkers experiencing housing instability can be connected to various homeless prevention services, as well as where families and individuals transitioning from shelter to permanent housing can receive aftercare support.

The programs mentioned highlight our prevention-first approach to addressing housing instability, and due to the work of our staff and service providers, we have connected more than 155,000 New Yorkers to rental assistance and rehousing programs and also helped nearly 60,000 rent-burdened households annually pay back rent or utilities.

## DSS's Eviction Prevention Work During COVID-19

While we are proud of our work to increase housing stability and reduce evictions among New Yorkers in need, we are aware that we are now in a markedly different environment. COVID-19 has impacted us, our staff, our clients, and our nonprofit partners. COVID-19 has brought on new challenges that we continue to tackle every day, particularly around maintaining and promoting housing stability.

Today, we would like to share with you the actions that we have taken to ensure New York City tenants have the support needed to prevent evictions and further displacement during the COVID-19 pandemic. Our staff at DSS, along with our nonprofit service providers, have been working around the clock to leverage many of the programs mentioned earlier, along with updated strategies, to address these emergency circumstances.

Since the start of the outbreak, the City has advocated for a moratorium on evictions in the legislature and the courts. We also successfully advocated to the State to allow us to move our cash assistance application and interview process online and over the telephone, which meant that no one needed to travel and come into an HRA office to receive rent or utility arrears grants in-person.

In addition, we transformed our approach to making legal assistance available to tenants in need in response to the crisis. Working in collaboration with OCJ's legal services partners, Housing Court Answers and the Mayor's Office, we rapidly established a housing legal hotline to provide access to live phone-based legal advice and assistance provided by our tenant legal services partners. Through the hotline, tenants with questions and concerns about eviction and Housing Court as well as other landlord-tenant issues are receiving legal advice and assistance Monday through Friday. These services are currently available via 311 and the Mayor's Public Engagement Unit through the City's Tenant Helpline, and through Housing Court Answers' hotline. Legal advice services are free and are available to all NYC residential renters with housing questions or issues, regardless of income, geography/ZIP code, or immigration status.

At the start of the pandemic the New York City Housing Court closed with respect to nearly all new and pending matters (including eviction proceedings), except for "essential" proceedings such as legal actions to restore possession for tenants who were illegally evicted or locked out, and proceedings to compel landlords to make critical emergency repairs such as restoring lost heat or hot water. To address the legal needs of these tenants, OCJ worked with legal providers and the Housing Court and immediately established a case referral protocol to connect all unrepresented tenants who file emergency cases in court with free legal representation. Since the start of the pandemic, unrepresented tenants who file an action to be restored to possession after being illegally locked out by their landlord, or who file an HP action for emergency repairs, are referred to OCJ by the Court for free legal representation by one of OCJ's provider partners.

When the Housing Court expanded its operations beyond hearing emergency lockout and repair cases and began moving forward in some pending eviction cases, OCJ's legal providers were there

to assist and protect tenants in need. Specifically, the Court scheduled thousands of eviction proceedings that were pending resolution prior to the start of the pandemic for status and settlement conferences, and required that only those cases in which all parties were represented by legal counsel could be scheduled for a court conference. OCJ's legal services providers have participated in thousands of court conferences, representing tenant clients in pre-pandemic eviction cases. As a result, all tenant respondents in eviction proceedings handled by the Housing Court during this period have been represented by counsel – regardless of ZIP code or immigration status or income with an income waiver from OCJ.

Throughout the pandemic and prior to the most recent legislation preventing any Housing Court eviction activity, when state law and court directives enabled landlords to file motions in the Housing Court to permit pre-pandemic eviction warrants to proceed, or the scheduling of conferences in eviction cases involving allegations of nuisance behavior or health and safety issues, OCJ worked with the Court and legal providers to ensure that no tenant faced the threat of eviction without access to free legal representation. OCJ has been making free legal representation available to unrepresented tenants who responded in these cases through pre-court referrals and by assigning counsel to any tenant at such conference who wants legal representation in their case. This initiative has been citywide and universal; all tenants facing eviction warrants have been eligible, regardless of ZIP code, immigration status or whether the tenant may have previously declined or been found ineligible for legal representation under the Universal Access program, and regardless of household income with an income waiver by OCJ.

Additionally, to supplement the work above, OCJ has worked in partnership with the Mayor's Office to conduct proactive outreach to tenants at risk of eviction throughout the pandemic, including a mail campaign announcing the launch of the Tenant Helpline last spring as well as targeted mail and phone outreach initiatives directed at New York City tenants who faced pre-pandemic eviction warrants or who were at risk of eviction for failing to appear in court proceedings.

#### Federal and State Landscape on Rent Relief

Now, we'd like to provide an update on the current federal and state landscape around rent relief and eviction moratoriums. As you know, the federal government has enacted several stimulus efforts to address the emerging crises brought on by the pandemic. Most recently, in late-December, the federal government approved measures to increase SNAP benefits for millions of Americans facing hunger, provided funding for emergency food banks and children's meals, and, the focus of today, funded rent relief and, most recently, issued an eviction moratorium extension through the end of March.

At the state level, New York has most recently passed an eviction ban extending protections for most tenants through May 1<sup>st</sup> of this year. Under the newly enacted State law, the "COVID-19 Emergency Eviction and Foreclosure Prevention Act," tenants can avert eviction by their landlord if they have lost income or incurred increased expenses during the pandemic, or if moving from their home poses a hardship during the pandemic. To be protected by this law, tenants must sign

a “Hardship Declaration” form, which can be found on the NYS Courts website, and deliver it to their landlord/the landlord’s agent or to the Housing Court if they have a pending case. By signing and delivering this form, such tenants cannot be evicted from their primary residence pursuant to a pending case, and their landlord may not file new cases to evict such tenants until at least May 1, 2021. For more information on how these eviction protections may apply to specific tenants, we encourage New Yorkers to contact the City’s Tenant Helpline by calling 311 and saying “Tenant Helpline.” Additionally, through the New York State Homes and Community Renewal (HCR), the State is administering the extended “COVID Rent Relief Extension Program,” where eligible households can receive a one-time rental payment with federal stimulus funding from the earlier CARES Act.

We are pleased to see action taken by the State to address the real concern of tenants paying their rent through this pandemic. While limited in funding and with upcoming expirations, the rent relief program and eviction moratorium, respectively, are more tools in the tool box for tenants to take advantage of during this unprecedented time.

In the State budget that was released last week, the State has made provision for the implementation of the recently enacted federal rent relief program in the federal stimulus legislation. The program will be administered by the State Office of Temporary and Disability Assistance and we look forward to working with OTDA on the design and implementation of this program, including the implementation of rent relief allocated directly to the City.

### Legislation

I would now like to turn to the legislation being heard as part of today’s hearing, Int. No. 2050, by lead sponsors Councilmembers Levine and Gibson. If enacted, this bill would amend Local Law No. 136 of 2017, the Housing Court right-to-counsel law, to require the immediate citywide implementation of access to legal services for tenants facing eviction proceedings in Housing Court and NYCHA administrative proceedings. The Administration is currently reviewing the impacts of this legislation. While we are in favor of the spirit of the legislation and during the pandemic we have made right to counsel representation available on a citywide basis – without regard to Zip code – to meet the urgent needs of tenants facing housing instability, we believe that as drafted, this bill could hinder this flexibility which has allowed OCJ and its provider partners to be immediately responsive to the needs of tenants in court and in the community. Moreover, there is uncertainty about the timing and approach taken by the Federal and State governments on eviction moratoria and the housing legal landscape, and about the needs for legal help in and out of court to assist tenants affected by these protections. We look forward to further discussions with the Council and stakeholders on this bill, and in the meantime, we are confident that the current law, our structure and approach and our ongoing dialogue with legal services providers, court administrators and other system stakeholders will enable us to effectively and efficiently make legal assistance and protection available to tenants in need across the five boroughs.

## Conclusion

Thank you for the opportunity to testify and speak on the work that DSS and our partners have advanced to protect tenants in need. We look forward to ensuring New Yorkers at risk of eviction have the resources to fend off displacement, and to our ongoing partnership with the Council to overcome the crisis brought on by this pandemic. Thank you and I welcome any questions you may have.



## HOMELESS SERVICES UNITED

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### Homeless Services United's Written Testimony submitted to the NYC Council General Welfare Committee on January 25<sup>th</sup>, 2021

My name is Eric Lee and I'm the director of policy and planning at Homeless Services United. Homeless Services United (HSU) is a coalition representing mission-driven, homeless service providers in New York City. 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. Thank you Chair Levin and members of the committees for holding this hearing and allowing us to testify today.

The COVID-19 pandemic has affected the lives of many New Yorkers, as households who previously never needed housing assistance are now unable to pay their rent. **In order to prevent record numbers of evictions and homelessness, the City and State must provide arrears payments and ongoing rental assistance through current and new temporary programs which utilize the infrastructure of existing City agencies like HRA to quickly administer assistance. To be successful, we must deliver aid not just to those who qualify for existing eviction prevention assistance but to ANY household that cannot pay their rent due to the pandemic.**

**Given the recent availability of additional Federal assistance, we recommend the City and State utilize newly available funds to backfill the cost of new demand on existing aid programs, in order to allow more flexible City and State funding to serve a wider array of populations and needs which are not covered by Federal funding restrictions.** While HRA is providing record numbers of One-Shot Deals to households, many households do not qualify for them, and even those that do may fall back into arrears if they are unable to pay rent moving forward.

#### **ALL tenants unable to pay rent due to the pandemic need:**

- Immediate access a One-Shot Deal or one-time grant to pay arrears and other housing costs.
- Broader access to a rental subsidy to pay rent going forward (no future ability requirement, no housing court case/stipulation requirement, irrespective of status, etc.).
- More accessible ways especially within low-income communities of color to apply for and access public assistance benefits, rental and rehousing assistance, and SNAP and WIC programs.

HSU is a co-endorser of the recommendations put forth by the New York City Eviction Prevention Roundtable, with whom we are submitting joint testimony today. In addition to the roundtable recommendations, HSU recommends additional actions be taken to ensure timely assistance to New Yorkers unstably housed:

#### **Immediate widespread access to pay arrears**

**The City must provide rental arrears payments either through One Shot Deals or a new pandemic-specific one-time grant (possibly similar to an Emergency Assistance for Adults (EAA) grant given to SSI recipients) for ANY tenants unable to pay their rent due to the pandemic, regardless of future ability to pay or immigration status. HRA should waive repayment requirements for One Shot Deals, and any Federal rent relief allocated to pay One Shot Deals or other one-time grants should also not be subject to recoupment.**

### Widespread access to existing or temporary rental assistance

**To ensure households do not fall back into arrears, the City should expand eligibility of CityFHEPS in-community to additional vulnerable populations, increase rent amount levels through the adoption of Int. 146, and remove burdensome requirements like requiring a housing court stipulation.**

Rental assistance vouchers must reflect the true cost of living in New York, not just the lowest cost of housing, in order to effectively prevent evictions, and we strongly urge the Council to pass Int. 146 to increase rent levels for CityFHEPS vouchers.

CityFHEPS and FHEPS rental assistance programs should also broaden eligibility to additional vulnerable populations, including seniors, adults with disabilities, domestic violence survivors, runaway and homeless youth, hospital discharges, formerly incarcerated people to ensure that these highly vulnerable groups do not have to experience further housing stability in shelter before qualifying for housing assistance. Likewise, as tenants are protected by the current eviction moratoriums, FHEPS and CityFHEPS programs should waive the housing court case requirement allowing them immediate access to rental assistance to avoid falling further into arrears.

**HRA should create a temporary rental assistance voucher which can pay up to one year's rent for any New Yorkers unable to pay rent due to the pandemic that are ineligible for CityFHEPS or FHEPS, including immigrant families and individuals regardless of their status, or lack future ability to pay rent.** Used in combination with existing rental assistance programs, this will ensure that the majority of tenants will remain stably housed during the pandemic and recovery.

The COVID-19 pandemic had a widespread effect on renters across the City, and eligibility criteria for existing prevention resources must be broadened to effectively assist them. Homebase and Solutions To End Homelessness Program (STEHP) providers are seeing households who had middle-class incomes prior to the pandemic who now have reduced or no income and are living in apartments with rent levels that exceed existing rental assistance limits. Since they don't qualify for rental assistance, they lack future ability to pay rent prevents them from qualifying for a One Shot Deal to pay arrears.

Undocumented families and individuals whose housing situations were already precarious prior to the pandemic qualify for very few eviction prevention resources. The restaurant and construction industries which predominantly employ immigrants were disproportionately affected by the economic shutdown. People without status may not qualify for Unemployment Insurance and were categorically ineligible for the first two rounds of stimulus payments, as well as One Shot Deals and CityFHEPS and FHEPS vouchers. Due to limited income, many live in "doubled up" situations and are not the tenant of record, and given their informal housing situations, may be displaced from housing without a court case ever being filed. Undocumented households may also be wary of applying for public benefits given concerns over the Trump Administrations changes to public charge determination rules, and more must be done to provide unconditional assistance to stabilize the housing of these highly vulnerable families and individuals pending broad economic recovery



### Efficient administration of eviction prevention resources

Efficient and timely administration of new or expanded eviction prevention resources must be a top priority to ensure timely help for tenants and avoid missteps similar to those experienced by the HCR Rent Relief Program. By HRA administering any new rental assistance and one-time grants, it can utilize existing infrastructure to process requests on the backend while providing a “no wrong door” application process on the frontend. Likewise, eviction prevention providers must also be adequately resourced to be able to provide assistance in a timely manner as demand increases. Additional funding should be provided to Homebase programs with the highest eviction rates in order to hire additional staff. Some Homebase providers are already seeing an uptick in new cases as more households asking for assistance, and the City must avoid waiting until providers are completely overwhelmed to offer additional resources.

### Improve access to current HRA resources

While HRA is uniquely situated to handle new eviction prevention resources, improvements must be made to expand access to existing programs and benefits. **We are unsure to what degree households can access State FHEPS following the change in application process from community-based organizations to in-house at HRA, and we recommend the adoption of Int. 1020-2018 to create public reporting on FHEPS applications.** Under the new process, tenants cannot actively request State FHEPS from HRA, either at HRA Job Centers or through the ACCESSHRA application. Job Center staff are not trained to process FHEP applications and have even referred tenants to Homebase for FHEPS modifications and restorations which are supposed to be done by the Job Centers. The current application process is HRA staff on the backend are *supposed* to evaluate whether a household could be eligible for FHEPS when reviewing a Public Assistance or arrears application, but without data we are unsure to what degree this consistently occurs as prevention providers have seen instances where this did not happen.

In response to the pandemic HRA rapidly reenvisioned how New Yorkers can apply for public benefits, emergency food assistance, and rental assistance vouchers, with the rollout and expansion of the ACCESS HRA application. While this innovation kept New Yorkers safe and eased access for some, it has at the same time created a “digital divide” that disproportionately affects low-income communities of color who do not have access to either computers or smart-phones. **We recommend that HRA co-locate staff at in-person locations such as food banks and emergency feeding programs as well as COVID testing and vaccination sites, for families and individuals to apply and correct issues with public assistance, One Shot Deals, rental assistance, and SNAP and WIC benefits.** By embedding HRA staff at decentralized locations in the community, the City can utilize a client-centered care approach to engage and assist households where they are.

Tenants in the community looking to relocate with CityFHEPS and FHEPS To Move shopping letters need additional assistance conducting housing searches. A rental assistance voucher is only effective if tenants are able to use it, and finding an apartment within current voucher rent levels is challenging even for experienced housing specialists. While Homebase does provide rehousing assistance, these cases are very time-intensive and tenants could benefit from additional access to these services.



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Thank you Chair Levin and members of the General Welfare Committee for your leadership and forethought for the housing needs of all New Yorkers. Through leveraging and expanding current housing assistance programs and safety-net infrastructure to quickly deploy additional Federal aid, New York City can keep families and individuals safe in their homes through an unparalleled health and economic crisis. Thank you for the opportunity to testify.

Thank you for the opportunity to testify. Should you have any questions, feel free to reach out via email at [elee@hsunited.org](mailto:elee@hsunited.org) or phone at (646) 515-8053.

## **Joint Testimony of The New York City Eviction Prevention Roundtable**

### **New York City Council Committee on General Welfare**

#### **Oversight-DSS Preparation for Expiration of the Eviction Moratorium**

**January 25, 2021**

On behalf of a diverse group of property owners and operators, tenant advocates, and legal service providers known as the New York City Eviction Prevention Roundtable, we thank Chair Levin and the City Council Committee on General Welfare for the opportunity to testify today on the Department of Social Services' preparation for the end of eviction moratoria.

