

THE COUNCIL OF THE CITY OF NEW YORK

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Speaker of the Council

Hon. Rory I. Lancman
Chair, Committee on Justice System



Report of the Finance Division on the
Fiscal 2020 Preliminary Plan and the
Fiscal 2019 Preliminary Mayor's Management Report for the
Human Resources Administration's Office of Civil Justice
March 19, 2019

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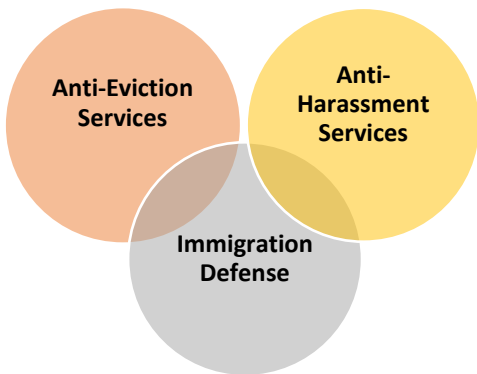
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Office of Civil Justice

The Office of Civil Justice (OCJ or the Office) advises and assists the Administration in understanding and meeting the civil legal service needs of low-income New Yorkers. HRA’s Office of Civil Justice oversees the provision of free civil legal services contracts for New Yorkers in need, including tenants facing eviction, immigrant New Yorkers in need of deportation defense and other services, access to benefits, support for survivors and victims domestic violence, assistance for veterans, and other legal assistance for tenants in need.

Legal Assistance for Low-Income New Yorkers is provided for free in three key areas:

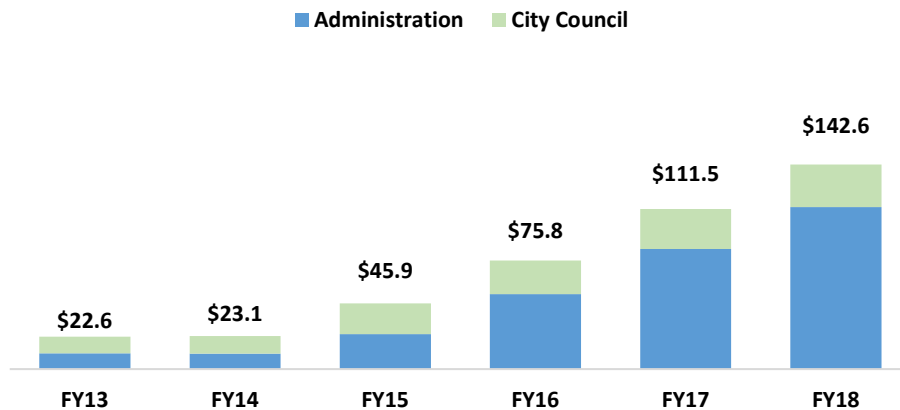


This report provides an overview of the portion of the HRA budget that supports the Office of Civil Justice. The first section provides a historical overview of public funding for civil legal services for New Yorkers. This is followed by a section which provides an overview of the Fiscal 2020 Preliminary Budget for civil legal services with a discussion of the year-over-year changes. The report then provides information on multi-agency initiatives OCJ is involved with, followed by a review of City Council Legal Services Initiatives managed by HRA.

Public-Funding for Civil Legal Services

Public funding for civil legal services is primarily allocated through contracts administered by OCJ. During the last several years public funding for civil legal services has grown by more than 200 percent, from \$60.4 million in Fiscal 2013 to \$212.9 million in Fiscal 2018; this includes City, State, and federal funding. The chart below shows City spending for civil legal services. New York City’s share has grown from \$22.6 million in Fiscal 2013 to \$142.6 million in Fiscal 2018. In Fiscal 2018, the Administration baselined funding of \$113 million, and City Council allocated discretionary funding of \$29.6 million, bringing the total City investment for civil legal services programs to \$142.6 million.

