



TESTIMONY

Presented by

**Lorraine Cortés-Vázquez
Commissioner**

on

**Oversight:
Housing NYC's Seniors**

before the

**New York City Council
Committee on Aging**

on

**December 3, 2021
11am**

Good morning, Chairperson Chin and members of the Committee on Aging. I am Lorraine Cortés-Vázquez, Commissioner of the New York City Department for the Aging (DFTA). I am joined today by Jocelyn Groden, Associate Commissioner for Social and Direct Services and Ygnacio Silvestre, Director of the Assigned Counsel Project. I am also joined by Ahmed Tigani, Deputy Commissioner for Neighborhood Strategies at the New York City Department of Housing Preservation and Development (HPD) and Sideya Sherman, Executive Vice President of Community Engagement & Partnerships and Matthew Charney, Vice President of Design & Construction at NYC Housing Authority (NYCHA) for Q&A. I am happy to discuss the topic of senior housing, which as you know, is addressed by multiple agencies. We rely on the referrals to other agencies and appreciate the supports we have from HPD and NYCHA.

Aging in Place

Consistent with DFTA's overarching goal of making New York City age-inclusive, the 5-year Community Care Plan released earlier this year provides an innovative roadmap for meeting the needs of a growing and diversifying older adult population. This plan centers on supports that allow older adults to safely age in place. In addition to in-home and community services, having a stable place to live is imperative to the success of this plan. While housing is a challenge for all New Yorkers, it is especially challenging for older adults living on fixed incomes to find an affordable place to live.

Again, DFTA's priority is to provide the services and resources older adults need to remain in their home. This includes in-home services such as case management, home care, home delivered meals, friendly visiting and social supports and community services like geriatric mental health services, older adult centers, senior employment, caregiver support programs, elder abuse and crime victim services that work to meet the individual needs of older adults and their families.

DFTA Services

By way of background, DFTA services are provided through a network of services and partnerships, DFTA also provides direct support and resources that help older adults remain in their communities. While all eligible older adults can access services, there is increased attention to service provision and outreach in TRIE neighborhoods. These neighborhoods were disproportionately impacted by COVID due to underlying disparities which need to be address holistically through all city services. For example, DFTA operates NY Connects which is a state-wide system that helps connect individuals with long-term services and supports, such as providing individuals with a detailed overview and eligibility requirement of the multiple types of housing available to New Yorkers. Through multiple programs, and the Aging Connect hotline, DFTA supports accessing entitlements, referrals for rental assistance programs, applications for Section 202 housing and SCRIE or DRIE in addition to many other entitlements and benefits.

And finally, DFTA's Minor Residential Repairs Program is a small but essential component in DFTA's portfolio of services aimed at assisting older adults. Through this program, older adults who own their homes, condos, co-ops and some renters can be connected to free home maintenance and minor repair services.

Home Sharing

As you know, DFTA also supports the home sharing program, which is run by the New York Foundation for Senior Citizens (NYFSC). This boutique program was the brilliant inception of NY Foundation. I mean boutique because it is unique and sized to provide individual and personalized

service to a select number of older adults. Through this program, the NYFSC matching service pairs “hosts” who have extra private spaces in their houses or apartments to share with responsible, compatible “guests” seeking housing. At least one of the participants must be age 60 or older. These matches are mutually beneficial. In addition to the financial and housing stability it provides, the matches support intergenerational relationship building, reduce isolation, increase social well-being.

Interagency Partnerships

DFTA’s work with our sister agencies is paramount to helping older adults maintain stable housing. We have spent the last year, in particular, developing our relationship with HPD to more seamlessly share information. DFTA’s training team has been in contact with HPD to set a meetings where we share information on how to access social services as well as working with aging services not-for-profits within HPD’s Senior Affordable Rental Apartments (SARA) Program and NORCs to see if there are ideas that can serve as models that might benefit each other. We are also in the process of setting up trainings from HPD for DFTA’s Aging Connect staff and some providers to learn more about Housing Connect to best support older adults seeking this assistance.

Moreover, we have a strong relationship with the Mayor’s Office of Tenant Protection and use them to inform DFTA staff and our network of providers regarding the rights and opportunities to file for things like filing for the Emergency Rental Assistance Program and accessing the Tenant Helpline. Finally, we work closely with Adult Protective Services to support clients who have more complex needs around navigating housing issues and threats of eviction.