As you well know, the Covid-19 pandemic has intensified housing insecurity across New York City to an unprecedented degree. As New Yorkers struggle to pay rent, the City faces an eviction crisis, with over 228,000 New Yorkers currently defending eviction proceedings.<sup>1</sup> The brunt of this crisis is being felt disproportionately by communities of color, who have experienced more Covid-19 related job losses and are much more likely to have fallen behind on rent payments than white New Yorkers. The inability of struggling tenants to afford their rent in turn impacts landlords and the city's affordable and rent stabilized housing stock. Owners of smaller buildings, who are more likely than owners of larger buildings to be Black and Latinx and people with disabilities, tend to lack sufficient capital or access to credit to weather months of missed rent payments.

Eviction moratoria have been critical to keep renters in their homes during the pandemic but they are far from a comprehensive or permanent solution. Most significantly, moratoria do not address rental arrears, a critical component of keeping people housed long-term. As arrears continue to build up, the city's affordable housing stock is at risk of deterioration. The current crisis has taught us that we are only as safe as the most vulnerable among us. It is a moral and public health imperative that we work together to provide robust rent relief to address housing stability long-term.

Over the last several months, Roundtable members came together to develop upstream solutions to prevent evictions. The Roundtable has created a set of recommendations to streamline and expand eligibility for existing assistance programs, align them more closely with the cost of housing, and address growing economic need. It is widely understood that housing instability and eviction lead to a wide range of negative health effects including trauma, stress and increased likelihood of emergency room visits. Therefore, these

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<sup>1</sup> <https://furmancenter.org/thestoop/entry/data-update-eviction-filings-in-new-york-city-as-some-renter-protections-ex>

recommendations have the potential to reduce negative health effects beyond the current pandemic.

We strongly urge the City and State to:

1. Waive the requirement for a Housing Court proceeding or eviction filing for FHEPS and CityFHEPS (in community) eligibility, while expanding FHEPS and CityFHEPS eligibility to include adults with disabilities, seniors, those aging out of foster care, runaway and homeless youth, domestic violence survivors, hospital discharges and those discharged from incarceration who would otherwise go to shelter, and long-term tenancies (15 years or more in current location). For CityFHEPS, fully implement in community eligibility for youth aging out of foster care and runaway and homeless youth by drafting clear referral procedures from administering agencies.
2. Raise the rent ceiling for FHEPS and CityFHEPS. FHEPS should be raised to Section 8 payment standards and inspection standards, and CityFHEPS should be raised to Fair Market Rent, as determined by the US Department of Housing and Urban Development (HUD), while encouraging high-quality housing for all New Yorkers through new appropriations for inspection resources and better administrative coordination between agencies to improve and prioritize inspection infrastructure for homeless or extremely low-income New Yorkers.
3. Waive the requirement to repay One-Shot Deals and provide flexibility on the future ability to pay assessment, at least for the duration of the Covid-19 emergency, by approving applicants with strong future job prospects, or parties who have reached a mediated agreement attesting to the viability of future ability to pay in order to help more people remain stably housed as a bridge to employment.
4. Fully implement HRA's decision to end the *de facto* eviction-filing requirement for One Shot Deals (OSDs). We commend HRA for being explicit that tenants are eligible for one-time rental assistance payments, but we must ensure this is widely known by providing training and awareness for property owners, and guidance to HRA workers on situations that are eligible for One Shot Deals.
5. Clarify the eligibility criteria for One Shot Deals and ensure expenses and income are considered holistically when developing a viable future plan to pay rent going forward, factoring in living expenses before rent payment.
6. Adopt explicit priorities for awarding One Shot Deals to promote bias-free outcomes that are commensurate with the economic pressures facing applicants, and designate a single point of contact or window within HRA to expedite applications for applicants seeking assistance prior to the commencement of eviction proceedings.
7. The City should provide additional resources to Homebase providers, who are already doing critical eviction-prevention work, to support staffing and client assistance in anticipation of the end of moratoria.

In addition, we would like to assist in moving forward and shaping legislation that would effectuate some of these changes. This includes:

- Intro 146, sponsored by Chair Levin, which would require that any individuals or families receiving rental assistance vouchers established by the Department of Social Services, such as the current LINC, CityFEPS and SEPS vouchers, would continue to receive the assistance so long as the household continues to meet any other eligibility requirements.
- Intro 2081, sponsored by Councilmember Moya, which would require the Commissioner of Social Services to improve the One-Shot Deal Program.
- Intro 2176, sponsored by Chair Levin, that would require the Department of Social Services to create a written notice for supportive housing residents of their rights pursuant to various state and local laws.

Finally, Intro 2050 would amend Local Law number 136 of 2017, the housing court right-to-counsel law, by requiring the immediate implementation of access to legal services for tenants facing eviction proceedings in housing court citywide.

The existing “Right to Counsel” program – enacted in 2017 and the first of its kind in the country – has been critical in decreasing evictions. Expediting key provisions of Right to Counsel to ensure that eligible citizens of our City have access to legal services is a common sense and practical change that will have a tremendous impact in this place and time.

Thank you for your efforts to ensure that more New Yorkers can avoid eviction during this unprecedented time in the city's history. We look forward to our continued work with the City Council to ensure that we actively prevent an eviction crisis and that New Yorkers remain stably housed.

Sincerely,

Selected members of the New York City Eviction Prevention Roundtable:

Enterprise Community Partners

Homeless Services United

Legal Aid Society

New York State Association for Affordable Housing (NYSFAFH)

Real Estate Board of New York



New York City Council  
Committee on General Welfare

Public Hearing  
**Intro 2050**

Monday, January 25, 2021

**Testimony of Michael McKee, Treasurer**

My name is Michael McKee. I am treasurer of the Tenants Political Action Committee. We work to elect pro-tenant candidates to office, and we advocate for stronger tenant protection laws and the preservation and creation of affordable housing.

Tenants PAC supports Intro 2050 introduced by Council Members Mark Levine, Vanessa Gibson and 13 others. This important bill accelerates phase-in of the Right to Counsel program, making the right to a lawyer available to all eligible tenants, regardless of zip code.

The five-year phase-in contained in the original legislation made sense at the time, as there was a need for time to hire and train personnel including supervising attorneys. But given our current health emergency and given the fact that the program is now basically up and running, making attorneys available to all eligible tenants everywhere in the five boroughs is only common sense. Indeed, the City is essentially implementing this already in the face of the COVID-19 pandemic.

While the courts are currently closed for all eviction cases, as of February 26 landlords will once again be allowed to file lawsuits against tenants. In the best of times Housing Court is a confusing and intimidating place for unrepresented tenants. In the midst of a public health crisis and indeed in its aftermath, it's going to be even worse. Because of COVID, the courts are incapable of handle anything close to the pre-pandemic volume. When cases start moving forward, only those cases where tenants have attorneys should be allowed to continue.

You can be proud of this program. In the three years since its enactment, 86 percent of tenants who were assigned a lawyer under this program won their cases and remained in their homes. You can build on this success by passing Intro 2050 without delay.



**TESTIMONY OF:**

**Alexandra Dougherty, Senior Staff Attorney and Policy Counsel  
Civil Justice Practice**

**BROOKLYN DEFENDER SERVICES**

**Presented before**

**The New York City Council  
Committee on General Welfare**

**Oversight Hearing on DSS Preparation for Expiration of the Eviction Moratoriums  
and Introduction of Bill Int 2050-2020**

**January 25, 2021**

**Introduction**

My name is Alexandra Dougherty, and I am a Senior Staff Attorney and Policy Counsel of the Civil Justice Practice at Brooklyn Defender Services (BDS). I want to thank the Committee on General Welfare and Chair Stephen Levin for inviting us to testify today. I am here today to express our strong support for the expansion of the right to counsel for New York City tenants and expansion of the City's existing voucher and rental assistance programs in order to keep tenants stably housed when the state and federal eviction moratoriums expire.

Brooklyn Defender Services provides multi-disciplinary and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for nearly 30,000 clients in Brooklyn every year. BDS' Civil Justice Practice (CJP) aims to reduce the civil collateral consequences for our clients who have had involvement with the criminal, family or immigration legal systems. We also serve our clients with additional civil legal needs, such as accessing and maintaining public benefits, obtaining critical repairs, and reclaiming seized property. Even a minor housing or benefits issue, if unaddressed, can have insurmountable repercussions for our clients and their families who are often navigating legal issues in multiple systems. Our expertise lies in the intersection of these legal systems that have historically targeted Black, Latinx and low-income communities and the ways they contribute to the

disproportionate rates of unemployment, homelessness and unequal access to education for the communities we serve.

I would like to offer brief remarks today in support of Intro number 2050-2020 and recommendations for how we can prevent an eviction crisis after the moratoriums are lifted.

### **COVID-19 and NYC's Housing Crisis**

New York City has been the epicenter of the COVID-19 pandemic and continues to see thousands of new infections every day. The pandemic has laid bare profound inequities in our city and country.<sup>1</sup> The City's existing housing crisis has been exacerbated by the pandemic, especially for Black and Latinx New Yorkers. The communities hit hardest by the pandemic are also the communities that see the highest rates of eviction filings in the city and will be at greatest risk of eviction when the moratoriums are lifted.<sup>2</sup>

Fortunately, New York State enacted some of the most robust eviction protections in the country with the Tenant Safe Harbor Act and last month's COVID-19 Emergency Eviction and Foreclosure Prevention Act. Together, those acts protect tenants who have experienced financial hardship due to the pandemic from eviction through at least April 30<sup>th</sup>. Yet as we all know, this is merely a stopgap measure, not the solution. New York City tenants owe as much as one billion dollars in rent arrears from the past year.<sup>3</sup> When the state eviction moratorium expires on May 1<sup>st</sup>, those arrears will become due and tens of thousands of tenants will face eviction.

### **Recommendations**

It is more important than ever for New York City to act with urgency to address our deepening housing crisis. In addition to ensuring that every tenant facing eviction has access to legal representation, the city can take critical steps now to prevent future evictions and ensure housing stability for tenants who are already experiencing devastating consequences of the COVID-19 crisis. New York City tenants are in most immediate need of rental assistance. While BDS supports the state-wide Cancel Rent campaign, we also urge the City to address the rent crisis by expanding access to and eligibility for rent assistance and subsidies.

#### *Immediate Right to Counsel is Needed to Address the Impending Eviction Crisis*

BDS enthusiastically supports the full and immediate implementation of Right to Counsel (RTC) in Housing Court. Access to counsel must be available immediately to all New York City tenants. Our colleagues in the Right to Counsel coalition have made clear why fully implementing RTC right now is so critical in this unprecedented time when hundreds of

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<sup>1</sup> Villarosa, Linda (April 29, 2020) "A Terrible Price: The Deadly Racial Disparities of Covid-19 in America"; New York Times; Mays, Jeffrey C. Andy Newman. (2020 April 8). "Virus is Twice as Deadly for Black and Latino People Than Whites in N.Y.C" New York Times.

<sup>2</sup> Mironova, Oksana, "Race and Evictions in New York City," *Community Service Society of New York* (June 22, 2020), <https://www.cssny.org/news/entry/race-evictions-new-york-city>; Data Update: Eviction Filings in NYC Since COVID-19, *NYU Furman Center* (September 29, 2020), <https://furmancenter.org/thestoop/entry/data-update-eviction-filings-in-nyc-since-covid-19>.

<sup>3</sup> SURVEY: Rent-Regulated Tenants Owe \$1.1 Billion in Arrears, *Community Housing Improvement Program*, <https://chipnyc.org/survey-rent-regulated-tenants-owe-1-1-billion-in-arrears/>.



thousands of New Yorkers have been unable to pay rent due to the COVID-19 crisis. As New York City rolls out this critical program, we urge the City Council to consider the specific and unique needs of tenants whose lives and housing have been complicated by criminal or family court involvement. These tenants need attorneys with knowledge and expertise in these multiple, complex legal systems.

*Expand and Reform NYC's Rental Assistance Voucher Program*

Rental assistance vouchers are an important tool in ensuring low-income and homeless families have access to stable, permanent housing. The Department of Social Services (DSS) should immediately remove barriers currently preventing tenants from accessing the vouchers that would help prevent evictions by covering rental arrears and ensure ongoing affordability and stability. It is essential that the city acts now to keep tenants in their homes and to bring tenants and their families the peace of mind that housing stability brings. The shelter population is at a historic low and providing immediate rent assistance will keep tenants out of shelter. If assistance is delayed until the eviction moratoriums expire, tenants in unregulated apartments, which make up about half of the city's rental housing stock, will be at a heightened risk of eviction. Those landlords will have less incentive to accept the rent money, which often necessitates further delay while the tenant applies for assistance, instead of proceeding with an eviction via a "no defense" holdover case. Immediate action will give tenants and their landlords ongoing stability.

DSS should immediately remove onerous eligibility criteria and application procedures to enable more tenants to access vouchers now. CityFHEPS eligibility should not require risk of imminent eviction or a current housing court case; this requirement prevents many tenants who would otherwise be eligible from accessing vouchers while the eviction moratorium is in effect. DSS should also immediately expand the number of providers who are authorized to screen tenants for voucher eligibility and complete applications. Homebase is currently the only provider in Brooklyn. They are only screening tenants in-person and only operating in-person one day per week. BDS clients are waiting months for an initial appointment, which is preventing them from accessing vouchers they need to successfully relocate to stable housing prior to the moratorium expiration.

Importantly, New York is long overdue for an increase to the rental assistance voucher rent limits. With the much-needed moratorium on evictions, the affordable housing options for BDS clients with vouchers has dwindled. BDS's affordable housing specialist, who assists our clients with the challenges of relocation, routinely finds that there are no or few apartments on the market within CityFHEPS rent limits. When apartments do become available, the listings are often gone within 24 hours because hundreds of prospective tenants are competing for the same voucher-eligible apartment. The long-term solution to this problem must include increasing our stock of affordable housing. In the meantime, the City can provide much-needed short-term relief by passing Intro 146-2018, which would raise voucher rent limits to the federal fair market rate and provide for annual increases. Doing so will create more rental options for low-income and homeless New Yorkers.

One BDS client, Ms. V, has been staying with her sister's family in Queens since losing her Brooklyn apartment last year. Her sister's small two-bedroom apartment is overcrowded with

Ms. V and her children staying there. Her sister's landlord has repeatedly asked Ms. V to leave but is waiting for Housing Court to fully reopen to start an eviction proceeding. Ms. V is eager to find a new Brooklyn apartment so that she is not putting her sister's family at risk of homelessness and so her young children can return to their old school and community. The family would be eligible for a CityFHEPS voucher, but Ms. V has been waiting for over two months for an initial Homebase appointment. She was also told that she will need to wait until she has an active eviction proceeding before she can proceed. If Ms. V could access a voucher now, both families would be ensured stable housing before the eviction moratoriums expire.

On a broader scale, we urge DSS to consider making systemic reforms to its voucher programs now, while these changes can make the most impact. DSS could co-sign leases and take responsibility for the voucher portion of the rent, as NYCHA and HPD do for tenants with Section 8 vouchers. Doing so would eliminate many of the bureaucratic hurdles that currently deter landlords from accepting CityFHEPS vouchers and make available desperately needed affordable housing stock.

*Make HRA Applications More Accessible to Tenants At Risk of Eviction*

We applaud HRA's efforts to facilitate "one shot deal" applications during the pandemic, but serious challenges remain. The changes made since March should be permanent and can go even further to create housing stability for more New Yorkers. HRA should immediately remove the requirement that tenants prove future ability to pay rent in order to get approved for a "one shot deal." Many tenants cannot meet that burden while facing illness, unemployment and job insecurity during a world-wide pandemic.

HRA should also help the most vulnerable New Yorkers access public assistance by making their phone application process permanent and easier. Currently, applicants cannot complete applications over the phone and are required to submit documents online. Applications are routinely denied because our clients, like many homeless and low-income applicants, lack consistent internet access or miss the single interview call that comes from a blocked number. Applications must be fully available by telephone, and the application process should be flexible to ensure that all New Yorkers in need can get assistance.

**Conclusion**

BDS is grateful to New York City Council's Committee on General Welfare for hosting this important and timely hearing. It will take a massive investment to address the housing crisis that we face in this city. Research and history have taught us that by investing in safe and stable housing, especially for our most vulnerable populations, it will have a ripple effect in the health, education, and employment opportunities for all of our communities. Thank you for your time and consideration of our comments. We look forward to further discussing these and other issues that impact the people and communities we serve. If you have any additional questions, please contact Kathleen McKenna, Senior Policy Social Worker, at [kmckenna@bds.org](mailto:kmckenna@bds.org).

Testimony by Johnny Rivera, a Tenant Organizer at Brooklyn Legal Services Corp A

January 25, 2021, 12:00 PM

NYC Government's Committee on General Welfare: DSS Preparation for Expiration of the  
Eviction Moratoriums

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Good Afternoon and thank you for having me speak before the Committee on General Welfare.

Brooklyn Legal Services Corporation A (Brooklyn A or BKA) advances social and economic justice and community empowerment through innovative, collaborative, neighborhood-based legal representation and advocacy.