City Spending on Civil Legal Services



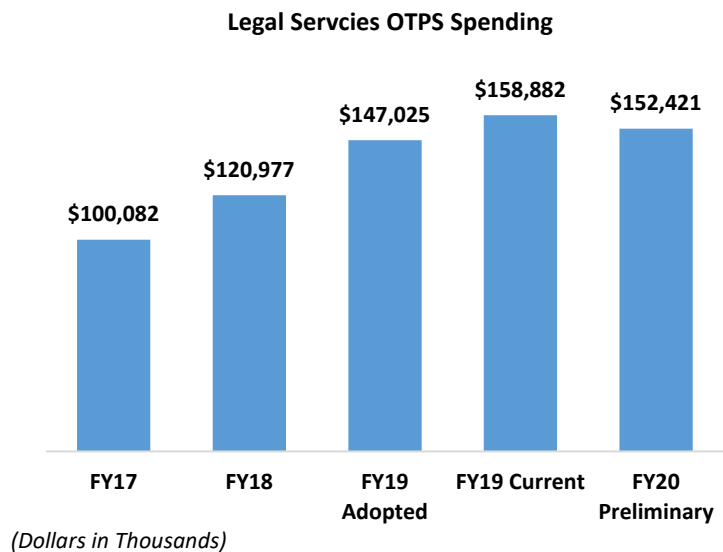
(Dollars Millions)

Source: Office of Civil Justice 2017 Annual Report

Fiscal 2020 Preliminary Budget Highlights

The Fiscal 2020 Preliminary Budget for legal services contracts within HRA’s OCJ Office totals \$152.4 million, an increase of \$5 million compared to the Fiscal 2019 Adopted Budget of \$147 million. This increase is mainly due to the expansion of the Universal Access to Counsel initiative that offers free legal counseling and representation to New Yorkers in housing court.

The chart to the right provides an overview of the Other Than Personal Services (OTPS) budget for legal services as of the Fiscal 2020 Preliminary Budget. This includes actual expenditures for Fiscal 2017 and Fiscal 2018, the Fiscal 2019 Adopted Budget, and the Fiscal 2019 and 2020 Budgets as of the Preliminary Plan.



Budget Structure and Staffing

Since OCJ is not an independent city agency, it does not have its own budget. The Office is funded in HRA, which is a \$10.2 billion agency with many other offices, divisions, and programs that support New Yorkers. Currently, neither the HRA budget, nor any of the supplementary budget reports provided by the Office of Management and Budget (OMB) include a section that schedules all of the resources used by OCJ. As a result, it is difficult to independently track how much of the budget supports OCJ operations, or how much OCJ is allocating to its various programs. The Council recognizes that HRA did create a new Unit of Appropriation (U/A) and program area for Legal Services in Fiscal 2017, however, after three years, the budget is still not accurate, and does not reflect personnel costs. The Preliminary Financial Plan includes two U/As for Legal Services, U/A 103 - public assistance and U/A 107 - legal services. Of the \$152.4 amount budgeted, almost all of the funding (98 percent) is in U/A 107. The U/As are broad and do not provide a breakdown of the legal service programs. While the budget does include specific budget codes tied to programs, funding is not appropriately allocated and therefore, not transparent.

The Office currently includes 41 staff, including central administration, program development staff, a contract management team, and a group of HRA liaisons located in the Housing Courts who help connect individuals to legal service providers and other HRA administered benefits as needed. OCJ is part of the Homelessness Prevention Administration (HPA) which was created to streamline HRA’s work in homelessness prevention, rental assistance and early intervention. While HRA has always provided preventive services, the efforts are now housed in a single division. HPA works with the Department of Homeless Services (DHS), the NYC Housing Authority (NYCHA) and many other organizations and City agencies to prevent homelessness and assist families and individuals to of maintain stable, affordable housing in their communities.

Financial Plan Summary

HRA's Legal Services Program Area provides funding for various legal services programs to assist individuals and families. The program area includes two OTPS units of appropriation for the Legal Services contracts (U/A 103 and U/A 107). Within the U/As are budget codes which more accurately define program spending: Access to Counsel, Anti-Eviction Services, Deportation Defense, and Other Expenses. The chart below provides actual expenditures for Fiscal 2017 and Fiscal 2018, the Fiscal 2019 Adopted Budget, and the Fiscal 2019 and 2020 Budgets as of the Preliminary Plan.