NORCs

Naturally Occurring Retirement Communities, or NORCs, are residential locations that are not age-restricted, nor built for seniors, but over time have become home to a significant concentration of older residents. Due to the rate of growth of older adults in the City, it won’t be long before all communities could be considered a NORC. These developments support older adults aging in place, but do not guarantee affordability. There are two types of NORCs. A classic NORC is an area comprising a single building or a housing development and a Neighborhood NORC (NNORC) is a geographically defined neighborhood larger than a small cluster of buildings. DFTA provides support and oversight to the social services that are provided at NORCs. Across the City, DFTA funds services for 28 NORCs and there are an additional 32 NORCs that received funds directly from the State and/or discretionary funding from NYC Councilmembers. Eleven NORCs are located within a NYCHA development. Through the RFP, we plan to have an overwhelmingly majority of NORCs located in a community district that has a TRIE neighborhood. NORCs have core components built in to facilitate aging in place. Some of these services include case management, case assistance, and health care management. Through health promotion services, older adults also have access to activities that promote a better understanding and awareness of healthy lifestyle habits. Many NORCs offer other services such as education and recreation programs, chore assistance, friendly visiting, housekeeping, escorts and transportation.

Eviction Prevention

DFTA’s network of providers act as a safety net to help older adults maintain stable housing. Through partnerships with programs and agencies, DFTA works to share information and educate others about programs and supports older adults might be eligible for which would allow them to maintain their current housing. Some of these partnerships include Adult Protective Services, legal service providers, help accessing emergency rental assistance and the Mayor’s Office of Tenant Protection. Case management agencies, older adult centers and DFTA’s elder abuse program and

caregiver program are often the front line for many older adults and work with older adults to access needed services and resource to preserve housing.

Assigned Counsel Project

DFTA also supports older adults remaining in their homes through the Assigned Counsel Project (ACP). This is a collaborative effort between DFTA, NYC Human Resources Administration's Office of the Civil Justice (HRA OCJ) and the New York State Civil Court Access to Justice Program. The program aims to preserve long term tenancy and assist older adults in obtaining the services that will allow them to remain safe in their home and community. This program pairs social service assistance, provided by DFTA, with legal services, provided by HRA's OCJ, to protect older adults from eviction. ACP conducts home visits to assess living conditions and works with clients to obtain benefits and entitlements which make apartments more affordable, and advocates in court to prevent evictions in Manhattan and Brooklyn. Through this program, thousands have been kept safe and secure in their homes.

As you may guess, older adults most often find themselves in housing court facing eviction due to nonpayment of rent. In these cases, ACP works with these individuals to identify what is going on and how to address it long term. This often includes helping them apply for a one-shot deal, SCRIE and other benefits and entitlements such as Medicare and SNAP. By reducing monthly expenses, older adults are often able to afford their housing costs going forward. There is also a great need arising in the area of hoarding. In these cases, living conditions are posing environmental and health hazard to themselves and other residents. ACP is working to prioritize these challenging cases.

Recently, ACP was able to assist an older adult in their late 60's who was temporarily removed from his apartment due to a vacate order by the Department of Buildings (DOB). Sadly, the older adult ended up residing in a single-room occupancy housing for over a year. ACP, in collaboration with Adult Protective Services, was able to assist in providing heavy-duty cleaning and decluttering of the client's apartment. DOB then expedited the inspection and lifted the vacate order. We are happy to report that Mr. X is back in his apartment. This process could take months, however, in this case, through our intervention and collaboration with our sister agencies the process took less than 60 days. This is a perfect example of how collaboration between city agencies is paramount in assisting our older, vulnerable adults.

Senior Affordable Housing

In addition, our partners at HPD have accelerated the construction and preservation of affordable housing to levels not seen in 30 years through the Mayor's Housing New York plan. Since 2014, the City has financed 195,000 affordable homes and apartments as of June 2021, 65% of which serve very low-income individuals making less than roughly \$42,000 per year. This housing is available to all New Yorkers, including older adults who built this city and would like to remain here.

Recognizing that seniors are more likely to be low-income, rent-burdened, and live on a fixed income than other city residents, HPD introduced new programs to build more housing dedicated to seniors, identify a pipeline of underused public sites to create new senior housing, make more of the existing housing stock accessible to seniors and people with disabilities, and provide low-cost loans and individualized assistance to low-income homeowners. As a result, last fiscal year, the City set a record for senior housing.

HPD is using a wide range of measures, to ensure that seniors can stay in their homes and communities as they age, and to create inclusive neighborhoods for seniors and people with disabilities. In exchange for HPD funds, regulatory protections or a longer term for existing protections are required to ensure that rent remains affordable for existing residents. Simple changes can make staying in one's home a viable, safer option and create a more accessible city for all New Yorkers. Therefore, HPD-funded rehabilitation projects are now required to include accessibility improvements identified through an enhanced building physical needs assessment. This holistic review not only identifies basic building system needs, like a roof or heating system, but also building-wide improvements to help seniors age safely in their homes. In addition to this building-wide assessment, HPD has several programs such as Aging in Place and HomeFix that assist with home modifications and repairs.