We represent low- and moderate-income individuals and families throughout New York City. Our clients live in rapidly-gentrifying neighborhoods where many residents and small business owners have been displaced or are facing displacement and harassment.

For over half a century, Brooklyn A has provided high-quality, low-barrier neighborhood-based legal services to individuals, families, nonprofit community-based organizations, community development corporations, coalitions, and small business owners interested in developing and sustaining vibrant, healthy communities.

Brooklyn A has three core programs—Preserving Affordable Housing (PAH) Program, Consumer & Economic Advocacy (CEA) Program, and Community & Economic Development (CED) Program—each of which has unique initiatives and plays a vital community role to ensure basic needs are met and fundamental rights affirmed.

Over 90% of Brooklyn A's clients are people of color; two-thirds identify as female; and half are 50 years of age or older.

I work in the Preserving Affordable Housing Program with tenants who have decided that there is strength in numbers; hence I support tenants in forming a Tenant Association.

Tenants are unaware of their rights and cannot afford legal counsel. My task begins with assuring tenants that it is legally permissible to form a tenant association as another avenue for addressing a myriad of issues, i.e., the lack of repairs/services and learning about their rights recognized in the housing court system.

Tenants usually do not know their fundamental housing rights and need support in navigating the court system, while on the other hand, landlords understand the workings of housing court and are well-financed to ensure their claims are met, putting tenants at a significant disadvantage.

By providing legal counsel and support to these tenants, they become aware of the need to document complaints and seek resolutions.

Demetrius, a native New Yorker with family roots in tenants' rights, has lived in Bushwick for 17 years. He is the president of his building's tenant association. The long-term tenants of the building faced years of harassment, overcharges, conditions of disrepair, and lapsed housing subsidies. Demetrius, in particular, faced source of income discrimination in connection with the disability benefits he receives for a workplace injury as well as Section 8 vouchers, extensive

damages to his personal items and health issues due to the housing conditions. Together, Brooklyn A and the tenant association fought for the return of overcharged rent, and the appointment of a 7A administrator on the building to step into the owner's shoes to receive the rent roll and make necessary repairs. Brooklyn A and the tenant association ultimately won the transfer of the building to a more reasonable owner who, under the tenant association's watchful eyes, has made critical repairs and restored housing subsidies.

After finally reaching more housing security, Demetrius is now seeing that people are unable to pay rent due to the loss of income caused by the pandemic. There have been delays in receiving vouchers, such as Social Security or Section 8, that he and his neighbors use to pay rent. Several neighbors without vouchers have lost their jobs making it challenging to afford rent and food for their families. These issues concern him, but he is comforted by the fact that everyone in the building is committed to organizing and collective action. His TA maintains regular communication and continue to be represented by Brooklyn A. This provides a degree of protection though without substantive help from the government, his neighbors may get evicted from their homes.

We are potentially facing a mass wave of evictions that could devastate our communities presently and for generations to come. The balance of justice is restored when tenants in all five boroughs are afforded the resources keep their homes and defend basic tenants' rights. As NYC, we either cover the cost of counsel upfront or pay at the backend with the myriad of social issues crippling families' unification and upward mobility.



Testimony of  
**Coalition for the Homeless**

on

DSS Preparation for Expiration of the Eviction Moratoriums

submitted to

New York City Council Committee on General Welfare

Jacquelyn Simone  
Senior Policy Analyst  
Coalition for the Homeless

January 25, 2021

Thank you for the opportunity to testify on the Department of Social Services' (DSS) preparation for the expiration of the eviction moratoriums.

### **The Need for Federal Assistance**

For more than ten months, the Coalition for the Homeless and other advocates have been sounding the alarm about an impending tsunami of evictions due to the economic devastation wrought by the pandemic. People of color are at particularly high risk of eviction. A series of Federal and State orders throughout the pandemic have temporarily halted or curtailed evictions, although these protections varied in how comprehensive and straightforward they were. Notably, the porous protections in some iterations of the so-called moratoria, along with many tenants' lack of awareness of their rights, have led some New Yorkers to fall through the cracks and become homeless during the pandemic. Even so, the limitations on evictions have prevented tens of thousands more from losing their homes for the time being, which would have undoubtedly exacerbated the public health crisis by forcing people to enter crowded shelters or to double-up with family or friends. While pausing evictions during a historic public health crisis is an urgent first step, the moratoria merely delay the inevitable. All levels of government must act swiftly and boldly to ensure renters have access to sufficient resources to pay off their rapidly accumulating rent arrears. Much of the pandemic has been unpredictable, but this public health crisis need not contribute to the already record-breaking homelessness crisis if governments act proactively and at a scale to meet the staggering need.

The Federal government is the most appropriate source of desperately needed rental assistance, given the fiscal constraints on the City and the State. For months, the Coalition and other advocates have urged the Federal government to include \$100 billion for emergency rental assistance in the next stimulus package in order to provide rent subsidies for New Yorkers experiencing homelessness and those at risk of losing their homes. The most recent stimulus package included nearly \$1.3 billion for rental assistance for New York State, but more is needed and we will continue to advocate for additional funds in subsequent packages. State and City officials must collaborate to ensure that the process for distributing these funds is easily accessible and clearly communicated to the most vulnerable New Yorkers, including people with disabilities, those who do not have technology access, and those who speak a language other than English. Any program for rent relief must be open to all tenants regardless of immigration status. Furthermore, in recognition that these funds are inadequate to cover the total accrued rental arrears to date, we recommend that the assistance be prioritized to the renters with the lowest incomes and those at most imminent risk of homelessness.

### **Improving Eviction Prevention Tools**

Regardless of the distribution mechanism the City and State ultimately select to distribute the Federal rental assistance funds, the City must improve its current eviction prevention tools to enable more renters to access assistance now. These reforms must be made immediately, rather than waiting for the crisis moment when most evictions are permitted to proceed. The One-Shot Deal program through the Human Resources Administration (HRA) offers vital assistance, but HRA has not made it easier to process One-Shot Deals during the pandemic. HRA has continued to deny One-Shot Deals if applicants do not demonstrate a future ability to pay their rent. With many New Yorkers out of work due to the pandemic, it is challenging for many households to meet this requirement. We encourage HRA to exercise more flexibility in approving One-Shot Deals, and to waive the requirement that tenants demonstrate a future ability to pay their rent, in recognition of the extraordinary circumstances created by the pandemic.

The application process for One-Shot Deals must also be made more accessible for people who do not have access to the internet. While the Access HRA website enables tenants to apply for One-Shot Deals online rather than seeking assistance in-person, those who are not comfortable using the internet or do not have sufficient technology access lack adequate alternatives. Coalition staff have also encountered technical issues and delays when assisting renters with applications for One-Shot Deals online. We recommend creating a simple way for tenants to apply for One-Shot Deals even if they lack internet access, such as initiating the process by phone and reducing burdensome documentation requirements as much as possible.

The Coalition is intimately aware of these issues, as we operate a renowned Eviction Prevention Program that provides emergency grants to pay rent arrears for low-income families at risk of losing their apartments. We often supplement HRA's One-Shot Deal contribution to cover the entirety of a tenant's arrears. In 2020, HRA covered approximately 63 percent of the arrears for the clients we served through our Eviction Prevention Program. HRA could help stretch charitable contributions further by covering a larger portion of tenants' arrears.

Furthermore, the City must continue to support these vital eviction prevention funds. Noting that we are facing an impending eviction crisis of historic proportions because of the pandemic, we urge the City Council to restore \$820,000 for the Homeless Prevention Fund in the fiscal year 2022 budget. Coalition for the Homeless receives \$492,000 from this fund for our Eviction Prevention Program, which has demonstrated a 96-percent success rate in stabilizing at-risk households for the long term. These funds will be critical to supplement government funding and keep people in their homes. Homelessness prevention grants are much cheaper than the cost of emergency shelter (\$72,515 per year per family).

The City must also enhance its outreach to inform renters how to get assistance. Many tenants are unaware they can seek assistance now, rather than waiting for an eviction filing. We urge the City to launch a multilingual, accessible campaign to inform the general public about One-Shot Deals and other forms of assistance, as well as to inform tenants of their current protections and rights. Connecting at-risk tenants to resources now will mitigate the impending deluge of eviction cases and homelessness in the coming months.

### **Intro. 2050-2020**

The passage of the historic right to counsel in 2017 leveled the playing field in housing court and has shown tremendous success in reducing evictions in the zip codes where it has been implemented. Intro. 2050 would amend Local Law number 136 of 2017, the housing court right-to-counsel law, by requiring the immediate implementation of access to legal services for tenants facing eviction proceedings in housing court citywide. We support accelerating the implementation of this historic law in light of the urgent housing crisis, and encourage the City to work with legal services providers to ensure they have the capacity to fulfill the intent of the bill.

### **Longer-Term Assistance**

As with so many issues, the pandemic has shed a light on the inadequacy of our current social safety net. Far too many New Yorkers entered this crisis already in a state of financial uncertainty, and a record number were sleeping in shelters and on the streets. The crisis is an urgent reminder that we must implement more housing supports for those who are homeless or at risk of homelessness. We support a

broader Federal housing relief package including robust investments in affordable housing (which would also create jobs) and universal access to housing vouchers for those who are homeless or at risk of losing their homes. We also urge the State to enact statewide rental assistance legislation, including Home Stability Support and the Housing Access Voucher Program. Locally, the City can pass Intro. 146 to raise the maximum rental allowances for the CityFHEPS program, which will make it a more useful tool for helping people exit shelters. The City and State must also prioritize the creation of affordable and supportive housing targeted to New Yorkers with the lowest incomes as a way to tackle the root causes of our housing crisis, which has persisted for too long and will undoubtedly worsen in the wake of the pandemic.

We thank the Council for the opportunity to testify today, and for your steadfast commitment to preventing and ending homelessness.



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## About Coalition for the Homeless

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 and at-risk New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, 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, scalable solutions and include: Permanent housing for formerly homeless families and individuals living with HIV/AIDS; job-training for homeless and low-income 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, which usually distributes about 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx, is now regularly serving more than 1,100 meals per night and distributing PPE and emergency supplies during the COVID-19 pandemic. Finally, our Crisis Services 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. In response to the pandemic, we are operating a special Crisis Hotline (1-888-358-2384) for homeless individuals who need immediate help finding shelter or meeting other critical needs.

The Coalition was founded in concert with landmark right-to-shelter litigation filed on behalf of homeless men and women (*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: "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. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.

Subject: The CIR-SEIU union of physicians in training explains why stable housing is essential for physical and mental health

Submitted by: Keriann Shalvoy, MD, MPH

1. Housing is one of the most essential physiological needs of any human being. Where a person lives affects nearly every aspect of their daily life. Having a sense of home is one of the most vital and intangible human experiences, and the loss of it is a shock to a person's humanity itself. Unstable housing, threat of housing loss, and homelessness are all strongly correlated with a vast array of physical and mental illnesses.
2. Homeless persons experience high rates of health problems such as HIV infection, alcohol and drug abuse, mental illness, tuberculosis, and other conditions. This is unsurprising as we all viscerally comprehend the suffering of the homeless, even if we don't think about it as often as we should. But did you know that the threat of housing loss is also a social factor that has a dramatic effect on health? People with stable housing are 20% more likely to go to the primary care doctor than people facing eviction. And those people facing eviction are 20% more likely to go the ER. That means that folks facing eviction are not able to care for their physical health until it becomes an emergency. It's the difference between seeing your doctor to get your blood pressure checked and going to the ER with a stroke.
3. Threat of eviction itself is a health risk factor. Living through the threat of eviction and housing instability disrupts school, work, childcare plans, and one's ability to attend to their physical health needs. Living in an unpredictable environment with the fear of loss of the life you live is a stressor that clearly underlies mental health disorders as well as poor physical health.
4. Investing in legal assistance for tenants at risk of eviction makes fiscal sense, but that's not why you should do it. You should do it because loss of housing is one of the most stressful and dehumanizing things a person can experience. Preventing eviction is absolutely necessary, the minimum standard. The city should be focused on more far reaching measures to prevent the suffering and long term financial consequences of housing instability. However simply keeping people in their homes is not the same thing as housing stability if they still owe a debt to their landlord so large they could never be expected to catch up. We also need the city to provide vouchers to pay missed rent so that New Yorkers can truly achieve housing stability and get back on their feet.
5. As a psychiatrist I have seen the almost immediate improvement in mental health that comes when a tenant receives legal assistance and is able to stay in their home. It is not just a house. It is independence. It is community. It is health. It is the essence of what it means to be a human being.

## Right to counsel

My name is Guillermo Riley, I've been a tenant at 1111 Ocean avenue in Brooklyn N.Y. for 34 years. The building and individual apartments need extensive repairs. There has been an infestation of roaches and mice throughout the building for years and the rent is too high.

The Right to Counsel across NYC is needed right now for a number of reasons:

1. Landlord tenant court can be a very scary place to be for many tenants.
  - 2, Tenants are rarely aware of their rights and are preyed upon by landlords and their attorneys; it creates a feeling of helplessness for the tenant.
  3. Many families have been wrongfully evicted from their homes and are now homeless for simply not having an attorney. Having the Right to Counsel will provide tenants with the protection they need to avoid harassment and unlawful evictions. Eviction cases should not proceed unless both sides are represented by legal counsel. I personally know what it's like to feel afraid and helpless in an eviction case without legal representation.
- All families should have a safe place to call home. All tenants should have the Right to Counsel to be armed with the legal protection that only an attorney can provide.

Respectfully submitted,

Guillermo Riley  
347-613-4291  
email: griley04@gmail.com

**Testimony for the New York City Council Hearing on Intro 2050 and the Eviction Moratorium  
January 25, 20121  
Jenny Laurie  
Executive Director  
Housing Court Answers**

Thanks so much to City Council Committee on General Welfare Chair Levin and the Council for examining the question of what will happen when the moratorium ends.

My name is Jenny Laurie and I am the Executive Director of Housing Court Answers. We have been operating a hotline since the beginning of the pandemic shutdown to match tenants facing eviction with attorneys in the Right to Counsel practice, as well as assisting those with emergency housing conditions and illegal lockouts. We've been taking as many as 200 calls a day since the statewide moratorium ended on October 1.

1. Housing Court Answers supports the passage of Intro 2050 which would allow for the immediate implementation of the Right to Counsel for tenants facing eviction.
2. We urge the city to pressure the state and court system to slow the pace of cases as Housing Court re-opens so that the legal service providers are able to provide robust representation in every case.
3. We also urge the city to pressure the state and the court system to institute a meaningful moratorium that will carry folks into a time when the pandemic and the economic crisis are over and folks can safely return to work, school and normal lives.

The success of Right to Counsel was clear prior to COVID – so Intro 2050 is an obvious next step as we look to the end of the pandemic and to the possibility of a new administration coming in 2022.

One landlord association estimated that 185,000 tenants in NYC are at least 2 months behind on rent. The court system had 200,000 cases already on the books when covid started and another 40,000 new cases were filed during the fall, which means that there will be tens of thousands of eviction cases ready to start when court re-opens.

Housing Court Answers has been working with the great staff of the Office of Civil Justice to get tenants who call our hotline assigned counsel throughout the pandemic - tenants with illegal lockouts, terrible housing conditions, and those who's pre-COVID eviction cases were revived. Counsel in these cases has been such a success that there have been almost zero (not quite) evictions in the city. We need to provide counsel to all tenants with new cases as they come into the courts. If the city doesn't have the capacity, the flow of cases has to be restricted, not the obligation to provide counsel.



# Committee of Interns and Residents

## SEIU Healthcare®

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The Committee of Interns and Residents/SEIU (CIR) represents over 6,000 interns, residents and fellows in New York City who provide care to the city's most vulnerable populations. As Physicians we witness every day the devastating impacts of housing insecurity on our patients. CIR members urge the New York City Council to adopt Intro 2050 and immediately ensure Right to Counsel for all tenants.

As Physicians, we urge you to consider the physical and mental health impacts of housing insecurity and the need to support all tenants who navigate the complexities of the court system. Housing is one of the most essential physiological needs of any human being. Where a person lives affects nearly every aspect of their daily life. Having a sense of home is one of the most vital and intangible human experiences, and the loss of it is a shock to a person's very humanity. Unstable housing, threat of housing loss, and homelessness are all strongly correlated with a vast array of physical and mental illnesses. They also indicate a policy failure in society.

The threat of housing loss is a social factor that has a dramatic effect on health. Studies have shown that people with stable housing are 20% more likely to go to their primary care doctor than people facing eviction who are 20% more likely to require treatment in the ER. That means that those in our communities facing eviction are not able to care for their physical health until it becomes an emergency. It's the difference between seeing your doctor to get your blood pressure checked and going to the ER with a stroke. By enacting Intro 2050 and ensuring the right to counsel for all New Yorkers, the City Council will be realizing a crucial public health measure.