Legal Services Financial Plan Summary						
	FY17	FY18	FY19	Preliminary Plan		*Difference
<i>Dollars in Thousands</i>	Actual	Actual	Adopted	FY19	FY20	FY19-FY20
Other than Personal Services Spending						
103 - Public Assistance	\$0	\$0	\$3,125	\$3,125	\$3,125	\$0
107 - Legal Services	100,082	120,977	143,900	155,757	149,296	5,396
TOTAL	\$100,082	\$120,977	\$147,025	\$158,882	\$152,421	\$5,396
Funding Source						
City Funds			\$113,484	\$123,924	\$109,276	(\$4,208)
Federal - TANF			30,416	31,833	40,021	9,605
Intra City			3,125	3,125	3,125	0
TOTAL	\$100,082	\$120,977	\$147,025	\$158,882	\$152,421	\$5,396
Contracts						
Homeless Family Services			139	139	77	(62)
Professional Services -Legal Services			0	1	0	0
TOTAL			139	140	77	(62)

**The difference of Fiscal 2019 Adopted Budget compared to Fiscal 2020 Preliminary Budget.*

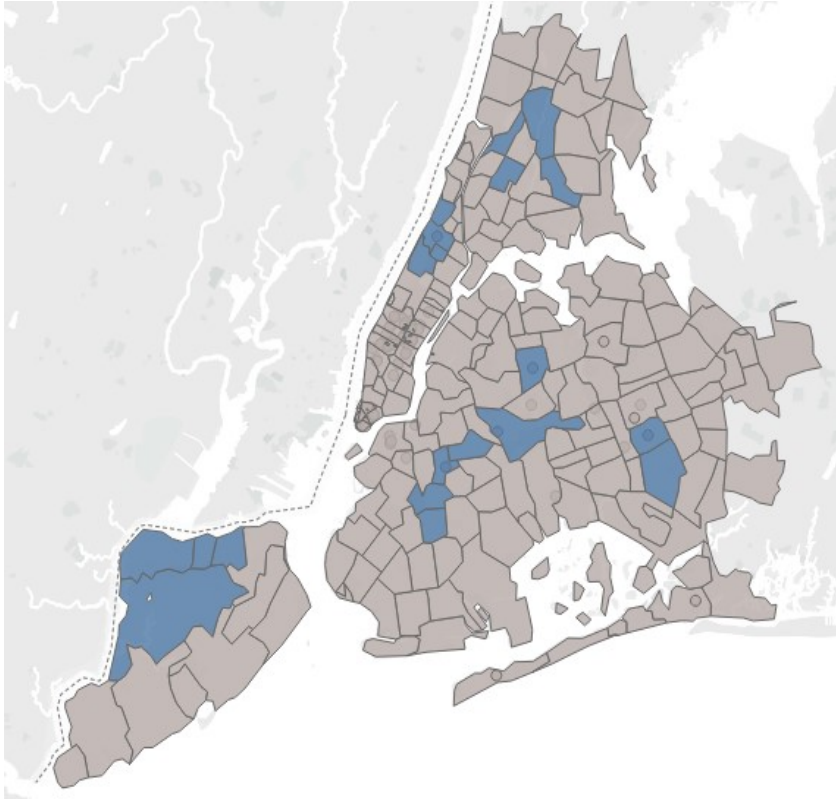
The Fiscal 2020 Preliminary Plan for legal services totals \$152.4 million, all of which funds contractual services through 77 contracts. Of that amount, approximately \$109 million is City tax-levy and \$43 million is non-city funding. The contracting level for Fiscal 2020 will increase after the budget is adopted and reflects the Council's discretionary funding. The Office's budget recognizes a \$5.3 million increase in Fiscal 2020, mainly due to increased funding for Access to Counsel. The Fiscal 2019 Budget grew by \$11.9 million, the majority was directed toward Access to Counsel and a small portion, \$800,000, was allocated toward a single contract with Brooklyn Legal Services Corporation A for outreach services to community members in North Brooklyn. This contract was the result of a settlement associated with a decade long lawsuit against the Rabsky Group. The \$800,000 in Fiscal 2019 represents the first year of a three-year contract totaling \$2.4 million; allocations will be added each year to represent the full contract amount.