Conclusion

Each of New York's older adults deserves and requires resources and support so they can live and thrive in the communities they built, raised their families in, and have called home. As an advocate for older adults, I am mindful that our priority is to keep older adults safely in their homes. With the realization of the Community Care Plan, many of these supports would be provided, but the housing itself is imperative. I appreciate the work of our sister agencies who provide access to senior housing.

The City Council has also been a constant ally and partner in ensuring that older adults have a dignified quality of life. I appreciate this. As the year ends, and Councilmember Chin, your term in Council ends, I would be remiss if I didn't, yet again, thank you profusely for the hard work and advocacy you have provided to older adults throughout your tenure. With you as a stalwart ally, we have been able to accomplish many great things and the lives of older adults are better for it. Thank you.



NEW YORK STATE ASSOCIATION FOR AFFORDABLE HOUSING

**NYSFAH Testimony to the New York City Council
Aging Committee on Housing NYC Older Adults
December 3, 2021**

Thank you, Chairperson Chin and members of the Aging Committee, for the opportunity to testify on housing older adults in New York City. My name is Chris Widelo and I am the director of external affairs at the New York State Association for Affordable Housing (NYSFAH).

NYSFAH is the trade association for New York's affordable housing industry statewide. Its 375 members include for-profit and non-profit developers, lenders, investors, attorneys, architects, and others active in the financing, construction, and operation of affordable housing. Together, NYSFAH's members are responsible for most of the affordable housing built in New York State with federal, state, and local subsidies and incentives.

A 2019 report by Center for an Urban Future showed that in NYC's population growth between the years 2007 and 2017, the growth in the number of older adults was more than double the number of younger adults. There are over 1.1 million older adults in New York City and they account for more that 13% of the population and that number will continue to grow for the near future. Unfortunately, many older renters, 60% in fact, live in housing that is unaffordable, meaning that rent consumes more than a third of their income.

New York City must continue to push the envelope when it comes to the production and preservation of affordable housing in New York City to meet the needs of low-income older residents. NYSFAH has been an active member of the United for Housing Coalition, a group of more than 80 organizations that has produced a blueprint for housing investment for New York City's next mayor. One of the report recommendations is for NYC to institute a citywide affordable housing zoning bonus of 25% above as-of-right floor area ratio (FAR) to enable affordable housing projects to achieve higher density and thereby effectively compete against market-rate development. The next administration can do this by expanding the benefit given through AIRS (Affordable Independent Residences for Senior).

For older adults to successfully age-in-place in affordable housing they must be able to connect with the appropriate supports and services when that need arises. Throughout the COVID pandemic many older adults relied on the internet in ways that they probably had not imagined previously. A recent study by AARP found that 60% of older adults struggle to access and afford high-speed internet. This is also true for many low-income renters in New York City.

To close the digital divide in affordable housing, NYSFAFH launched our Affordable Housing Broadband Initiative (AHBI) earlier this year. Working in partnership with the Ford Foundation, Schmitt Futures, and the Broadband Equity Partnership, NYSFAFH has mapped out across the state all the affordable housing buildings in New York and determined if they are connected to fiber or how far away they are from that connection that would allow for reliable, high speed internet access. We are also completing a roadmap that will determine the best practices for retrofitting existing affordable housing buildings that currently don't have fiber and how New York State can leverage state and federal dollars to pay for these infrastructure upgrades. Lastly, NYSFAFH will work with New York State to leverage federal broadband dollars to provide affordable internet access and establish digital literacy programs for affordable housing residents across the state.

The affordable housing industry looks forward to working with the city and state to build the housing needed to address the affordable housing crisis before us. Additionally, we recognize that being connected to high speed, affordable internet is important for our residents of all ages to successfully access jobs, education, healthcare, and age in place.

Thank you for the opportunity to testify today.

Contact: Chris Widelo, Director of External Affairs, at christopher@nysafah.org and (646) 737-2235.



AARP Testimony - Committee on Aging Hearing - 12.03.21

Subject: Oversight - Housing NYC Seniors

Good morning Chair Chin and members of the Committee on Aging. My name is Kevin Jones and I am the Associate State Director for Advocacy at AARP New York, representing the 750,000 members of the 50+ community in New York City. Thank you for providing AARP with the opportunity to testify at today's hearing to discuss the state of housing for older New Yorkers.

As many of you know, older adults are one of the fastest growing demographics in New York City and will continue to make up a larger portion of the City's entire population in the years ahead as more New Yorkers desire to age in their communities and neighborhoods. However, our members and other 50+ New Yorkers of all income levels and backgrounds have identified housing affordability as one of their primary concerns and fear that rising housing costs will impact their ability to age in their communities now and in the future.