Living through the threat of eviction and housing instability disrupts school, work, childcare plans, and the ability to attend to one's own physical health needs. Living in an unpredictable environment with the fear of losing the life you live is a stressor that clearly underlies mental health disorders as well as poor physical health. Intro 2050 is the first necessary step to move towards reducing these stressors and improving the physical and mental health of New Yorkers.

As the Council considers Intro 2050, we also implore you to view this as a first step towards addressing the housing crisis that has long undermined the physical and mental health of New Yorkers. The Council must do everything in its power to prevent evictions, especially in, but not limited to, this time as we continue to battle the COVID pandemic. The city should enact far reaching measures to prevent the suffering and long term financial consequences of housing instability.

CIR members stand in support of Intro 2050 and urge the City Council to enact it as a matter of urgency.

## **Right to Counsel**

To whom it may concern,

Three years ago I was in an impossible situation.

I had been living in a the same place for the past seventeen years; a women's residence operating as a not for profit on the Upper West Side of Manhattan.

Personally, I was having financial difficulties and I had gotten behind in my rent. When my financial situation improved and I paid my rent arrears the administration of the building gave me back my rent arrears by putting it in my mailbox.

Though I assured building administration that all was well in person they still refused to take the rent arrears and put it back in my mailbox again.

About three or four weeks later the administration of the building began eviction proceedings for non payment.

I had no money for an attorney and good friends at Open Hands Legal Services, Inc. on East 125th Street in Manhattan referred me to the Goddard Law Project on West 109th Street in Manhattan.

Not only did Goddard Law Project win my case for me, but they opened my eyes about the Right for Counsel and the good work these organizations are doing to help protect those who are categorized as the poor, the working poor, and marginalized remain in their homes.

How? By providing the Legal means none of us can afford to win our eviction cases. What a joy it was to feel safe and secure to have MY ATTORNEY protect my rights in court.

But even more important this is everyone's right; to live in their homes safely and in humane well sustained housing.

Right to Counsel is a blessing and I tell everyone who will listen about them.

This year will be the twenty-first year I have lived in my rental home in peace and it is all due to the efforts of the Goddard Law Project and Right to Counsel.

Sincerely,  
Jeanetta Freeman

NYC Council Committee on General Welfare Hearing

Khalid Best

Monday January, 25 2021

Support of Intro 2050, Relating to Right to Counsel Now!

As a New York City native and current East Harlem resident, I have been a model tenant. Until recently, I have been fortunate enough to acquire employment that afforded a decent income to pay bills. However, the current pandemic response has jeopardized my employment and income which, in-turn, may threaten my tenant status. My experience reflects the experience of many others. That is why I am writing today to express my support for Intro 2050 that would amend Local Law 136 and require immediate implementation of Right to Counsel for tenants.

I agree with many that courts can be complicated and hard to navigate alone. It will likely be more challenging to navigate during crisis times. Some sources say that prior to COVID-19,



there was overwhelming support to expand RTC and fund tenant organizing through passing Intro 1104 and Intro 1529. More than two-thirds of City Council Members were in support of these bills to expand and strengthen RTC.

In closing, tenants are experiencing financial hardship by no fault of their own. Circumstances will likely cause many to face eviction. Therefore, I urge the committee to pass Intro 2050.

Thank you for this opportunity to testify.

# City Council General Welfare Committee Oversight Hearing

## Testimony by Neighbors Together

Written by Amy Blumsack, Director of Organizing & Policy

January 25, 2021

Neighbors Together would like to thank the New York City Council General Welfare Committee members and Chair Levin for the opportunity to submit testimony.

### Neighbors Together

Neighbors Together is a community-based organization located in central Brooklyn. Our organization provides hot meals five days per week in our Community Café, offers a range of one-on-one stabilizing services in our Empowerment Program, and engages members in community organizing, policy advocacy and leadership development in our Community Action Program. We serve approximately 80,000 meals and 10,000 individuals per year.

Our members come to us from across the five boroughs of New York City, with the majority living in central Brooklyn. Nearly 57% of our members are homeless or unstably housed:

- 21% stay in shelters
- 19% live in three-quarter houses, which are essentially boarding houses that advertise themselves as licensed substance use treatment programs and rent beds out to single adults, often packing them in 4-8 people per room in bunk beds. These houses are unlicensed and unregulated by any government entity and are known for forcing tenants to attend outpatient drug use treatment programs as a condition of maintaining their bed, while engaging in illegal Medicaid kickback schemes.
- 10% are doubled-up with relatives or friends
- 7% are living on the street
- Another 36% rent apartments or rooms in privately owned homes, the majority of which are unregulated.

Increasingly over the last five years, our members report that homelessness and lack of affordable housing options are their primary concern, and one of the most significant issues facing their communities.

## **Dual Crises: Housing and COVID**

For Neighbors Together members, the COVID crisis has only exacerbated and revealed the depths to which the city and state's current approach to affordable housing and homelessness has failed low-income New Yorkers. By some estimates, New York State has almost 1.2 million renters at risk of eviction, and rent debt is now nearly \$1.8 million.<sup>1</sup> Given the high numbers of renters and the density of New York City, it is clear that residents of the 5 boroughs will bear a significant brunt of this crisis. If nothing is done to prevent evictions and forgive rent debt there will be a tidal wave of evictions, with hundreds of thousands of people becoming homeless. This is a crisis we can neither ignore nor afford. New York City has already reached peak highs of over 60,000 homeless men, women, and children, and we hit a new record of over 20,000 homeless single adults. The budget for the Department of Social Services has ballooned to over \$2 billion in an attempt to address homelessness. We cannot afford to have a massive migration of former renters falling into homelessness. Homeless New Yorkers are at greater risk of dying from COVID, with an age-adjusted mortality rate that is 75% higher for people in city shelters than the city as a whole. In order to stave off such disasters, the city must take action now.

## **Recommendations**

### **Pass Intro 146-A**

Since starting to organize rental assistance voucher holders in 2018, it has become clear that the voucher amount is insufficient and that voucher holders are given little-to-no information about what source of income discrimination is and how to combat it. When comparing the rate of source of income discrimination reports by voucher type, over twice as many reports were made for CityFHEPS vouchers than for vouchers that pay fair market rate in fiscal year 2020. In fiscal year 2021 to-date, there have been more than four times the number of reports for CityFHEPS vouchers than vouchers that pay fair market rent (See Appendix A). People who have been searching for housing with vouchers often come to Neighbors Together with their CityFHEPS shopping letter after facing years of discrimination and completely overwhelmed with frustration and despair.

In the last year, out of all of the housing placements Neighbors Together helped secure with a rental assistance voucher, no one with a CityFHEPS voucher secured housing without an intervention by CCHR, and no one with a CityFHEPS voucher found an apartment on the private market appropriate to their family size. All single adults accepted rooms and all families squeezed 3 to 4 people into a one bedroom. CityFHEPS recipients are in extreme competition with each other for the few units available at the voucher levels- there is not one neighborhood in the city that has median asking rent within \$100 of the current voucher rate (See Appendix B). Because

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<sup>1</sup> [Stout's Estimation of Households Experiencing Rental Shortfall](#)

the stock is so low, voucher holders are forced to accept substandard housing in neighborhoods that are typically far from their support systems, families, schools and networks. They feel unable to safely report poor or unsafe physical conditions and/or harassment from their landlords, due to fear of retaliation or eviction.

There is a greater sense of instability among our members with CityFHEPS and a more formidable concern that they may return to shelter in the near future. Individuals who have accepted rooms must rely on the behavior of their roommates, many of whom are strangers, and families count down the days until they have outgrown their already overcrowded apartments. Because the current CityFHEPS rates are so low, once landlords have extracted the signing bonus for accepting the voucher, our members are typically refused lease renewals, throwing them back into crisis, deep instability and often a return to homelessness.

After over a year of collecting data through the Stop SID NYC website, running know your rights trainings and conducting housing searches for people with vouchers, Neighbors Together built a grassroots organizing campaign of directly impacted people who had voucher shopping letters but couldn't find housing. The VALUE in Housing (or **Voucher Advocates Lifting Up Equity in Housing**) campaign created a platform of 5 policy reforms that will make vouchers effective tools for accessing permanent affordable housing. The platform includes Intro 146 which will increase voucher payment rates.

Neighbors Together strongly supports Intro 146. In order to be competitive in the housing market and move people out of homelessness, CityFHEPS must be raised to fair market rent. At its current rates, CityFHEPS falls over \$400 below fair market rent, making housing searches futile. A simple look at data from source of income discrimination reports collected over the last two fiscal years shows that CityFHEPS voucher holders were reporting discrimination at over twice the rate of other vouchers such as Section 8 and HASA, which pay at or above fair market rent. In fiscal year 2021 to-date, CityFHEPS voucher holders reported source of income discrimination at over 10 times the rate of Section 8 and HASA voucher holders. Additionally, a voucher that pays fair market rent will increase people's ability to move out of shelter sooner than at current voucher levels and will help address the current homelessness crisis as well as a potential oncoming wave of evictions after the expiration of the current New York State eviction moratorium.

### **Pass Intro 2050**

Neighbors Together supports Intro 2050. The current pilot of Right to Counsel across specific zip codes in New York City has been highly effective, reducing the number of evictions by double digits. Considering the current levels of renters at risk of eviction, rent debt, and the eventual expiration of the federal and state eviction moratoriums, the City Council must pass Intro 2050 and expand the right to counsel to all New Yorkers

immediately. Additionally, the state moratorium doesn't protect tenants who are brought to housing court as a "nuisance case" after February 26<sup>th</sup>. Without the protection of a citywide right to counsel in place, the city is sure to see a flood of individuals and families into the homeless system.

### **Pass a Resolution in Support of Cancel Rent and the Invest in Our New York Platform**

The financial outlook for economic recovery in New York City is bleak. It will take years for the economy to return to pre-COVID levels. And, with the challenges of the vaccine rollout, we cannot count on much of the gig economy or service workers to go back to its former capacity anytime soon. This means hundreds of thousands of New Yorkers will continue to owe and accrue rent debt with no way to pay it back. For the portion of New Yorkers who were already rent burdened, it will be impossible to pay back that debt. City Council should pass a resolution in support of the COVID-19 Housing Relief for All bill, better known as "Cancel Rent," by Senator Salazar and Assembly Member Niou.

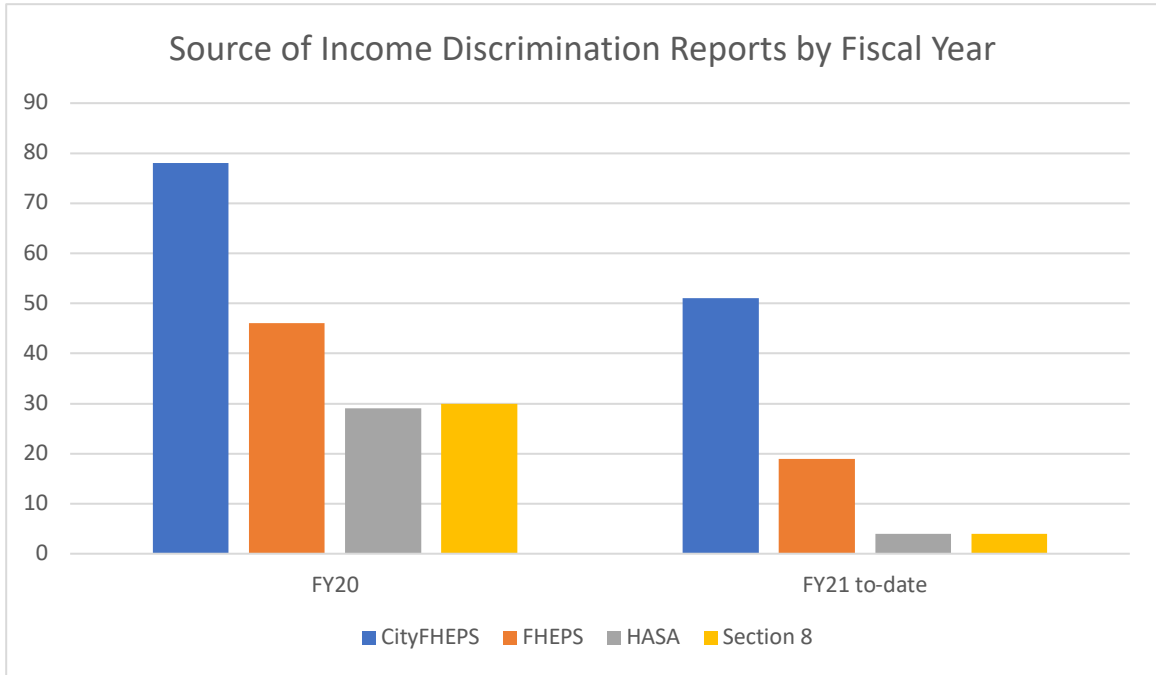
Additionally, City Council should pass a resolution in support of the Invest in Our New York Platform to raise revenue in New York State through common sense taxes on the wealthy and corporations.

### **Conclusion**

Housing is a human right. Homelessness and housing instability disproportionately affect Black people and people of color because of systemic racism and white supremacy. If New York City is committed to racial equity and racial justice, then the City Council should pass Intros 146-A and 2050, and pass the resolutions recommended above. These bills will help to stave off a housing and homelessness crisis of historic proportions and start to amend the inequitable housing systems that have existed in New York City for far too long.

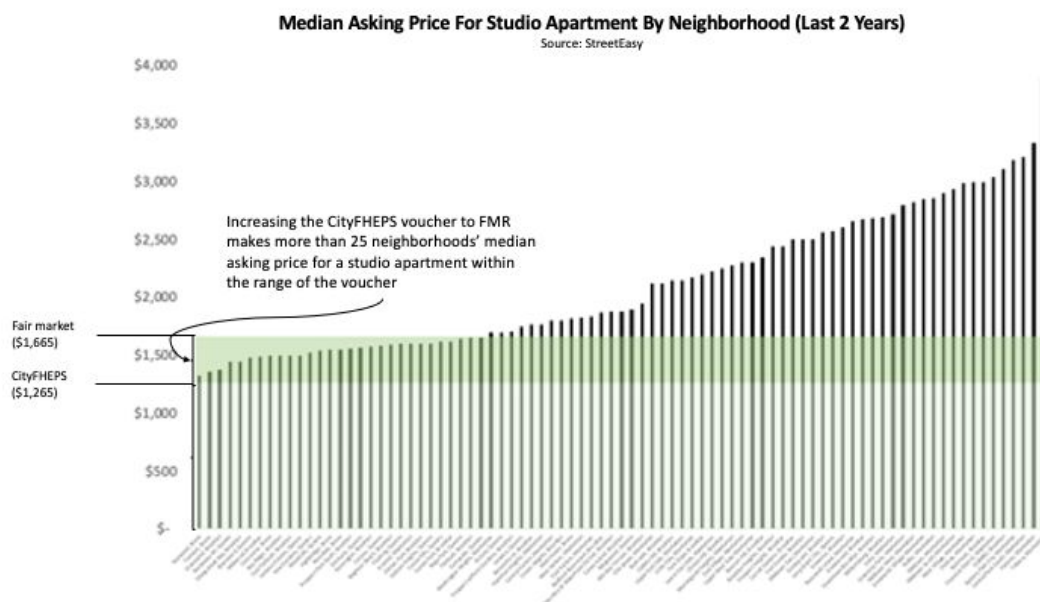
For questions regarding this testimony, please contact Amy Blumsack, Director of Organizing & Policy at Neighbors Together, at [amy@neighborstogether.org](mailto:amy@neighborstogether.org) or 718-498-7256 ext. 5003.