Office of Civil Justice Programs Overview

Anti-Eviction Services

Homelessness Prevention Law Project (HPLP)/ Universal Access to Counsel. The HPLP program offers legal representation in housing court to low-income New Yorkers facing eviction and displacement. People who earn up to 200 percent of the federal poverty level are eligible. New Yorkers earning more than the federal poverty level receive free legal advice and help navigating the court system. Program attorneys are available in all housing courts and provide an array of legal services that help ensure that low-income families facing eviction or other potential loss of housing remain housed and avoid becoming homeless and entering shelters. The HPLP acts as an umbrella for the contracts associated with Universal Access to Counsel. The Fiscal 2020 Preliminary Plan includes \$75.9 million for the HPLP/ Universal Access to Counsel program.

Zip Codes Served by Universal Access to Counsel as of Fiscal Year 2019



Universal Access to Counsel In August 2017, New York City became the first city in the country to offer legal services to tenants facing eviction in housing court and NYCHA tenancy termination proceedings. Once the program is fully implemented, any New Yorker who earns less than \$50,000 a year will be guaranteed free legal representation while facing his or her landlord in court; those earning more will be offered free legal advice. The program will be phased in over the course of the next several years, adding new neighborhoods each year, for a total investment of \$155 million by Fiscal 2022. The City estimates an additional 400,000 New Yorkers each year will qualify for

legal help in Housing Court. Neighborhoods targeted for services, identified by zip code, were based on several factors including: shelter entries, the prevalence of rent-regulated housing, the volume of eviction proceedings in the zip code, availability of other OCJ-funded legal services programs, among others. The map above shows the current zip codes served as of Fiscal 2019. There has been questions about the process that was used to identify the neighborhoods chosen for services and criticism of whether those that were identified are truly representative of communities with the highest need for this program.

The Office will add additional zip codes each year as it phases in the program across the City. Although the Office has acknowledged that it will be expanding the program, the zip codes identified for Fiscal 2020 have not been provided to the Council yet.

Legal Services for Tenants Facing Eviction in Housing Court

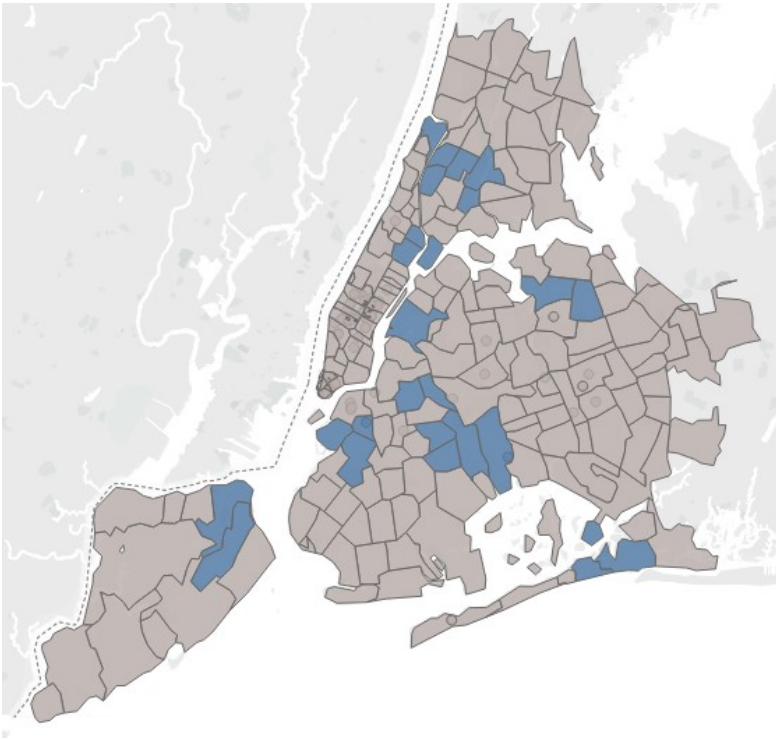
		Households Assisted			Individuals Assisted		
		Brief/ Advice	Full Legal Representation	Total	Brief/ Advice	Full Legal Representation	Total
UA Zip Codes	The Bronx	402	3,460	3,862	1,073	9,487	10,560
	Brooklyn	146	1,822	1,968	313	4,247	4,560
	Manhattan	109	1,252	1,361	235	2,785	3,020
	Queens	145	421	566	396	1,300	1,696
	Staten Island	45	465	510	119	1,380	1,499
	Total	847	7,420	8,267	2,136	19,199	21,335
Non- UA Zip Codes	The Bronx	1,711	3,211	4,922	4,800	8,980	13,780
	Brooklyn	2,191	4,236	6,427	5,831	11,719	17,550
	Manhattan	978	1,446	2,424	2,045	3,498	5,543
	Queens	1,237	1,680	2,917	3,649	4,994	8,643
	Staten Island	57	635	692	147	1,847	1,994
	Total	6,174	11,208	17,382	16,472	31,038	47,510
TOTAL NYC		7,021	18,628	25,649	18,608	50,237	68,845