According to a 2016 retirement preparedness [survey](#) that AARP conducted with middle class Baby Boomers and "Gen Xer" populations across New York, more than 70 percent of this group stated that housing costs were having a serious impact on their household's overall financial health, and 61 percent of the "Gen Xers" indicated that they planned to move from New York in the future due to the issue of housing affordability.

Over the past two decades, we have witnessed New York City's affordable housing crisis continue to grow worse and place a significant burden on the lives and wellbeing of 50+ New Yorkers, especially low-income older adults. This crisis will continue to threaten this population's ability to age with dignity in their communities in the future without sufficient action from our leaders in government.

The New York City Housing and Vacancy Survey of 2018 identified that more than 44 percent of all renter households in New York City are rent burdened and 25 percent of those households are severely rent-burdened, meaning that they pay at least half of their income on rent. This [study](#) also found that low-income seniors (adults above the age of 60) make up a disproportionate share of severely rent-burdened households, as more than 30% of all senior households and 35% of single seniors were identified as low income and severely rent burdened.



The COVID-19 pandemic and financial fallout from the crisis have further complicated and worsened New York City's affordable housing crisis for older adults. As a result of COVID-19, many older New Yorkers have struggled to keep up with their rent or mortgage payments due to the loss of their employment or the loss of a spouse or loved one in their household. Although some neighborhoods saw brief dips in housing prices at the height of the pandemic, New York City has witnessed a surge in the cost for housing over the past few months to such an extent that it has become the most expensive rental market in the United States.

As New York City continues in its recovery from the COVID-19 pandemic, we need our elected leaders to implement policies and programs that protect older New Yorkers from losing their homes, especially as the future of the State's Eviction Moratorium remains uncertain beyond January 2022, as well as policies that address many of the underlying issues that has contributed to New York City's affordability crisis and left large portions of our aging population vulnerable to housing instability for years.

AARP recommends that the Mayor and the City Council take the following steps in order to ensure that all older New Yorkers are protected from mass evictions in the immediate term and have access to safe, affordable, and stable housing in the years ahead:

1. **Expand the City's outreach and educational programming to ensure that all qualifying NYC residents are enrolled in the Senior Citizen Rent Increase Exemption (SCRIE).**
 - a. We believe that SCRIE is one of the best tools to preserve affordable housing for New York City's aging population as it helps to ensure that older adults, many of whom are on fixed incomes, do not have to fear losing their homes due to sudden or surprising shocks to their housing costs. However, this program is currently far too underutilized and under-promoted as one [study](#) from 2016 found that only 43% of eligible seniors were enrolled into SCRIE.
 - b. In addition to expanding the City's outreach and education on SCRIE, we believe that the City should lobby the State to pass legislation that would ensure that SCRIE recipients only pay 30% of their income on rent, as well as bills that would simplify the SCRIE renewal process for older adults and expand the eligibility for SCRIE/DRIE to qualifying tenants in unregulated buildings to protect an even greater number of older tenants.



2. **Ensure that more older New Yorkers have access to the Right to Counsel program by expanding its eligibility to individuals at or below 400% of the federal poverty level.**
 - a. As New Yorkers continue to recover from the fallout caused by the pandemic, we need to ensure that a greater share of the City's aging residents have the resources and help that they need if they are behind on their rent in order to prevent a massive wave of evictions and homelessness in the near future.
3. **Expand the supply of affordable senior housing units across the City, especially in neighborhoods with high concentrations of aging New Yorkers and in Naturally Occurring Retirement Communities.**
 - a. In the City's efforts to expand its affordable housing stock for aging residents, we encourage the Mayor and City Council to invest in new opportunities to facilitate the creation of Accessory Dwelling Units (ADUs), to convert underutilized commercial buildings to affordable residential units, and to create new programs that would provide financial support to low to middle-income homeowners in the conversion of their basements to safe and legal apartments.
4. **Guarantee that the construction of new housing across the City is built with the principles of 'universal design' with features, such as stepless entryways, wide doorways, and grab bars in bathrooms, in order to account for the mobility needs of New Yorkers as they age in place.**
5. **Expand the City's funding allocated to the Community Land Trust Initiative in order to better support community ownership of land citywide and the nonprofit organizations that help to keep the housing on such land permanently affordable for generations.**

Thank you for providing me with the opportunity to testify today. I am happy to answer any questions.



12/3/2021

Testimony of the Community Housing Improvement Program (CHIP)
Re: Oversight – Housing NYC’s Seniors

Submitted to the NYC Council Committee on Aging

Thank you for the opportunity to testify today. My name is Joseph Condon. I am testifying on behalf of the Community Housing Improvement Program, also known as CHIP. We are true housing advocates – our members provide rental housing to hundreds of thousands of families throughout the five boroughs. CHIP members are long-term owners of rent-stabilized housing, have good relationships with their tenants, and have become part of the communities in which they provide housing. Our members want their tenants to be happy, they want to provide quality housing and excellent services, and they don’t want to evict tenants.