# Appendix A



# Appendix B

#HomelessCantStayHome



Neighborhood	Median Asking Rent For Studio Apartment (Last 2 Years)
Norwood, Bronx	\$1,325
Tremont, Bronx	\$1,363
Gravesend, Brooklyn	\$1,375
Rockaway All, Queens	\$1,450
Sheepshead Bay, Brooklyn	\$1,450
Briarwood, Queens	\$1,484
Midwood, Brooklyn	\$1,485
Concourse, Bronx	\$1,499
Bay Ridge, Brooklyn	\$1,500
East Flatbush, Brooklyn	\$1,500
Jamaica Estates, Queens	\$1,500
Kew Gardens, Queens	\$1,525
Woodside, Queens	\$1,538
Highbridge, Bronx	\$1,550
Riverdale, Bronx	\$1,550
Prospect Park South, Brooklyn	\$1,557
Elmhurst, Queens	\$1,571
Kensington, Brooklyn	\$1,575
Corona, Queens	\$1,580
Brighton Beach, Brooklyn	\$1,597
Flushing, Queens	\$1,600

#HomelessCantStayHome

Neighborhood	Median Asking Rent For Studio Apartment (Last 2 Years)
Norwood, Bronx	\$1,325
Tremont, Bronx	\$1,363
Gravesend, Brooklyn	\$1,375
Rockaway All, Queens	\$1,450
Sheepshead Bay, Brooklyn	\$1,450
Briarwood, Queens	\$1,484
Midwood, Brooklyn	\$1,485
Concourse, Bronx	\$1,499
Bay Ridge, Brooklyn	\$1,500
East Flatbush, Brooklyn	\$1,500
Jamaica Estates, Queens	\$1,500
Kew Gardens, Queens	\$1,525
Woodside, Queens	\$1,538
Highbridge, Bronx	\$1,550
Riverdale, Bronx	\$1,550
Prospect Park South, Brooklyn	\$1,557
Elmhurst, Queens	\$1,571
Kensington, Brooklyn	\$1,575
Corona, Queens	\$1,580
Brighton Beach, Brooklyn	\$1,597
Flushing, Queens	\$1,600
Inwood, Manhattan	\$1,600
Ditmas Park, Brooklyn	\$1,600
Jackson Heights, Queens	\$1,600
Forest Hills, Queens	\$1,616
Sunset Park, Brooklyn	\$1,623
Rego Park, Queens	\$1,642
Flatbush, Brooklyn	\$1,650
Sunnyside, Queens	\$1,650
Washington Heights, Manhattan	\$1,700
Astoria, Queens	\$1,700
Prospect Lefferts Gardens, Brooklyn	\$1,704
Jamaica, Queens	\$1,751
Bensonhurst, Brooklyn	\$1,765
Hamilton Heights, Manhattan	\$1,770
Central Harlem, Manhattan	\$1,799
Crown Heights, Brooklyn	\$1,800
Mott Haven, Bronx	\$1,814
West Harlem, Manhattan	\$1,825
East Harlem, Manhattan	\$1,837
Bedford-Stuyvesant, Brooklyn	\$1,869
Columbia St Waterfront District, Brooklyn	\$1,875



#HomelessCantStayHome

Neighborhood	Median Asking Rent For Studio Apartment (Last 2 Years)
Coney Island, Brooklyn	\$1,882
Ridgewood, Queens	\$1,895
Windsor Terrace, Brooklyn	\$1,947
Chinatown, Manhattan	\$2,123
Bushwick, Brooklyn	\$2,125
Cobble Hill, Brooklyn	\$2,150
Upper East Side, Manhattan	\$2,150
Little Italy, Manhattan	\$2,170
Park Slope, Brooklyn	\$2,200
Lower East Side, Manhattan	\$2,225
Clinton Hill, Brooklyn	\$2,252
Morningside Heights, Manhattan	\$2,275
East Village, Manhattan	\$2,300
Upper West Side, Manhattan	\$2,300
Boerum Hill, Brooklyn	\$2,350
Brooklyn Heights, Brooklyn	\$2,438
Prospect Heights, Brooklyn	\$2,440
Carroll Gardens, Brooklyn	\$2,500
Fort Greene, Brooklyn	\$2,500
Midtown East, Manhattan	\$2,500
Greenpoint, Brooklyn	\$2,559
Long Island City, Queens	\$2,575
Gowanus, Brooklyn	\$2,603
Roosevelt Island, Manhattan	\$2,658
Greenwood, Brooklyn	\$2,674
Downtown Brooklyn, Brooklyn	\$2,684
Williamsburg, Brooklyn	\$2,697
Soho, Manhattan	\$2,723
Gramercy Park, Manhattan	\$2,800
Midtown West, Manhattan	\$2,822
Greenwich Village, Manhattan	\$2,850
Nolita, Manhattan	\$2,861
Midtown, Manhattan	\$2,900
Midtown South, Manhattan	\$2,938
West Village, Manhattan	\$2,985
Chelsea, Manhattan	\$2,993
Red Hook, Brooklyn	\$3,000
Financial District, Manhattan	\$3,040
DUMBO, Brooklyn	\$3,111
Battery Park City, Manhattan	\$3,188
Central Park South, Manhattan	\$3,208
Flatiron, Manhattan	\$3,330
Tribeca, Manhattan	\$3,888

Testimony by the New York Legal Assistance Group (NYLAG)  
Before the New York City Council Committee on General Welfare  
January 25, 2021

Chair Levin, Council members, and staff, good afternoon and thank you for the opportunity to testify at today's hearing regarding DSS's preparation for expiration of the eviction moratoriums and with respect to Intro 2050. My name is Kathleen Brennan, and I am a Supervising Attorney in the Tenants' Rights Unit at the New York Legal Assistance Group (NYLAG). I am here today with Gabriela Malespin, a paralegal in our unit who specializes in public benefits advocacy.

NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves veterans, immigrants, seniors, 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, people 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.

While the New York state legislature's passage of the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 provides needed protections for tenants in NYC until as late as May 1, 2021, that day will come quickly, and there is much that DSS can do during this critical window to put New Yorkers on a path to housing security before they are faced with the threat of imminent eviction. COVID-19 cases continue to rise, and tenants have not been provided with enough financial relief to ensure that they can stay in their homes past the May 1<sup>st</sup>

deadline. It is essential that DSS respond to these concerns by expanding access to CityFHEPS, allowing eligible households to apply for FHEPS the moment they have rent arrears rather than forcing them to wait until they are sued in Housing Court, and simplifying and streamlining the process for tenants to apply for rent arrears grants. The City Council should also pass Intro 2050 to immediately expand the right to counsel citywide so every New Yorker has a lawyer to represent them in Housing Court and ensure that every legal remedy is pursued to enable tenants to remain in their homes during these incredibly challenging times.

**DSS SHOULD EXPAND ACCESS TO CITYFHEPS BY MAKING LONG-TERM TENANCY AN ELIGIBILITY CRITERION FOR THIS CRITICAL RENT SUBSIDY**

The City's Family Homelessness & Eviction Prevention Supplement (also known as CityFHEPS) is a critical subsidy for many low-income renters in New York City. Administered by the Department of Social Services (DSS), this rental subsidy allows families both with and without minor children to remain in their apartments by ensuring that recipients do not pay more than 30% of their income towards their rent. Currently, NYC tenants must meet the following criteria to be eligible for CityFHEPS: 1) Make less than 200% of the federal poverty guidelines, 2) have a rent that falls under the CityFHEPS rental guidelines, and 3), meet one of the following criteria: have veteran status, have prior shelter history, receive Adult Protective Services (APS), or live in a rent-controlled apartment. In addition, CityFHEPS vouchers are also provided to shelter residents to ensure that they can exit shelter and access permanent housing. This voucher is subject to renewal every year for up to five years. This voucher is important for adult-only families and elderly tenants, because the state-funded FHEPS program focuses almost exclusively on assisting families with minors in the household. Since the inception of the

CityFHEPS program in 2018, this voucher has helped thousands of families both remain in their apartments and exit the City's crowded shelter system. However, DSS has the opportunity to expand eligibility criteria to ensure that more families can access this aid and reduce shelter costs.

The current eligibility criteria are unnecessarily restrictive. CityFHEPS eligibility criteria should be expanded to include long-term tenancies of at least 10 years and tenants receiving SSI and SSD. Prior to its supersession by CityFHEPS, the City's Special Exit and Prevention Supplement (formerly known as "SEPS") allowed program administrators to grant the Supplement to long-term tenants. Once the program converted to CityFHEPS, the long-term tenancy criterion was eliminated. At NYLAG, we have noticed that only a small fraction of our clients meet the current CityFHEPS criteria, but many meet the prior long-term tenancy criterion. Many tenants with non-payment housing court cases have resided in their apartments for decades, receive SSI/SSD, and have rent and income thresholds that meet CityFHEPS guidelines, yet remain ineligible due to this restrictive criterion. Many of these same tenants also do not qualify for the NYS COVID Rent Relief program because their incomes were low and fixed prior to the start of the pandemic and have not changed, which means they often cannot establish that they have experienced a financial hardship since March 7, 2020, a critical eligibility factor for the NYS COVID Rent Relief program. Without an ongoing subsidy, these tenants are at risk of eviction, shelter entry, and possibly even street homelessness due to shelter overcrowding.

Additionally, CityFHEPS rent levels must be increased to keep pace with fair market rents. Current CityFHEPS rent limits are much lower than fair market value. For example, in

order for a family of one to qualify for a CityFHEPS voucher, their rent must not be greater than \$1,265 per month. However, the average rent for tenants in NYC is often upwards of \$2,000. There is currently City Council legislation that aims to address this issue. Councilmember Stephen T. Levin introduced Int 0146-2018, which was last discussed by this Committee in September 2020. This bill does two critical things: (1) it allows eligible CityFHEPS recipients to receive the benefit indefinitely, eliminating the five-year rule, and (2) it increases the CityFHEPS rent limits, which would be indexed to the fair market rents set by HUD for the New York metro area. HUD fair market rents are significantly higher than the current CityFHEPS limits. For example, for a family of one the rent limit would increase from \$1,265 to \$1,760.

An expansion of CityFHEPS' eligibility criteria would be both cost effective for the City and life-saving for housing-insecure City residents, especially households with seniors ineligible for other forms of rental assistance who are at a much higher risk of having severe COVID-19 complications. The average cost of shelter for a single person in NYC is \$38,000 per person per year. Furthermore, shelters have an increased risk of COVID-19 spread and infection, and shelter residents are at higher risk of contracting COVID-19. By passing these measures, more City residents will be able to remain safe in their homes; homes that they've lived in for decades in many cases.

### **SIMPLIFY THE RENTAL ARREARS GRANT APPLICATION PROCESS**

Another way that DSS can prepare for the end of eviction moratorium is by making the process of applying for rental arrears grants and FHEPS as simple as possible for tenants

applying for assistance. It is imperative that requests for rental arrears grants be processed as quickly as possible, ideally in no more than thirty days.

Due to COVID-19 restrictions that severely limit in-person visits to Job Centers, DSS has stressed online applications through the ACCESS HRA portal; however, many of our clients and tenants with similar backgrounds to our clients simply lack the technology to apply for grants online.

Many of NYLAG's clients experience difficulties applying for a rental arrears grant over the telephone or obtaining and submitting a "paper" rental arrears grant application. DSS should continue to explore ways to make the process for applying for rental arrears grants easier for clients who do not have ready access to technology. DSS should expand its ability to accept and process applications over the phone, add staff to the job centers who can expedite the processing of rent arrears and FHEPS applications, and enhance language access by hiring multilingual staff.

While ACCESS HRA is useful, it can be difficult to navigate, and tenants frequently experience technological glitches when trying to submit rental arrears grant applications. Many tenants who do manage to submit an application for rental arrears assistance online via the ACCESS HRA portal do not receive a timely response and are frequently not informed that documents they have uploaded have been received or of the status of their application by DSS. At times, tenants have had their applications for rental assistance closed or rejected despite having provided the requested documentation. DSS should contact tenants by phone once the application has been submitted online and assist the tenant in completing the application as issues arise.

DSS works in conjunction with Homebase, a community-based, homelessness prevention network with 23 locations across the 5 boroughs of New York City, to provide rental assistance to New Yorkers at risk of eviction. In order to timely respond to requests for rental arrears, DSS and Homebase will need to increase staffing levels and streamline communication between DSS and Homebase.

### **FHEPS**

FHEPS is a vitally important rent subsidy for many tenants. FHEPS is a State-funded program that provides an enhanced shelter allowance for families receiving ongoing cash assistance as well as payment of the rental arrears due at the time the family is approved for FHEPS. FHEPS eligibility requires that a landlord have commenced a Housing Court proceeding and limits rental arrears to \$9,000.

The court delays related to COVID-19 have created a large universe of households with arrears that exceed \$9,000. As a result, when Housing Court does open many tenants will be ineligible for FHEPS because they exceed the limit. This Catch-22 is simply perverse and unfair. DSS should do **everything** it can to prevent evictions based on a tenant's inability to submit a FHEPS application, including issuing rental arrears grants in conjunction with FHEPS applications to bring the rental arrears within the \$9,000.

The City also needs to prioritize rental relief for undocumented tenants. Currently, only mixed status families (families with at least 1 person with eligible citizenship status) are eligible for the majority of rental relief programs. The City should prioritize funding sources that allow undocumented tenants to access rental relief and increase access to information to undocumented communities regarding available programs.

The impending end of the eviction moratorium provides DSS with an opportunity to strategize and effectively address this pandemic and the immense housing insecurity it has caused. We strongly urge DSS to expand access to rental assistance by making important changes to CityFHEPS and FHEPS eligibility criteria and streamline the application process for rent arrears grants to account for the challenges presented by COVID-19.

**EXPANSION OF RIGHT TO COUNSEL - INTRO 2050**

At NYLAG's Tenant's Rights Unit, we have seen the positive impact of the City's Right to Counsel program. A report from the Office of Civil Justice demonstrated that 86% of tenants who had an attorney for their housing court case were able to remain in their homes. Currently, there is City Council legislation pending to expand the programs to every tenant in New York City regardless of zip code, effective immediately. We urge the City Council to pass this legislation. Tenants who are represented in housing court cases receive better settlements, are more likely to raise key defenses in their cases and are more likely to access subsidies and other services to which they are entitled.

Thank you very much for the opportunity to speak on the immense importance of DSS' critical role in preserving housing security for under-resourced New Yorkers during these very challenging times.

Respectfully submitted,

New York Legal Assistance Group



My support for RTC is engrained in the knowledge that while municipal and higher governments aim to support their constituents in all manners, there are flaws in execution and disparities when events out of our control occur. One such event of the global Pandemic accentuated and exacerbated the disparity of wages and housing security in this nation. The system at large has failed its citizens in the protections that are entitled to them at birth and should be ensured upon their loyalty and service to the community through their jobs, through their taxes and through their presence alone. RTC provides a specific type of protection when the general protections have failed to do so. It might seem like a favor or handout but in every aspect, this protection and care towards any person(s) facing eviction or are in danger of losing their housing, is necessary.

While the initial impulse is that this is morally sound and the duty of any municipal leader to carry out, I will add that on an economic level, citizens who are housed and employed can lend to the greater economic community. And this is vital to a metropolis as great as New York City. The stability of this city reflects the stability of this nation and is one of the human centers of the world. If we do not invest and care for our own as well as the livelihood of those who need us most, it will be forever a mark and added stain to the past year. We need to strengthen and raise each other up, not further denigrate or neglect. Thank you for your time.

**Kat T**

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**NEW YORK DOCTORS COALITION TESTIMONY IN FAVOR OF  
INTRO 2050—PROVIDING LEGAL SERVICES FOR TENANTS WHO  
ARE SUBJECT TO EVICTION PROCEEDINGS**

The right to counsel can determine the difference between life and death, especially during a syndemic of COVID-19, economic depression, and state-sanctioned violence through decades of discriminatory housing policy.

As health care providers, we have seen first-hand the effects that eviction has on physical wellbeing and mental health. We see the pervasive destruction of housing instability, the way its chronic stress frays family relationships. We care for children harmed by abuse in families hit hard by homelessness, for mothers no longer able to work after losing their eyesight to diabetes and petrified of how lost income will affect their ability to pay rent, and for elders dying alone of COVID-19 pneumonia after their children cannot afford to stay in the neighborhood that raised them.

When the people we care for lose their homes, they are more likely to be victims of violence<sup>1</sup>, to die of drug overdose<sup>2</sup>, and to experience long-term mental and physical illness<sup>3</sup>. The impact of eviction on a family can be profound and permanent, causing depression that lasts years,<sup>4</sup> worsening health for a lifetime, and poor quality of life for future generations.<sup>5</sup> Further, eviction during the pandemic accounts for an estimated 433,700 excess COVID-19 cases and 10,700 excess deaths from COVID-19 nationwide, from March to September alone.<sup>6</sup>

**No matter the symptoms, eviction is a deadly disease. Remarkably, this disease is preventable.**

By passing Intro 2050 you can implement Right to Counsel, building on the success of Local Law 136 to immediately protect the health of the communities you represent. You will allow elders to socially distance, families to stay together, people

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<sup>1</sup> Bullinger, Lindsey Rose, and Kelley Fong. "Evictions and Neighborhood Child Maltreatment Reports." *Housing Policy Debate* (2020): 1-26.

<sup>2</sup> Bradford, Ashley C., and W. David Bradford. "The effect of evictions on accidental drug and alcohol mortality." *Health services research* 55.1 (2020): 9-17.

<sup>3</sup> Hatch, Megan E., and Jinhee Yun. "Losing Your Home Is Bad for Your Health: Short-and Medium-Term Health Effects of Eviction on Young Adults." *Housing Policy Debate* (2020): 1-21.

<sup>4</sup> Desmond, Matthew, and Rachel Tolbert Kimbro. "Eviction's fallout: housing, hardship, and health." *Social forces* 94.1 (2015): 295-324.

<sup>5</sup> McDonald, Lynn. "Examining evictions through a life-course lens." *Canadian Public Policy* 37. Supplement 1 (2011): S115-S133.