Source: Office of Civil Justice Universal Access to Counsel 2018 Report

As shown in the table above, in Calendar Year 2018, OCJ provided legal services to over 25,649 families and 68,845 individuals facing eviction in housing court in every borough and 177 zip codes. Of those who were provided with full legal representation, 84 percent of households and 83 percent of individuals were allowed to remain in their residence, with only 16 percent and 17 percent of households and individuals, respectively, who were required to leave. Successful outcomes varied across the City; tenants in Manhattan (93 percent), the Bronx (90 percent), and Brooklyn (83 percent) remained in their homes and apartments at greater rates than in Queens and Staten Island (both 67 percent). Outcomes for tenants facing eviction in NYCHA administrative termination tenancy proceedings experienced higher rates of success with 97 percent of households and 98 percent of individuals who were allowed to remain in their residence.

Plans for Expansion of Universal Access to Counsel.

In addition to zip code expansion, according to the Office's Universal Access to Counsel 2018 Report, OCJ is working with legal providers and NYCHA to develop a program model to provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. The pilot program will offer legal services on site where NYCHA administers termination proceedings for seniors in NYCHA households who are facing tenant termination and is a part of expansion of Universal Access.

Zip Codes Served by AHTP in Fiscal Year 2019

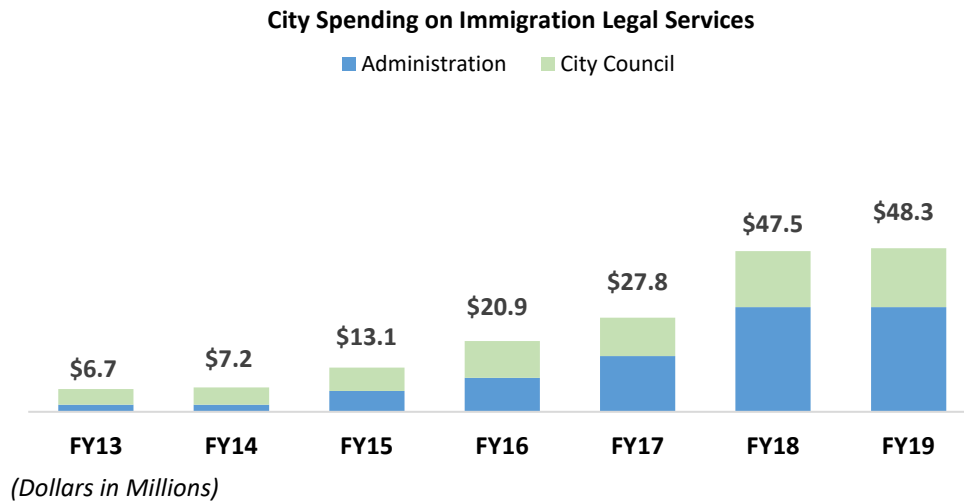
Anti-Harassment Tenant Protection (AHTP). The Preliminary Plan includes \$44.3 million in Fiscal 2020 for AHTP. The November 2018 Plan added \$12.9 million in Fiscal 2019 to increase the contracted providers' capacity to provide services. The program provides legal representation in Housing Court and resources for tenant outreach and pre-litigations services with the intention of preventing displacement. Services have been focused on several neighborhoods that have been identified as having a high-risk for landlord harassment including threats, housing disrepair, pressure tactics, and generally corrupt behavior. The map to the left shows the zip codes that are currently served by the AHTP program.