Our housing providers have many tenants who are seniors, and who participate in the SCRIE program, which is the senior citizen rent increase exemption program. It freezes a tenants rent at the time of application and all future rent increases are paid by the City as deductions in the building’s property taxes. It is an excellent program to assist seniors on fixed incomes in being able to age in their communities where they have friends, relatives, and are familiar with the neighborhood. However, administration of the program by the Department of Finance is often filled with errors and mistakes.

There are two issues with the SCRIE program we would like to bring to your attention today, on behalf of the tenants who participate in the program.

First, ever since the passage of the 2019 HSTPA, the Department of Finance has been reducing the SCRIE benefits received by tenants with preferential rents, and increasing the amount these tenants must pay in rent moving forward. Whether it is an unintended consequence of the 2019 HSTPA, or administrative mistakes at the Department of Finance, seniors are seeing their rents INCREASE under the SCRIE program, simply because they had a preferential rent lease. The details are murky, but it appears the DOF is resetting the frozen rent amount for tenants with a preferential rent lease when they renew. The effect is increasing the amount a tenant has to pay, despite freezing the new rent moving forward. The chart below is intended to illustrate the issue.

	Prior SCRIE Approval Order	Current SCRIE Approval Order	SCRIE Approval Order Should Be
Legal Rent in Lease	2266.84	2289.51	2289.51
Pref Rent in Lease	1397.65	1411.63	1411.63
SCRIE Allowable Legal Rent	2266.84	1411.63	1411.63
SCRIE Frozen Rent	2029	1397.65	1159.81
Actual Frozen Rent Paid by Tenant	1159.81	1383.67	1159.81
Monthly TAC	237.84	13.98	251.82

As you can see, the new frozen rent is not being calculated properly. Because the SCRIE frozen rent in preferential rent leases was not the actual amount paid by the tenant, but rather a higher legal rent, it appears the DOF is mistakenly readjusting the new frozen rent in the recent TAC orders. DOF is adjusting the ceiling, but not properly adjusting the floor, and therefore tenants are losing their benefits. We think it is possible to readjust the SCRIE frozen rents accurately so that the tenants share remains the same even though the new allowable legal rent is lower

Second, a more recent issue is developing. Receipt of increased unemployment benefits during 2020 and 2021 is causing tenants to lose their SCRIE benefits. This is due to an income cap on eligibility for SCRIE, as well as the rent burden requirement (the senior must be paying more than 1/3 of income towards rent). The receipt of increased unemployment benefits is pushing seniors above the permissible levels. Although tenants are being instructed to reapply once those benefits change or are no longer received, it would cause the tenant to lose their current frozen rent level. Upon reapplying, their frozen rent would be set at the current lease amount, even though their income would return to pre-unemployment-benefit levels.

Aside from the issues we see with the SCRIE program, the other major gap in the social safety net for seniors is being able to obtain services from Adult Protective Services (APS) or any of the various city agencies that appeared at this hearing. Our members are at a loss when they have a senior occupant who is no longer able to care for themselves, has no known family or next of kin, nor anyone else to assist them. Our members can be the eyes and ears of the agencies who provide the social safety net to these seniors, but have no way to notify or communicate with the agencies who might be able to assist. Nor do they know exactly which agency to call, or what information to provide. Better coordination and communication with housing providers, clearer channels and processes for addressing these unfortunate situations, and shorter response times are necessary improvements to put services in touch with seniors who need them.

We thank you for your time today, and look forward to working with the Committee on addressing these and other issues affecting the housing security of seniors.

December 3, 2021

Testimony of Shehila Stephens, Senior Director of Programs at Encore Community Services

New York City Council Committee on [Oversight – Housing NYC’s Seniors](#)

Good afternoon council members. My name is Shehila Stephens and I am the Senior Director of Programs at Encore Community Services, a nonprofit serving older adults on Manhattan’s Westside, from 110th St down to 14th St.

We offer a range of services to help older New Yorkers age successfully, including operating an Older Adult Center in the theater district, providing home delivered meals, running two senior housing buildings—one affordable housing and one supportive housing building. Through our work at Encore Community Services, we regularly run into the extraordinary difficulty that our older adults and their families experience regarding navigating and securing housing within NYC housing system as well as maintaining the proper supports so that they can Age in Place.

The older adult population is one of the fastest-growing demographics in NY. Future seniors have lower overall savings and are less likely to have pensions. Additionally, social isolation amongst older adults is an epidemic that negatively impacts our older adults ability to Age in Place.