<sup>6</sup> Leifheit, Kathryn M. and Linton, Sabriya L. and Raifman, Julia and Schwartz, Gabriel and Benfer, Emily and Zimmerman, Frederick J and Pollack, Craig, *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality* (November 30, 2020). Available at SSRN: <https://ssrn.com/abstract=3739576>

with chronic conditions to take care of themselves, as is their right. **You will save lives.**

However, while communities require a variety of immediate interventions to stave off disastrous mass eviction, we must be clear that this is *not* the ultimate salve. The New York Doctors Coalition recognizes the impact of centuries of violently unjust housing policy undergirded by ideologies of white supremacy, genocide of Indigenous peoples, and unchecked capitalism, and the paramount importance of dismantling oppressive structures like housing court. Guaranteeing the right to counsel is *not* the same as guaranteeing housing as a human right but this step is desperately needed. That so much proof and testimony are required to ensure a fighting chance at remaining housed during a time of incredible trauma and grief, that we are asked to articulate an evidence-based relationship between housing insecurity and physical and mental decline when this relationship is plain to see, is an indictment of the moral poverty of our systems. Systems designed to hurt us and the people we serve must be abolished. We will continue to center community care and to take the lead from those directly impacted to organize for the liberation of all people. Until then, we call on you to support immediate, life-saving eviction protection for the communities that we work together to serve.

Just as we would not expect New Yorkers to diagnose and treat themselves without the advice of a medical professional, every New Yorker must have the counsel of a legal professional when navigating housing court. **We need you to act with us, and to keep our communities safe and healthy at home.**

Submitted Testimony of Good Shepherd Services  
Before the New York City Council Committee on General Welfare  
Oversight – DSS Preparation for Expiration of the Eviction Moratoriums

Submitted by  
Rosanna Cruz, Senior Program Director  
Good Shepherd Services

January 25, 2021

Thank you, Chair Levin and the Council Members of the Committee on General Welfare, for the opportunity to submit testimony on the oversight hearing on the DSS Preparation for Expiration of the Eviction Moratoriums.

My name is Rosanna Cruz, and I am the Senior Program Director of the Benefits Assistance Program at Good Shepherd Services located in Park Slope and East New York, Brooklyn where in 2019, we served over 6,000 clients and continue to support residents from across the City with a concentration in Brooklyn and Queens. The East New York program has been opened since 2001 when the program was part of Groundwork, Inc. I have been with the program since 2003 and prior to this work, I did community and tenant organizing.

Guided by social and racial justice, Good Shepherd Services (GSS) partners and grows with communities so that all NYC children, youth, and families succeed and thrive. We provide quality, effective services that deepen connections between family members, within schools, and among neighbors. We work closely with community leaders to advocate, both locally and nationally, on behalf of our participants to make New York City a better place to live and work.

The Benefits Assistance Program provides individuals and families with hands-on assistance in applying for public benefits. The “one-stop shop” program provides unprecedented ease to public services, in one place at one time—connecting people to the resources they need to attain higher education, obtain good jobs, and achieve financial stability. Benefits Assistance Programs also offer legal counseling, help with financial planning, immigration services and referrals to other community-based organizations, as needed. We also operate two the New York City Department of Youth and Community Development (DYCD) contracts at the program known as the Comprehensive Services for Immigrant Families and DYCD’s Neighborhood Development Area Healthy Family Program.

From January 1, 2020 to September 30, 2020, Good Shepherd Services served 1,885 households (725 Park Slope and 1,160 East NY) as compared to 2,621 in 2019.

In 2020, approximately 1,407 of the participants served received benefits and referrals. Through our efforts, residents were able to secure a total of \$4,820,349 in monetary benefits in 2020 (Park Slope \$1,593,512 and East NY \$3,226,837) as compared to \$8,391,859 in monetary benefits in 2019.

As part of our intake form with clients, we capture household composition, income, and estimated monthly expenses among other demographic information to best support and refer them to services.

Today my testimony will emphasize on the challenges facing providers in supporting clients seeking rental assistance before the eviction moratorium ends.

Good Shepherd is a member of the Eastern Brooklyn Emergency Response Collaborative, a network of East New York providers who have sought to coordinate the distribution of resources across the community during the Pandemic. In August of 2020, the Collaborative held two housing townhalls virtually—in English and Spanish—to keep the community and our partner organizations up to date on what additional resources were being made available by the City, State, and Federal agencies. The sessions were attended by 80 people and impressions on Facebook reached the 100s.

COVID-19 exacerbated the conditions in the communities we support and as such, we are experiencing an increase in the number of clients requesting assistance with the "One Shot Deal" emergency assistance program and the Rent Relief Program. One of our main concerns with these programs, is that we are not sure when the community will recover from the financial hardship they are currently experiencing and be able to cover monthly expenses and comply with the repayment options available through these programs. The State requires that clients get a third party to prove the future ability to pay the rent once the "One Shot Deal" is granted. This requirement was a challenge prior to COVID-19 and is resulting in applicants declining this resource. Applicants have found it difficult to identify someone in their network to not only sign off but, take on the third party responsibility. Another issue we are experiencing is that for the clients collecting unemployment due to work and school closures and/or lack of childcare, the Rent Relief Program is rejecting applicants because their income between March and July of 2020 was higher than their income prior to March 2020. Clients' income was higher during these months as a result of the Pandemic Unemployment Assistance (PUA) program and applications are being denied from this program for this reason.

As background, HRA/DSS administers the "One Shot Deal" emergency assistance program requires a third party signer and a repayment plan. OTDA makes the final decisions on who qualifies for the program.

The Home and Community Renewal (HCR) manages the Rent Relief Program application. OTDA verifies loss of income between March and July of 2020. The Pandemic Unemployment Assistance during the months of March and July of 2020 were \$600 weekly. Individuals were therefore receiving anywhere between \$800 and \$1,000 in unemployment benefits weekly which could result in about \$3,000 a month. This higher income during the period of March and July of 2020 disqualifies low income residents from receiving the supports they need to pay rental arrears. The Rent Relief Program does not have to be paid back and would allow residents to recover when they go back to work.

The Council should expect residents from across the City to end up in housing court for non-payment cases which may lead to evictions if the requirements for the existing programs do not change. We cannot expect for low-income families to recover without the financial support to pay rental arrears. Landlords are also getting desperate and harassing tenants to pay their rent. In these cases, we are helping families connect to legal assistance to not only understand their rights as tenants but to support them if they have been served court documents by landlords.

The City and the State must look to support programs that allows providers to create more mediation with families and more accessibility. Some of these programs currently exist in HRA and can be scaled. For the "One Shot Deal" emergency assistance program, HRA should waive the third party agreement requirement during the pandemic. As for the Rent Relief Program, the State should only consider the income of the individual prior to the pandemic and not the PUA income. PUA is both

impacting families ability to get public assistance and disqualifying them from critical programs like CITYFEPS. We need to account for the income of residents prior to COVID-19.

The CITYFEPS Rent Supplement Program can help eligible families with children at risk of entry to shelter and those already in shelter to secure permanent housing. The number of households that can be approved to receive the CITYFEPS Rent Supplement is limited due to limited funding. Potentially eligible families will be connected with CITYFEPS providers (community-based organizations), which will assist the family in completing an application and locating housing.

We kindly request that the Council strongly support a waiver to the requirements to apply to rental programs due to the current public health and financial crisis. It will take our community residents months if not years to recover emotionally and financially.

Thank you for the opportunity to submit our testimony. I am happy to answer any questions.



## TESTIMONY OF MALIKA CONNER BEFORE THE NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE REGARDING INTRO 2050

January 25, 2021

Good afternoon, and thank you Chair Levin, Council Members Levine and Gibson, and members of the Committee on General Welfare for the opportunity to testify today. My name is Malika Conner and I'm the Director of Organizing with the Right to Counsel NYC Coalition. We are proud of New York City's groundbreaking Right to Counsel legislation and applaud the City Council, the Mayor, and the Office of Civil Justice for its dedication to making Right to Counsel available to more New Yorkers during the pandemic. The law has had tremendous impact in the first three years of implementation, with **86 percent of tenants who had a Right to Counsel lawyer winning the fight to remain in their homes**. Community groups are actively using Right to Counsel as a powerful tool to protect and advance tenants' rights, and Right to Counsel has also helped develop a body of more just case law, lower tenants' rents, re-stabilize apartments, and has forced landlords to make repairs.

Tenants across New York City need Right to Counsel now more than ever. The COVID-19 pandemic and the ensuing economic downturn have only worsened the eviction crisis. **Nearly 1.5 million New Yorkers are unable to pay rent** due to the pandemic and many of the more than 200,000 cases currently paused by New York State's COVID-19 Emergency Eviction and Foreclosure Prevention Act will be allowed to move forward after February 26, 2021. The current federal and state eviction protections also include a number of loopholes and confusing legal mandates that have and continue to allow landlords to take tenants to housing court and put tenants at risk of losing their homes.

With the threat of eviction higher than ever before, tenants need Right to Counsel NOW! Intro 2050 would amend Local Law 136 and require immediate implementation of Right to Counsel, making it a right for all eligible tenants to have an attorney, right now, and would enable the City to phase in Right to Counsel by lawyer capacity instead of by zip code, thereby ensuring that no case moves forward without an attorney. Baseline in the Mayor's budget, Right to Counsel will require no additional funds and will save the City millions of dollars in shelter, healthcare, and other costs that would otherwise be accrued when families are evicted.

We applaud the City for modifying the implementation of Right to Counsel during the COVID-19 pandemic to ensure that no case in any neighborhood moves forward without an attorney. This has proven to be a remarkably successful model that we need to continue. The crisis won't end when the city is vaccinated, and will have long lasting effects on our economy, health, and communities. We cannot allow any New Yorker who has survived COVID-19, to face eviction alone. **The current model of assigning counsel to ALL cases in court NEEDS to be permanent**. We know this model is possible in part because there are few cases moving forward, thanks to the tireless work of the tenant movement to halt cases and evictions! But if and when more cases move more quickly, the City and the State can muster the political will to continue this model by monitoring legal capacity and adjourning cases once the legal services organizations reach their maximum capacity. Judges have the discretion to adjourn cases indefinitely. And there is NO reason why they can't do



this, especially during one of the most defining moments of our time. The Office of Civil Justice has already proven able to negotiate with the courts to do this, but the City Council must act to give them the authority to make this model law. We must make sure NO case moves forward without an attorney, period.

**The Right to Counsel NYC Coalition urges the City Council and Mayor to pass Intro 2050 to strengthen Right to Counsel and ensure that every income eligible tenant in New York City has a lawyer.** Evictions are cruel, violent, inhumane, and unjust. Evictions are used to displace the most vulnerable community members in our city: low-income tenants, people of color, women, single mothers, and immigrants. Implementing the Right to Counsel law right now would also greatly decrease evictions during the pandemic. The COVID-19 vaccine continues to roll out slowly and many New Yorkers won't be able to access it for many months. Therefore, it is more important than ever, that tenants on the brink of eviction can use their Right to Counsel to remain in their homes, keeping them safe from the virus and stopping displacement.

New York City can and should do more to stop evictions. Right to Counsel has proven to be an immensely effective tool to stopping evictions, and now is the time to strengthen the law by passing Intro 2050.

Thank you again for the opportunity to testify, and for your work on this important legislation.

For more information, contact Malika Conner at [malika@righttocounselnyc.org](mailto:malika@righttocounselnyc.org) or 585-465-7188



Testimony  
Written Submitted  
New York City Council Hearing General Services Committee  
Clerical-Administrative Local 1549 DC 37 AFSCME  
By Ralph Palladino, Local 1549 Second Vice President  
January 27, 2021

Good day. I am entering testimony on behalf President Eddie Rodriguez and the 14,000 members of Local 1549 working for the city of New York in all agencies and the New York City Health and Hospitals (NYC H+H) and Metro Plus HMO. My testimony is divided up into agencies and issues concerning all agencies.

Our members are by and large civil service employees. Our employment is based on merit and by management interview. Once we are hired, we serve a probationary period. This helps ensure our work is of high value with a high degree of productivity.

The following are issues and agencies you need to know about and help us improve:

**Interpreter Title City Wide:** As we have said for the past decade in testimony, the City needs to use the Interpreter Civil Service Title. The private temporary services are mostly a low-wage slave labor arrangement as pointed out by the investigative reporting in both New York Daily News articles. It is outrageous that they farm out jobs that could go to city residents to Mexico and other countries.

It is outrageous that these companies pay \$4 an hour wage for such services. Now the Department of Investigations is going to carry on an investigation? What happened when these companies applied for their contracts? **WHO VETTED THEM THEN?**

Interpreter services should largely be face to face. A study by the New York Immigration Coalition confirms this.

The use of private temp agency personnel is contrary to providing service that is confidential. It may even violate HIPPA laws.

Those who perform Interpreter services should be trained in the laws and rules of the particular agency they are servicing. This is so there is no mis-understanding of what is being told the client.

In HRA there have been problems with private temp agency personnel contradicting the Eligibility Specialists concerning the guidelines in existence for SNAP for instance. This has led to incidents of violence at times. In the healthcare industry Medical Terminology is required for all certified interpreters. This includes our members in NYC H+H such as Patient Representatives and Client Navigators. There is shortage of staff in both titles however.

**NEED: Use of the Interpreter Title in all city agencies. DCAS should issue testing in a multitude of languages.**



Testimony of

**The Legal Aid Society**

on

Oversight: DSS Preparation for the Expiration of the Eviction Moratorium

presented before

The New York City Council's Committee on General Welfare

Judith Goldiner  
Attorney in Charge  
Civil Law Reform Unit  
The Legal Aid Society

January 25, 2021

Thank you Chair Levin and members of the New York City Council’s Committee on General Welfare. We welcome the opportunity to testify at this important hearing.

## Introduction

New York City was the epicenter of the world’s COVID-19 pandemic. As of January 27, 2021, there have been at least 584,673 cases in New York City since the beginning of the pandemic.<sup>1</sup> As of January, Brooklyn, Queens and the Bronx are third, fourth and sixth counties with the highest death rate in the United States.<sup>2</sup> New York City lost 26,499 people to COVID<sup>3</sup>. The Bronx is the City’s poorest borough; it has the highest concentration of people of color; and it has experienced the highest tolls of infections, hospitalizations, and deaths.<sup>4</sup> Data from the City’s own health system shows deep disparities in who is affected by COVID-19, with mortality rates tied to race and income. Neighborhoods with the highest concentrations of Black and Latinx people, as well as low-income residents, have suffered the highest death rates.<sup>5</sup> The CDC reports that regardless of age, Latinx and Black people are respectively 4-5 times more likely than white people to be hospitalized due to COVID-19.<sup>6</sup> “[A]s more data becomes available, one thing is clear: COVID-19 has only magnified the systemic inequalities that persist in the United States. And nonwhite Americans, especially African Americans, have been hit hard on nearly every front.”<sup>7</sup>

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<sup>1</sup> See <https://www.nytimes.com/interactive/2020/nyregion/new-york-city-coronavirus-cases.html>.

<sup>2</sup> [Johns Hopkins University, Coronavirus Resource Center](https://www.jhu.edu/2020/05/18/coronavirus-resource-center/) (Last Updated January 26, 2021).

<sup>3</sup> Id.

<sup>4</sup> Kimiko de Freytas-Tamura, Winnie Hu and Lindsey Rogers Cook, ‘It’s the Death Towers’: How the Bronx Became New York’s Virus Hot Spot, N.Y. TIMES, May 26, 2020, <https://www.nytimes.com/2020/05/26/nyregion/bronx-coronavirus-outbreak.html>.

<sup>5</sup> Michael Schwirtz and Lindsey Rogers Cook, These N.Y.C. Neighborhoods Have the Highest Rates of Virus Deaths, N.Y. TIMES, May 18, 2020, <https://www.nytimes.com/2020/05/18/nyregion/coronavirus-deaths-nyc.html>.

<sup>6</sup> COVID-19 in Racial and Ethnic Minority Groups, Center for Disease Control and Prevention, Updated June 25, 2020, <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>.

<sup>7</sup> Kaur, Harmeet, The coronavirus pandemic is hitting black and brown Americans especially hard on all fronts CNN (May 8, 2020) <https://www.cnn.com/2020/05/08/us/coronavirus-pandemic-race-impact-trnd/index.html>.

In January 2020, New York City's unemployment rate was 3.5 percent. As of December, it is 11 percent and that is a decrease from the worst months of 2020, June and July when a staggering 20 percent of New Yorkers were out of work<sup>8</sup>. New York City is in the midst of a financial crisis that was caused by the health crisis. The only way to combat these dual crises is to keep people in their homes where they can avoid COVID, where they can seek employment opportunities and remain employed.