Housing Help Program. The Preliminary Financial Plan includes \$3 million in Fiscal 2020 for the Housing Help Program. This program works to prevent homelessness and is a partnership with the Robin Hood Foundation, the Legal Aid Society, and the Mayor's Fund for the City of New York.

Assigned Counsel Project for Seniors (ACP). The Preliminary Plan provides \$868,000 in Fiscal 2020 for ACP. This program provides legal services to seniors in New York City's Housing Court; the contract was previously housed in the Department for the Aging (DFTA), and moved over to OCJ in Fiscal 2019. OCJ and DFTA work collaboratively to provide these services.

Deportation Defense

Individuals without legal authorization to live in the United States, (those with expired visas or those who entered the United States without doing so through formal immigration processes) often have inadequate legal representation and face a myriad of barriers and fear of removal when seeking legal representation. The City has partnered with local community-based organizations to develop programs and support services for immigrant New Yorkers to help them navigate the country’s complex legal system. During the past six fiscal years, City funding for immigration legal services has risen sevenfold, from \$6.8 million in Fiscal 2013 to \$48.3 million this year. The Council has increased its commitment to immigration legal services from \$4.6 million in Fiscal 2013 to \$17.4 million in Fiscal 2019.



Source: Office of Civil Justice 2017 Annual Report

The Fiscal 2020 Preliminary Budget includes support for a variety of free legal services programs for low-income immigrant New Yorkers in need of legal advice or representation in immigration matters. Below are the programs associated with immigration and deportation defense within the OCJ Office, however, it is not clear within the budget how much funding is allocated to each specific program area. Funding for these programs rests within Deportation Defense and Anti-Eviction Services.

- Immigration Opportunity Initiative/ Deportation Defense (IOI).** The Fiscal 2020 Preliminary Plan includes \$19.6 million for IOI. The OCJ contracts with providers to deliver legal services to non-citizens to assist in matters ranging from complex cases, citizenship and lawful permanent residency applications, to more complex immigration matters, including asylum applications and removal defense work.
- ActionNYC.** The Fiscal 2020 Preliminary Plan supports an \$8.7 million investment for ActionNYC. ActionNYC is a joint program with the Mayor’s Office of Immigrant Affairs (MOIA), HRA, and City University of New York (CUNY) that provides legal representation in immigration matters such as citizenship, green card renewals, temporary protected status, and others.
- Community Services Block Grant Funded Legal Services (CSBG).** The Fiscal 2020 Preliminary Plan includes \$2.1 million to support CSBG. This program provides legal assistance to help adults and youth attain citizenship, as well as services targeted toward survivors of domestic violence and human trafficking, and low-wage immigrant workers at risk of exploitation and violation of their rights, as well as immigrant youth in foster care.

- Legal Services for Immigrant Survivors of Domestic Violence.** This program is not funded within the OCJ Office, but supports domestic violence related legal services for immigrant survivors. This program is administered by HRA’s Office of Emergency Intervention Services in partnership with OCJ, MOIA, and the Mayor’s Office to End Gender based Violence. This investment was recommended by the New York City Domestic Violence Task Force in 2017 and is supported by a \$500,000 annual investment.

Fiscal 2019 Preliminary Mayor’s Management Report (PMMR) Performance Measures

The Fiscal 2019 PMMR outlines the responsibilities and goals of the Office of Civil Justice within HRA. OCJ’s mission is to coordinate, evaluate, and improve civil legal services for low-income New Yorkers. The Fiscal 2019 PMMR mentions OCJ’s service goal of providing homelessness prevention benefits and services to eligible children and adults. The chart highlights OCJ’s performance statistics for Fiscal 2016 to 2018 and four-month actual data for Fiscal 2018 and Fiscal 2019.