Encore wants to put on record that there is a senior housing crisis in NYC. Specifically,

1. Lack of available units specifically designated for older adults in Affordable housing and Permanent supportive housing.
 - a. Excessively long waitlists currently Encore West has a two year waitlist.
2. Lack of supportive services within the Affordable Housing and Supportive Housing settings.
 - a. Supportive Housing contracts are not supported/funded in a way that allows seniors to age in place with the support of organization and staff that care for socially isolated seniors.
 - b. Dire need for funding for homecare services, nursing services and psychiatric mental health supports.
3. Older Adults are not prioritized when they are in the homeless shelter system and often fall through the cracks while they are experiencing significant declines in their physical, mental and cognitive health.

We ask that you strongly advocate for:

1. Prioritizing low income or vulnerable adults for housing units.
2. Designating units specifically for older adults.

- a. Increases supportive service dollars to cover on site homecare services, nursing services and psychiatric mental health supports.
3. Prioritizing homeless older adults for available units.

Thank you to council members for your time today.

John K. Carroll
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Testimony of
The Legal Aid Society

on

Oversight: Housing NYC's Seniors

presented before

The New York City Council's Committee on Aging

Alexander Ryley
Director of Elder Law
Civil Practice
The Legal Aid Society

December 3, 2021

The Legal Aid Society appreciates the opportunity to comment on the subject of housing NYC's seniors and thanks the Committee on Aging for convening this hearing.

WHO WE ARE

The Legal Aid Society is the oldest and largest not-for-profit public interest law firm in the United States, working on more than 300,000 individual legal matters annually for low-income New Yorkers with civil, criminal, and juvenile rights problems in addition to law reform representation that benefits all two million low-income children and adults in New York City. The Society delivers a full range of comprehensive legal services to low-income families and individuals in the City. Our Civil Practice has local neighborhood offices in all five boroughs, including the Brooklyn Office for the Aging, along with centralized city-wide law reform, employment law, immigration law, health law, and homeless rights practices.

I. Older New Yorkers who are losing their homes need help finding new housing

“Where am I supposed to go?” This is the desperate question that we hear so often from our older clients facing eviction. Unless the Legislature reduces the risk of eviction of vulnerable New Yorkers by passing the Good Cause eviction bill¹, this desperation will continue to grow.

Because waiting lists for senior and disabled housing are years long, older people who are faced with eviction need to find affordable privately-owned housing that they can move into right away while they await an opportunity to secure subsidized housing. But as anyone who has sought housing in New York City knows, finding an apartment here is a herculean task. And it is more difficult for older people now than ever, because older people may have no facility with computers and not have undertaken an apartment search in many years. At The Legal Aid Society, we are helping older clients facing eviction who believe that the way to find new housing is to look in building windows for signs advertising vacant apartments.

But despite the obvious obstacles facing older New Yorkers who want to secure new housing, no resources exist to help them with this task. As the end of the moratorium looms, we are receiving more and more requests – from older clients and from other members of the public – for help finding new housing. But we do not offer that type of

¹ <https://legalaidnyc.org/news/lte-new-yorkers-need-housing-protections-from-albany/>.

assistance, and we are aware of no other organization or agency in New York City that does. Our impression is that occasionally an especially generous social worker or case worker at a well-staffed senior center will offer a member some help looking for a new home, but this is rare. Thus the City should create resources to provide older New Yorkers with this crucial assistance.

II. Older New Yorkers need help identifying and applying for senior and disabled housing opportunities

Older people embarking on a housing search are often stunned to learn not only that waiting lists for senior and disabled housing are years long, and that it is impossible even to apply for inclusion on *waitlists* for some properties, but also that there is neither a centralized way to identify and apply for all such housing opportunities, nor assistance available to obtain and complete applications.

The process of applying for senior housing can be daunting even for older people who are computer-literate. Imagine you are an older New Yorker looking for senior housing options, and thus you conduct a Google search for “senior housing NYC”. Here is what you will find (in the order in which the search results appeared on December 3, 2021):

- NYC Housing Connect. This site² purports to be “New Yorkers’ portal to find and apply for affordable housing opportunities across the five boroughs of New York City”. But a site search today for opportunities for a single adult with annual income of \$12000 generated **zero** results.
- The NYC Department for the Aging (“DFTA”). Typing “housing” into DFTA’s site’s search field brings up, first, a link to NYC Housing Connect (above). Further down in the list of search results, there are links to DFTA’s five borough-specific “Alternatives in Senior Housing” publications, apparently last updated in 2017.³ These ca. 30-page publications contain lists of buildings that house older people and the contact information of their buildings’ management offices; the publication instructs the reader to “contact individual developments for further information and applications”. Thus one would need to place separate phone calls to the various properties to inquire about eligibility

² <https://housingconnect.nyc.gov/PublicWeb/>.