I. Barriers at HRA Prevent Many New Yorkers from Accessing Rental Arrears Assistance – including One Shot Deals

As you know, the New York City Human Resources Administration is the city agency tasked with administering the various programs that pay rental arrears for those at risk of eviction – including grants known as One Shot deals. Unfortunately, applying for rental arrears assistance at HRA is a complicated process that is not accessible to many New Yorkers because among other things, HRA is failing to provide accessible alternatives to its online system to apply for benefits and it lacks functional telephone systems to serve its constituents. We urge the Council to exercise its oversight authority to ensure that HRA takes the steps needed to address these barriers to ensure that all eligible New Yorkers can access these vital benefits.

To help stop the spread of COVID-19, HRA has closed most of its SNAP and Job Centers. There are now only seven open centers in the city: one each in Manhattan, Queens and Staten Island and two in Brooklyn and the Bronx. HRA has directed its clients to use the agency's computerized system known as ACCESS HRA to apply for benefits and to report changes in their circumstances. In order to use ACCESS HRA, clients must have a computer or smartphone with available data, as well as the ability to navigate this online system.

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<sup>8</sup> See <https://labor.ny.gov/stats/laus.asp>.

The reality is that many New Yorkers cannot access online services – be it due to lack of access to Internet, lack of digital skills, or an intersection of digital and other accessibility barriers. HRA has and will continue to miss thousands of clients if they make access to benefits reliant on access to online platforms. As of March 2020, about 30 percent of New York City residents, or 2.2 million individuals, lacked broadband internet access, including 350,000 who only access internet through cell phones or tablets.<sup>9</sup> Seniors are much more likely to be without a broadband internet connection compared to the general population: 42 percent of New Yorkers 65 years-old and above lacked broadband internet access, compared to 23 percent of 18 to 24-year-olds. Further, recent studies indicate that 15 percent of Black and Latinx New York City residents have no internet access compared to 11 percent of White New York City residents<sup>10</sup>. Getting connected to a website or app is only part of the barrier. Even if clients are connected to the Internet, they may not have the technical skills to complete an online application on their own. They may miss a key part of the application, accidentally exit the application, or be kicked off due to an HRA server error. Ultimately, barriers that they may face elsewhere, such as language accessibility and disabilities, are compounded and unlike at the Job Centers, they cannot turn to an HRA worker for assistance.

HRA has not provided adequate alternatives to ACCSS HRA. For clients who need to avoid the risk of visiting a crowded HRA center during the pandemic, the only way to get help from HRA is by calling HRA’s central phone line known as Infoline (718-557-1399) which is often busy and often hangs up on callers because of system overload. Clients have difficulty reaching the line, face wait times when they do get through and then must listen to a complex menu to figure out how to get help. Callers to Infoline hear a mandatory two-minute message which is very detailed and complex, and then the caller

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<sup>9</sup> Scott Stringer, *Census and the City: Overcoming New York City’s Digital Divide in the 2020 Census*, Office of the New York City Comptroller (July 2019), at 5. [https://comptroller.nyc.gov/wp-content/uploads/documents/Census\\_and\\_The\\_City\\_Overcoming\\_New\\_York\\_City\\_Digital\\_Divide\\_Census.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Census_and_The_City_Overcoming_New_York_City_Digital_Divide_Census.pdf).

<sup>10</sup> Id.

hears a menu with seventeen options, which in turn, have additional submenus. It is not easy to reach an agent and it is difficult to get services in languages other than English. Moreover, when a caller does manage to get through, the agent is not an HRA “worker” who can fix the client’s individual case. At best, the agent provides information and takes a message providing the caller with a confirmation number and promising that an HRA staffer will call back or attend to the client’s problem. However, callers often do not hear back – or do not hear back in a timely way.

HRA has received a waiver to enable the agency to take applications over the phone to serve such clients who are unable to apply online. But most Infoline agents do not accurately advise clients of this option and clients are told to come in person to a center. In some cases, clients are not given the phone application option and are instead mailed a lengthy and complex paper application – without instructions on how to complete it, how to submit supporting documents, or where to mail it back<sup>11</sup>.

Another significant barrier faced by clients of HRA during the pandemic is that many have their applications denied because they cannot connect with HRA by telephone to have a mandatory eligibility interview. One of the main reasons these telephone eligibility interviews fail to happen is simple: HRA has failed to provide its staffers with telephones that can be called back by clients. Prior to COVID, each HRA staffer had a telephone number with voicemail that could be called back by clients. Now because of COVID, most HRA staffers are working remotely from home and are using internet phone applications which cannot be called back. One of the most frustrating problems we all have with our cell phones is that often the phone does not ring, and the call goes straight to voice mail. We are all used to dealing with this problem by immediately dialing the caller back. Yet when an HRA client misses a call from an HRA staffer, they cannot just pick up the phone and immediately dial the HRA staffer back to

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<sup>11</sup> For a more detailed description of these problems with Infoline see Kiana Davis and Sameer Jain, *Failing Phones: City Infoline Leaves New Yorkers in Need Without Help*, Urban Justice Center Safety Net Project, Aug. 2020 <https://snj.urbanjustice.org/wp-content/uploads/sites/12/2020/08/HRA-Infoline-Report.pdf>.

have their mandatory interview because there is no phone number to dial back. Instead, they must call Infoline or another centralized number given by HRA and leave a message with a telephone agent which will be relayed to the staffer and then after a delay, hope that they will be get another call back. After two attempts to reach a client by telephone, HRA denies the application.

These missed calls have devastating consequences and the problem is widespread. HRA data reporting reveals that a dramatic number of applicants fail to connect to HRA for their phone interview and thus, do not manage to get benefits. During the most recent period reported by HRA, July through September, 2020, a total of 8,639 Cash Assistance applications were rejected for “Failure to Keep/Complete Interview.” This number is enormous – especially since there were only 1,397 such rejections during the quarter January to March 2020

In addition, HRA is supposed to be determining via ACCESS HRA that an applicant is eligible for a one shot, FHEPS or CityFHEPS. We see too often that HDU does not adequately screen the cases for FHEPS applications, restorations, or modifications and the same for CityFHEPS. More often than not, HDU processes a one shot rather than processing a subsidy. Despite repeated requests HRA refuses to have any indicators on the application where the client can say “I need my CityFHEPS restored,” etc.

## II. Recommendations: Improve Access at HRA

We respectfully submit the following recommendations that would help the City address the needs of New Yorkers:

### A. Replace Infoline Without Delay and Staff it Adequately.

HRA’s central phone line system is complex, unwieldy and lacks adequate capacity to meet client needs. HRA does not plan on replacing it until one year from now. New Yorkers need to be able to contact HRA by phone now – to access benefits, reduce the spread of COVID and avoid in-person visits to crowded HRA centers.

B. Give HRA Staffers Phones that Can Be Called Back and Do Not Reject Applications or Close Cases for Failing to Recertify Until this Option is in Place.

Give HRA clients a fair chance to get applications approved and recertify to keep their benefits – enable them to call back HRA staffers directly. Give HRA remote staff phones which can be called back.

C. Provide Technical Help to Users of ACCESS HRA

Many New Yorkers do try to use HRA’s online system to apply for benefits – but when they have technical problems while trying to apply, they cannot get any help. The only way to get help with the online system is online. There is no “live” help available either by online chat, texting or telephone. Many more individuals could successfully navigate through the ACCESS HRA system if they could get help. This is no small matter during the COVID pandemic – since the alternative of applying in person at a Job Center presents a significant health risk.

D. Provide Realistic Alternatives to Applying Online:

- Provide widespread information about the availability of phone applications, train HRA staff on this option and ensure adequate staffing to take phone applications.
- Create community partnerships with nonprofit organizations to help New Yorkers apply for Cash Assistance benefits in addition to SNAP.
- Improve procedures on providing paper applications: provide accurate information on the complexity of these forms and provide understandable information on how to complete and return them as well as return postage and drop boxes to submit them.



E. Require HRA to Provide Complete Data.

HRA has posted data to its website to comply with a series of bills passed by the Council last year<sup>12</sup>. The data include application outcomes and recertification denials. But HRA should be required to provide a denominator for the data –so the Council can determine the percentage of applications rejected and percentage of cases subject to recertification that were closed during each period. HRA should also provide data on the method of applications: online, at Job Centers, on paper, and by telephone.

F. Prevent Evictions: Help New Yorkers Access Rental Assistance Benefits by Creating a “One-Stop” Portal for Tenants to File a Single Application for Rental Assistance.

Because stable housing plays an important role in a family’s continued health, we urge the Council to take steps to provide online access regarding rental assistance. We recommend creating a “One-Stop” portal for tenants to file a single application for rental assistance and be able to track such an application. Such a “one-stop” portal where tenants can file a single application for rental assistance should contain pertinent information for the full range of available assistance instead of the current process which involves multiple applications and multiple points of contact. We recognize that such a portal may require the partnership of the State but ultimately it will be more efficient for the government agencies, contracted community partners and tenants, and such a system has fewer negative public health consequences. It also has the added benefit of making it easier for landlords to directly upload documents needed to complete the process of obtaining assistance.

III. Rent Arrears and HomeBase: HRA Should Institute Changes to Maximize Effectiveness

New York City’s HomeBase program, operated by providers throughout the City plays a critical role in assisting New Yorkers at risk of eviction, however, HRA should institute changes in the program

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<sup>12</sup> See <https://www1.nyc.gov/site/hra/news/legal-notice-rules.page>.

to ensure it is effective. HomeBase should work like the New York City HRA Rental Assistance Unit (RAU) or the FHEPS Centralized Decision Unit (FCDU) where there are quick turn around on applications for rent arrears and CityFHEPS rent arrears. When tenants are looking for rental assistance or seeking a CityFHEPS to stay application be submitted by their HomeBase the assistance should be on a 30 day turnaround timeline from application to checks being issued by the local HomeBase or in CityFHEPS cases by HRA.

HomeBase intake process must be simple, fast and clear. Currently tenants miss court deadlines, resulting in multiple adjournment. There should be uniform paperwork used at all HomeBases giving the clients an update each visit as to what documents are needed and whether the HomeBase has agreed to assist the applicant for rent, CityFHEPS to stay or for FHEPS and CITYFHEPS moves and a deadline when applications will be submitted to HRA and the same time frame for issuing checks. The forms need to be translated in the same languages that HRA uses. Too many times advocates find out that a case has not been accepted when the client thinks an application is in process. One challenge we have with representing tenants working with HomeBase programs is that because there is no documentation of what is happening with a case, there is much time wasted determining what the problem with the application is and trying to resolve conflicts between the client and the workers as to what has happened with the application.

There is a high turnover at HomeBases as the work is at a quick pace due to the nature of summary eviction proceedings. HomeBase staff needs to be adequately compensated in order to obtain and retain trained and knowledgeable staff for this important work.

#### IV. Emergency Rent Assistance: Maximizing Federal Dollars to Meet the Crisis in New York City

In December, Congress passed and the former President signed into law a COVID relief package which included \$25 billion in relief to tenants. The money can be used for rent arrears, for three months

of future rent and for utility costs. The funding mechanism is the Coronavirus Relief Fund (CRF), first created in the CARES Act. The allocation formula was set in the CARES Act and allows for a direct allocation for New York State and New York City and other localities with populations of more than 200,000. New York City applied for its direct allocation and we understand New York City will receive approximately \$240 million of the entire State's \$1.28 billion allocation. New York State will receive \$800 million (the remaining approximately \$240 million goes directly to the other New York State localities which applied for the allocation). We understand that there are ongoing conversations between the State and the City about the design of the rental assistance program.

We hope that the program designers will avoid the mistakes made by those who designed and implemented the failed New York State Homes and Community Renewal COVID relief program. Last spring, the Legislature used \$100 million from the CRF to create a rent relief program. That program layered eligibility requirement on eligibility requirement, required immense amounts of documentation and required tenants to pay more than 30% of their new reduced income toward their rent arrears. The program was opened quickly and soon closed. There was no attempt to reach out to the community-based groups who are working with those most affected by the crisis. The application required tenants to apply through an online portal that was only accessible to tenants who spoke English. The program discriminated against immigrants in violation of federal law as it was not open to all tenants regardless of immigration status. See *Poder in Action v. Phoenix*, \_\_\_ F. Supp. 3d \_\_\_, 2020 WL 7245072 (D. Ariz 2020). Because the program required so much documentation, tenants were asked to supplement their applications and then never heard from the program again. In the end, New York State was only able to spend \$40 million of the \$100 million allocation<sup>13</sup>. While Governor Cuomo reopened the program in December, only minor changes were made to the program which did not cure its flaws and there is every

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<sup>13</sup> See <https://hcr.ny.gov/system/files/documents/2020/10/covid-rrp-report.pdf>.

reason to believe that the State will be unable to spend the remaining \$60 million. Meanwhile, it is estimated that New York State tenants owe between \$1.3 and \$2.2 billion in back rent<sup>14</sup>.

Any program for rent relief must be open to all tenants regardless of immigration status. Any other position is in violation of federal law. See Poder in Action v. Phoenix, \_\_\_ F. Supp. 3d \_\_\_, 2020 WL 7245072 (D. Ariz 2020).

New York City and New York State must ensure that New York City tenants receive their fair share of the monies allocated. New York City's direct allocation was determined by a formula set by the CARES Act: 45% of New York City's proportion of New York State's population. New York City directly received 19.8% of New York State's allocation. ANHD has published a report analyzing what percentage of the funds would be New York City's fair share<sup>15</sup>. According to ANHD, 63 percent of New York State's renters live in New York City. If New York City's allocation matched its percentage of renters, we would see \$800 million for our renters. It is clear that the COVID pandemic has laid bare the racial and economic inequality experienced by people of color. New York City houses 73.5 percent of all Black renters, 79.3 percent of all Latinx renters and 83.4 percent of all Asian renters in New York State<sup>16</sup>. Our costs are higher too. New York City's median rent is \$1443 versus \$1280 in the rent of the State<sup>17</sup>. Even accounting for population, New York City's renters will be shortchanged. New York City and New York State must commit to a just recovery that ensures that the most impacted and most vulnerable among us do not fall further behind.

The Emergency Rental Assistance program created by the federal law requires that grantees provide relief to tenants with incomes of under 80 percent of Area Median Income (AMI) and that the

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<sup>14</sup> For estimates on back rent owed, we rely on Stout, a nationally recognized research firm that has been analyzing census data and producing bi-weekly State-by-State estimates of rent owed. [New York's analysis is available here.](#)

<sup>15</sup> See <https://anhd.org/blog/new-york-citys-unfair-share>.

<sup>16</sup> Id.

<sup>17</sup> Id.

grantees prioritize tenants with incomes of under 50 percent of AMI. We recommend that the rent relief program first prioritize tenants with incomes of under 30 percent of AMI and then 50 percent of AMI.

After considering the rental assistance programs created by States and localities from CARES Act funds, the National Low Income Housing Coalition (NLIHC) recommended the best practices of program design<sup>18</sup>. NLIHC recommends that grantees allow applicants to self-certify that they qualify for the program. Clearly, New York State's over-reliance of documentary proof of tenant eligibility in the flawed New York State Homes and Community Renewal COVID relief program ensured that desperate tenants received no relief. We are particularly concerned for our clients without immigration status or those who work in the grey economy who have lost their jobs but are unable to prove loss of income to the satisfaction of government bureaucrats. The rent relief money must be issued quickly and easily. There is no reason to put artificial barriers before desperate tenants. Additionally, the application process must be simple and accessible. The program must provide language justice and have multiple channels for tenants and landlords to apply. Earlier in the testimony we described how HRA is failing to provide accessible alternatives to its online system to apply for benefits. This failure has created barriers for the most vulnerable New Yorkers to access vital benefits. Any rent relief program must not leave behind low income New Yorkers on the other side of the digital divide.

Even were New York City to receive its fair share, there is not currently enough money to cover every low-income New Yorker who owes rent. The designers of New York's program should consider targeting emergency rental assistance to areas with high shares of housing instability, job loss, and populations disproportionately impacted economically by the pandemic, including communities of color, which have been hardest hit by the pandemic. We recommend targeting the most impacted census tracts and providing the assistance through a lottery rather than on a first come first serve basis. The

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<sup>18</sup> See <https://nlihc.org/resource/nlihc-releases-report-best-practices-state-and-local-emergency-rental-assistance-programs>.

lottery should initially target tenants at or below 30 percent of AMI. First come first serve programs often leave behind historically marginalized communities.

Payments to landlords covering rent arrears should include basic tenant protections. Landlords that receive this funding should agree that the payments resolve the tenants rent arrears and that the landlord will not sue the tenant for back rent for this time period. Additionally, landlords should agree not to evict tenants without good cause for a period of at least one year. Landlords should forgive all late fees and legal fees connected to the rent arrears.