Reduce Homelessness Among Children and Adults							
Performance Indicators	Actual			Target		4-Month Actual	
	FY16	FY17	FY18	FY19	FY10	FY18	FY19
Low-income cases facing eviction and homelessness who were assisted with legal services in Housing Court	11,837	16,702	25,156	*	*	8,014	8,899

- The caseloads have increased parallel with the increase of funding in Fiscal 2018 to Access to Counsel.
- The increased investment in civil legal services and right to counsel has led to a decrease in residential evictions by marshals across the City; As of February, residential evictions had declined 14 percent in 2018, to about 18,000, compared to 21,074 in 2017.¹

City Council Initiatives

In Fiscal 2019, the Council added \$25 million to HRA’s budget for eight civil legal services initiatives, an increase of 9 percent compared to \$23 million in Fiscal 2018.

FY19 Council Changes at Adoption	
<i>Dollars in Thousands</i>	
Council Initiatives	
Immigrant Opportunities Initiative	\$2,576
Legal Services for Low Income New Yorkers	\$5,050
Legal Services for the Working Poor	3205
Legal Services for Veterans	450
Low Wage Worker Support	500
New York Immigrant Family Unity Project	10,000
Supportive Alternatives to Violent Encounters (SAVE)	850
Unaccompanied Minors Children and Families	2,282
TOTAL	\$24,913

¹ <https://www1.nyc.gov/office-of-the-mayor/news/075-19/mayor-de-blasio-record-breaking-37-decrease-evictions-citywide>

City Council-funded civil legal services initiatives managed by HRA include the following:

- **Immigrant Opportunities Initiative – \$2.6 million.** The Immigrant Opportunities initiative supports services that help immigrant adults to gain access to information and resources to strengthen their participation in the democratic process. Specifically, this initiative provides legal services for recent immigrants to assist with applications for citizenship or permanent residency, and various other immigrant related legal services
- **Legal Services for Low-Income New Yorkers – \$5 million.** Legal Services for Low-Income New Yorkers provides full legal representation for matters that include unemployment insurance, supplemental security income, consumer/finance, education, and employment, family, juvenile, health, housing, income maintenance, individual rights and miscellaneous benefits.
- **Legal Services for the Working Poor – \$3 million.** Legal Services for the Working Poor initiative provides full legal representation for the working poor in matters that include assistance in preventing eviction, foreclosure, improvement of living conditions, removal of hazardous housing conditions, housing code enforcement actions, emergency grants to prevent homelessness, disability benefits, immigration assistance, workplace abuses, consumer protections from creditors, recovery of illegal rents, and improper rent changes, and domestic violence.
- **Legal Services for Veterans – \$450,000.** Legal Services for Veterans supports legal representation for New York City veterans in the areas of family law, housing, public benefits, healthcare, homecare, financial planning and consumer protection.
- **Low Wage Worker Support - \$500,000.** Funding supports outreach efforts and referral services to low-wage workers in need of employment related to civil legal services.
- **New York Immigrant Family Unity Project – \$10 million.** The New York Immigrant Family Unity Project program supports full legal representation for New Yorkers detained and facing deportation who cannot afford an attorney. Services included are master calendar, bond and individual merit hearings, appeals and social work services.
- **Supportive Alternatives to Violent Encounters (SAVE) - \$850,000.** SAVE funding supports legal service organizations that provide domestic violence victims appearing in court with a range of services that include prevention, direct legal representation, counseling and referrals.
- **Unaccompanied Minors and Families – \$2.2 million.** The Unaccompanied Minors and Families program funding supports legal counsel for children in removal proceedings, and social services to children appearing on the Juvenile and Surge Dockets in New York Immigration Court to assist minors in navigating the immigration system. This initiative also provides legal services to adults with children to ensure that adults and their children have access to critical educational, health and mental health services.