³ See, e.g., <https://www1.nyc.gov/assets/dfta/downloads/pdf/publications/HousingManhattan2019.pdf>.

requirements, wait list statuses, and application processes – all of which often differ from location to location.

- New York Foundation for Senior Citizens. This organization’s site, on its “affordable housing” page⁴, describes nine properties that the organization runs, two of which are “not accepting applications at this time”. To apply to the other seven, one must download and complete a separate 9-page application *for each location*; it is not possible to apply for all, or some subset, of the seven properties at once. And each application warns that a family must not submit more than one application; if more than one is received, all of the family’s applications “WILL BE *DROPPED TO THE BOTTOM OF THE LIST!*” (emphasis in the original).
- JASA affordable senior housing.⁵ As with the New York Foundation, only a subset of JASA’s properties are accepting applications for their waitlist. Each property requires the applicant to prepare and submit a separate application, and there is a dire consequence to applying more than one time: “You will be disqualified if more than one application is received per lottery for your household or a single person appears in two or more applications”, the site warns.

It is clear from the foregoing that the process of even finding opportunities to apply for senior housing in New York requires a degree of computer literacy, organization, and persistence that many older New Yorkers cannot hope to achieve. Yet virtually no help is available.⁶ Thus the City should devote resources to provide older New Yorkers with this critical help.

⁴ <https://www.nyfsc.org/housing-services/affordable-housing/>.

⁵ <https://www.jasa.org/services/housing>.

⁶ The Housing Ambassador Program purports to “help people apply for Housing Connect affordable housing lotteries”. <https://www1.nyc.gov/site/hpd/services-and-information/housing-ambassadors.page> As previously mentioned, however, Housing Connect may show no opportunities at all for some potential applicants; and we have found that some of the CBOs that the Ambassador site lists as offering this help actually do not.

III. The City should expand the Assigned Counsel Project because older New Yorkers in rent-regulated housing need comprehensive help to maintain their tenancies

An affordable rent-regulated apartment in New York City is, for many older people lucky enough to rent one, by far their most valuable asset, without which they would face homelessness. Therefore maintaining those affordable homes, and thus allowing older people to age in place safely, is the core of our work with older clients at The Legal Aid Society. But the challenges these tenants face are not susceptible to legal solutions only; often a tenancy is jeopardized by an older person's inability to fulfill some critical obligation, like paying rent, or maintaining a clutter-free environment. In many cases these challenges can be met only with a combination of intensive legal and social work assistance. Therefore we urge the City to deepen its investment in the Assigned Counsel Project.

The Assigned Counsel Project, or ACP, is a partnership between the Housing Court and New York City agencies and legal services providers; the ACP brings together lawyers and social workers to work as a team to help resolve the Housing Court cases of New Yorkers age 60+ who present with social services needs. The small ACP social services team at the NYC Department for the Aging works with ACP legal services providers in Brooklyn and Manhattan to help ACP clients apply for or recertify their public benefits; find ways to ensure that their rent is paid on time; and reduce clutter and other hazards in their homes. The social services component of the ACP, which has always been available only in Brooklyn and Manhattan, is critical to the outcomes of ACP cases.

For many years the ACP was administered by the NYC Department for the Aging, but HRA took over the Project's administration in 2018. Given the housing-related challenges facing older New Yorkers that have been discussed today, the ACP is clearly more essential than ever and should be expanded. But we are concerned that under the administration of HRA, the ACP is instead diminishing. It seems notable that, to our knowledge, HRA has published no information about its administration of the ACP since it

took over the Project; the only information about the ACP that can be found on the internet is published by the NYS Courts and the NYC Department for the Aging.⁷

Because historically many ACP referrals have come from Housing Court judges, it was unsurprising that the flow of ACP cases diminished during the pandemic, along with the flow of cases in the Court more generally. But the flow of referrals diminished even further this past July, when HRA announced that as of July 1 it would begin referring only “nuisance holdover” cases to ACP legal services providers, and not the full range of Housing Court matters that used to be eligible to become ACP referrals. This change has substantially reduced the quantity of ACP matters. Since July 1, 2021, our Brooklyn Office of the Aging, for example, has received only a handful of ACP referrals from HRA; our counterpart in Brooklyn, Legal Services, reports that they too have received very few over the past five months.

We therefore urge the Committee to work with HRA and DFTA to increase the scope of the ACP, by expanding:

- DFTA’s ACP social services support beyond Brooklyn and Manhattan;
- the pool of eligible cases beyond the narrow category of nuisance holdover lawsuits; and
- the nature of DFTA’s social services support, from short-term crisis intervention to, in appropriate cases (such as nuisance cases settled with probationary agreements), longer-term social work support.