#### V. Intro 2050-2020: New York City's Historic Right to Council Law

Intro 2050-2020 would amend number 136 of 2017, the housing court right-to-counsel law, by requiring the immediate implementation of access to legal services for tenants facing eviction proceedings in housing court citywide. As the Council is fully aware, the historic right-to-counsel law created a five-year phase in program that started with 20 of New York City's 200 zip codes. Each year more zip codes have been added to the program, extending coverage to more communities in the City. In March 2020, when the Coronavirus hit New York City, the courts and Governor Cuomo closed the courts to all but the most essential cases. In housing court, essential cases were illegal lockouts and emergency repairs. New York City committed to providing representation to every tenant in these essential matters, no matter their zip code. As the courts have reopened, the courts and the City have tried to ensure representation for every tenant that has appeared in court. When the court's created the HMP parts to hear cases with judgment and warrants, legal services providers, working together with New York City Office of Civil Justice arranged for the RTC providers to staff the HMP and to intake cases from the court's calendar. No one was turned away because of their zip code. We support right to council in housing court and thus, we support this legislation.

## Conclusion

Thank you for holding a hearing on this important matter. We look forward to working on these issues with you and your committee.

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## About The Legal Aid Society

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, 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. This dedication to justice for all New Yorkers continues during the COVID-19 pandemic.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of more than 2,000 attorneys, social workers, paralegals, and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal, and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.



TESTIMONY AT  
PUBLIC HEARING OF THE COMMITTEE ON GENERAL WELFARE  
ON  
INTRO 2050-2020

FITZROY A. CHRISTIAN  
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SINCE ITS INCEPTION IN 2017, THE RIGHT TO COUNSEL FOR NEW YORK CITY TENANTS FACING EVICTION IN JUDICIAL AND ADMINISTRATIVE HEARINGS HAS RESULTED IN MOST TENANTS WITH LEGAL REPRESENTATION STAYING IN THEIR HOMES AND NEW YORK CITY SAVING HUNDREDS OF MILLIONS OF DOLLARS ON THE COST OF PROVIDING SHELTER FOR THOSE WHO HAVE BEEN EVICTED.

RIGHT TO COUNSEL HAS MEANT THAT INDIVIDUALS AND FAMILIES WHOSE LIVING CIRCUMSTANCES LED THEM TO FACING EVICTION AND HOMELESSNESS HAVE BEEN ABLE TO STAY IN THEIR HOMES AND COMMUNITIES, SURROUNDED BY THEIR FAMILIES AND FRIENDS, AND SUSTAINED BY THEIR CULTURAL INSTITUTIONS. IT HAS MEANT A REDUCTION IN HEALTH ISSUES AMONG POPULATIONS THAT ALREADY LACK ADEQUATE HEALTH CARE. IT HAS MEANT THAT CHILDREN CAN REMAIN IN THEIR SCHOOLS WITH NO IMPACT ON THEIR EDUCATION AND LIVES.

AND THAT WAS DURING NORMAL TIMES.

TODAY, WITH NEW YORK CITY AND THE REST OF THE WORLD FACING UNPRECEDENTED HEALTH AND HUMAN CRISIS WITH THE GLOBAL PANDEMIC, IT IS MORE CRITICAL THAN EVER THAT ALL NEW YORKERS FACING EVICTION IN HOUSING COURT BE PROVIDED WITH LEGAL REPRESENTATION. THE ORIGINAL PHASED-IN PLANS ARE NO LONGER SUFFICIENT. THE LOSS OF INCOME, HEALTH, AND LIVES OF FOLKS AFFLICTED BY THE CORONAVIRUS CALLS OUT FOR IMMEDIATE ACTION. PREDATORY LANDLORDS ARE ALREADY IN THE PROCESS OF CLOGGING THE COURTS WITH EVICTION PETITIONS.

WE CANNOT WAIT.

WAITING TO PROVIDE COVERAGE FOR EVERYONE NOW IS TO PRONOUNCE A LIKELY DEATH SENTENCE ON HUNDREDS OF THOUSANDS OF PEOPLE WHO ARE WITHOUT INCOME AND THE ABILITY TO PAY RENT.

THE COST TO THE CITY TO IMPLEMENT THIS SERVICE IS ZERO ADDITIONAL DOLLARS. THE COST TO THE CITY WITH THE LOSS OF LIVES AND DESTRUCTION OF FAMILIES IF WE FAIL TO ACT NOW WILL BE MONUMENTAL.

PASS INTRO 2050. PASS IT NOW.



**NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE  
Monday, January 25, 2021 12:00 p.m.**

**SUBJECT: Intro 2050-2020 - A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings**

My name is Jess Penkoff, and I am the Staff Attorney for Housing Rights & Special Populations at Volunteers of Legal Service, also known as VOLS. VOLS was established in 1984 by law firms and the New York City Bar Association in response to federal cuts in legal services funding. Over 35 years later, VOLS runs 9 projects serving low-income New Yorkers, made possible in large part by the assistance of the pro bono capacity of our law firm and corporate partners.

Across all of VOLS' projects, we encounter New Yorkers from various subpopulations – senior veterans, formerly homeless young adults, recently unemployed workers, - with limited income and resources whom are facing housing insecurity. Many have fallen behind on the rent because they had to stop working to care for a sick loved one, or because they lost their job due to the pandemic, or because they contracted Covid themselves. Even New Yorkers who are not behind on the rent face housing insecurity. I recently advised a senior whose landlord has been harassing her and threatening her if she doesn't move because he is anxious to sell the building to cut his own pandemic-related losses. Our conversation was the first she learned that self-help eviction is illegal – had we not spoken, she likely would have moved out of her home in the dead of a pandemic winter, with nowhere else to go, for fear of being illegally and forcibly removed from her home by her landlord.

This senior was fortunate to have been referred to our office, but many other at-risk New Yorkers are not able to access free civil legal services from our organization or from one of our many legal service partners testifying today. We will never know how many New Yorkers have been displaced simply because they were unaware of their legal rights or options. As we all know well by now, having access to an attorney makes it 86% more likely that a tenant facing eviction will be able to stay in their home.

Under the current Universal Access to Legal Services law, only New Yorkers in pre-designated zip codes are guaranteed an attorney to defend them in housing court. Because VOLS is not part of the Universal Access program, we frequently give advice and counsel to New Yorkers who are not covered by Right to Counsel because they do not live in the correct zip code. The senior I spoke to being threatened by her landlord does not live in a Universal Access zip code. Nor do most of the older New Yorkers that we have counseled at our legal clinics at senior centers that we hosted throughout the city prior to the shutdown. Aside from end of life planning, the most common and urgent legal issues that our clients face are related to housing insecurity. Prior to the shutdown last March, we hosted monthly legal clinics for low income seniors in

Councilmember Ayala's district, and Councilmember Kallos' district, where many New Yorkers are not covered by the Right to Counsel zip code scheme. We also hosted monthly clinics in Councilmember Chin's district, where currently *no one* is covered by the zip code scheme. Intro 2050 would ensure that no low-income tenant facing eviction is denied counsel. So many New Yorkers need help and housing justice now. This fact has nothing to do with their zip code. New Yorkers' ability to get the help that they need to avoid homelessness should not depend on their zip code, either.

The fact that a tenant is 86% more likely to maintain their home if they have an attorney when facing a Housing Court proceeding was contemplated in the passage of Universal Access, or Local Law 136, which was originally slated for a 5-year rollout ending in July 2022 in consideration of logistical capacity. But in light of the fallout from the COVID-19 pandemic and the resulting economic crisis, both of which are disproportionately impacting low-income communities and especially communities of color, waiting another year and a half for the full roll out of the program may prove disastrous. Less than one year into the pandemic, the US alone has lost over 400,000 people to this disease, and we will not fully understand the scope of the economic and health-related impacts on our country for years to come. What we do understand is that while for many New Yorkers, paychecks and stimulus checks have stopped arriving, rent bills have not. Current eviction moratoria do not provide rent relief and one day those bills will have to be paid or these tenants will face homelessness.

We are mindful of capacity concerns of legal service providers funded by the Universal Access program, and so we join the Right to Counsel Coalition and its members in urging the city to adopt an implementation model that assigns cases only to those providers/attorneys that have the capacity to take on another client. Judges have broader authority under the Housing Stability and Tenant Protection Act to adjourn cases, and we would encourage the bench to take advantage of that authority. Adjourning an eviction proceeding until a tenant can be represented will certainly help to achieve the nominal aim of the statute – preserving stable housing and protecting tenants.

We're grateful that the city has adapted its approach to Universal Access implementation since the pandemic hit. We praise NYC for providing attorneys to tenants facing illegal lockouts, and to the 14,000 families with pre-COVID warrants of eviction. Our city deserves a fighting chance at recovery, which cannot happen without all of us. Low income tenants deserve to have four walls around them and a roof over their heads while they face this pandemic.

Volunteers of Legal Service looks forward to our continued work with the City Council and the administration to improve the lives of low-income New Yorkers through access to free legal services. Thank you for giving us the opportunity to testify.

*Jess Penkoff, Esq.*  
*Staff Attorney, Housing Rights & Special Populations*



Breaking the Cycle of Homelessness  
for Women and their Children

Testimony of Women In Need (Win) on  
DSS Preparation for the End of the Eviction Moratorium  
Before the General Welfare Committee of the NYC Council  
January 25, 2021

Good Afternoon Chair Levin and members of the General Welfare Committee. My name is Josefa Silva, and I'm the Director of Advocacy and Policy at Win. Since April, Win has been sounding the alarm on the need to prepare for the inevitable homelessness fallout of the COVID-19 crisis. We have called for rent relief and proven interventions to keep families in their homes who have lost income due to the pandemic, as well as for a reformed rental assistance program so New Yorkers can leave shelter more quickly for stable housing. Thank you for bringing us together around these issues that are essential to the New York's economic recovery.

New York City was already battling a homelessness crisis when the pandemic struck. In a city where 81 percent of low-income households are renters,<sup>1</sup> and Black and Hispanic households are disproportionately renters,<sup>2</sup> the COVID-19 economic crisis has the potential to catapult a disproportionate number of low-income, Black, and Latinx households into homelessness. As New York City's largest provider of shelter and services for homeless families with children, we see firsthand how traumatic and damaging homelessness is for families and children in the short-term. And, given the consequences for the long-term financial and socio-emotional well-being of families, the current crisis threatens to deepen and perpetuate existing inequities for decades to come. We must take every step to prevent this tragedy.

With every countdown to the end of the eviction moratorium, and with every missed rent payment, the possibility of homelessness looms closer for hundreds of thousands of New Yorkers. The rent relief funding that will soon be on its way to us from the federal government is a critical first step to digging out of this hole. I emphasize first step. This funding will not be enough to fully address the current financial need for those at risk of homelessness.

Last spring, Win called for a new rental assistance program for all households with incomes below 50% of area median income facing homelessness because of COVID, and called for that assistance to last until the economy recovered. We strongly believe that this is the scope of need in our city, and the current federal rental assistance allocation will fall far short of meeting

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<sup>1</sup> Stein, S., Ham, K., & Bach, B. (2020, December 23) *Housing is Health Care: Tenants' Struggle for Affordability Amidst Recession and Pandemic*. Community Service Society. <https://www.cssny.org/news/entry/housing-is-health-care-tenants-struggle-for-affordability-amidst-recession-#footnote3>

<sup>2</sup> City of New York. Where we Live NYC Fair Housing Together. *housing conditions*. Retrieved January 19, 2021 [https://wherewelive.cityofnewyork.us/explore-data/housing-conditions/#:~:text=Moreover%2C%2023%25%20of%20renters%20are,and%20Black%20\(37%25\)%20renters](https://wherewelive.cityofnewyork.us/explore-data/housing-conditions/#:~:text=Moreover%2C%2023%25%20of%20renters%20are,and%20Black%20(37%25)%20renters)



it. Nonetheless, it is a step forward. The city's most pressing task is to ensure a quick, efficient, and fair roll out of these funds.

New York City must take steps to avoid two major pitfalls in distributing federal rent relief funding. Too often with rent relief, we see New Yorkers in need fall through the cracks because they are not named on a lease, cannot satisfy onerous documentation requirements, are afraid to come forward because of their immigration status, or for other realities that often come hand in hand with being very low-income. And second, it is far too common to allow access to assistance only once a household has already suffered negative consequences, such as the beginning of eviction proceedings.

DSS can avoid both shortcomings by partnering with community-based organizations (CBOs) that know and are trusted by their community members. These organizations must be part of setting the program's parameters so that they are inclusive and truly meet New Yorkers where they are, before they fall through the cracks and into shelter. In addition to planning, CBOs must also be part of implementing the program, and must be given discretion to most effectively serve their community.

The first priority for the federal rent relief must be to keep vulnerable families in their homes. But we urge the agency to also develop plans to rehouse families who have already lost their homes as quickly as possible. The City can achieve this by expanding its Rapid Rehousing program, a proven tool for moving recently homeless households into permanent housing for the long-term. Rapid Rehousing should not only be expanded, it should be strengthened through cross-agency partnership between DSS and HPD. Such a partnership would quickly connect households in need with housing that's vacant today.

The second thing DSS should do to ensure that homelessness is as brief as possible for families who do enter shelter is to strengthen the city's existing rental voucher program (CityFHEPS). The CityFHEPS voucher is meant to be a path out of shelter but, as many of the families in our shelters discover soon after being found eligible for the program, the voucher amount is too low to offer any real help in leaving shelter.

At Win, our families struggle to find an apartment using CityFHEPS, and just a fraction of eligible families are actually able to leave shelter using it. Alarming, too many CityFHEPS-eligible families end up leaving shelter without a long-term subsidy, which means that they have a much higher risk of returning to homelessness.

A major contributing factor to the underuse of CityFHEPS is that it pays far below market value, even in the most affordable parts of the city. On top of the difficulties of finding a landlord



Breaking the Cycle of Homelessness  
for Women and their Children

willing to accept a voucher and competing against other households vying for that unit, our families also have to try to find housing that rents for well below the market rate. The CityFHEPS maximum rent allowed for a 3 or 4 person household is \$1,580 per month. According to StreetEasy data, there is no neighborhood in the city where the median asking rent for a 2-bedroom is this low.

That is why we urge the Speaker to bring Intro. No. 146 to a vote. This bill will increase the CityFHEPS voucher to Fair Market Rent, which would significantly broaden access to many neighborhoods for voucher holders. This reform should be a key part of any plan to respond to the lifting of the eviction moratorium and the housing insecurity that will inevitably follow.

Housing stability must be part of New York’s blueprint for equity, and it must be a central part of any economic recovery plan. Homeless adults face significant barriers to securing and maintaining employment, and research has shown that stable housing supports employment stability.<sup>3</sup> Given this link, each household that avoids homelessness and each that leaves shelter quickly is more likely to get back on their feet, and to do so more quickly. Rent relief and rental assistance also make it possible for low-income households to contribute to the economic recovery through spending.

An effective response that includes well-designed and administered mid- to long-term rental assistance will fuel New York City’s economic recovery and begin to correct economic and racial disparities. We must take all steps to prevent homelessness, ensuring that those most vulnerable to falling through the cracks—low-income, Black, Latinx, and undocumented immigrants—do not end up in shelter. And when shelter cannot be avoided, we must provide a rental assistance tool that actually pays the rent to help families get back on their feet. We cannot continue to run CityFHEPS as a program that relegates homeless New Yorkers to the scarcest, lowest-quality housing the city has to offer.

Thank you for your time and consideration today.

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<sup>3</sup> Desmond, Matthew, and Carl Gershenson. “Housing and Employment Insecurity among the Working Poor.” *Social Problems*, 2016, pp. 1–22.

## **Written Testimony in support of Intro 2050 to Implement RTC NOW**

Hello. My name is Lizbeth Moscosa, and I am here to testify in favor of passing Intro 2050, which would require immediate implementation of Right to Counsel. I am a rent-stabilized tenant from Queens, where I have lived for 16 months.

It is important for me to remain in my home because I have two small children, who need to have the security of a home to be able to satisfy their basic needs.

If a tenant like me is facing an eviction, having the right to a lawyer is key to being able to stay in your home. Right to Counsel is important to me because I have been able to obtain repairs, which before having an attorney I didn't dare to mention or request them as a right. Also, because of COVID our family's income have decreased and we haven't been able to pay the rent. If the landlord takes us to court because of this we know that we have the support of the attorneys that are working with our Tenant Association through Right to Counsel. Lastly, thanks to the support and the advice of our attorneys, we were able to obtain the lease under our name and this way keep the landlord from having more options to evict us.

It is important that the city passed the Right to Counsel law, but it must do more to make sure all tenants have and use this right, especially during a global health and economic crisis.

Intro 2050 would make it a right for eligible tenants across New York City to have an attorney and this way they could have the support needed to defend their homes as some of us already can and as it should be. I put myself in the shoes of those who can't access the support of an attorney and it makes me feel fearful, unsafe, helpless & alone. And that's unfair! We all should have the same opportunities and rights. The wellbeing of the family shouldn't be left to luck!

The City can and should do more to stop evictions. No one should be homeless, fear losing their homes, or be burdened with rent debt, especially during a pandemic. As a New York City resident, I urge my City Council to pass Intro 2050 right now, so that more people have the Right to Counsel and use it to defend their homes!

Thank you.