IV. The NYC Department of Finance should take steps to address the unintended consequences to SCRIE beneficiaries of the HSTPA’s treatment of preferential rents

As Joseph Condon, of the Community Housing Improvement Program, noted in his testimony at today’s hearing, the NYC Department of Finance’s (the “DOF”) treatment of preferential rents following the passage of the 2019 Housing Stability and Tenant Protection Act (the “HSTPA”) has had devastating effects on some SCRIE beneficiaries.

⁷ See <http://ww2.nycourts.gov/ip/nya2j/diverseneeds/assignedcounsel.shtml>; https://nycourts.gov/courts/nyc/civil/pdfs/acp_brochure.pdf; and <https://www1.nyc.gov/site/dfta/services/legal-help.page>. These pages have not been updated to reflect any of the changes to the ACP since HRA began administering the Project.

We urge the DOF to adjust the subsidy of affected tenants whose cases are brought to the agency's attention, and to conduct outreach on the issue.

Before the HSTPA made all preferential rents extend for the life of a tenancy, the DOF ignored preferential rents in administering the SCRIE and DRIE programs, instead focusing only on the legal regulated rent and the increases thereon. This had the surprising (and welcome) effect of *decreasing*, over time, the rents of SCRIE/DRIE beneficiaries with preferential rents.

For example, consider a tenant with a preferential rent of \$1000 and a legal regulated rent of \$2000, who receives a lease renewal with a 2% rent increase, showing a new preferential rent of \$1020 and a new legal regulated rent of \$2040. In such a case, the DOF would increase the SCRIE/DRIE benefit not by \$20 (2% of \$1000) but by \$40 (2% of \$2000). Thus, instead of paying \$1000 under the new lease (new preferential rent of \$1020 minus \$20 benefit), the tenant would pay just \$980 (new preferential rent of \$1020 minus \$40 benefit). Over time, the preferential rent and legal regulated rent would continue to increase, but the tenant would pay less and less, as the SCRIE/DRIE benefit continued to grow at a higher rate than the rate the preferential rent was increasing. So after some years the tenant's preferential rent might rise to, say, \$1250, and the legal regulated rent to \$2500, but the tenant would pay just \$750 (\$1250 preferential rent minus SCRIE/DRIE benefit of \$500).

But now, because the HSTPA has made all preferential rents permanent, the DOF has done a 180-degree turn and is focusing solely on the preferential rent and ignoring the benefit amounts that it previously paid -- with devastating consequences for some clients. For instance, in the example above, the DOF will, upon the tenant's next lease renewal, no longer calculate the new benefit based upon the legal regulated rent. Instead, the DOF will tell the tenant that they now have a brand new "frozen" rent amount: the full preferential rent amount set forth in the new lease (\$1250). So even though the tenant has been on the SCRIE/DRIE program for many years, it's as if they've been approved for the benefit for the first time, with a new frozen rent much higher than what they had previously been paying.

We and other legal services providers have communicated with the DOF about this problem, and the agency has committed to re-assessing the benefit amount of affected

beneficiaries whose cases are brought to its attention, and to conducting outreach on the issue. We urge the committee to remind the DOF of this commitment, and we welcome Councilmembers whose constituents present with the SCRIE/preferential rent problem just described to contact The Legal Aid Society for assistance.

V. Older New Yorkers need help preparing their homes for bed bug remediation and the correction of other Housing Code violations

We reaffirm our support for Int. 1219-2018, which would require the City to provide assistance to older New Yorkers with bed bug infestations in their dwellings. And we note again that the problem of seniors' inability to prepare their homes for the correction of Housing Code violations long predates the reemergence of bed bugs in New York City.

Some seniors live in apartments with Housing Code violations that can be corrected only after heavy furniture has been moved, and many of these older tenants cannot move the furniture themselves. Landlords of these tenants often refuse to move the furniture and perform the work, citing potential liability either as a genuine concern or as a pretext so as to avoid responsibility.

We therefore urge the Committee to consider legislation that would require the Department to offer assistance to older adults who cannot prepare their apartments for the correction of *any* Housing Code violation, not just that pertaining to bed bug infestations.

For more information, please contact Alex Ryley at AHRYley@Legal-Aid.org, or at 646-284-5194.



**Testimony to the New York City Council’s Aging Committee’s Oversight Hearing on Housing
NYC’s Seniors**

**Delivered in Writing on December 3, 2021
by Lynn Faria, Executive Vice President**

On behalf of SAGE and the lesbian, gay, bisexual, transgender and queer or questioning (LGBTQ+) elders we serve, thank you to members of the New York City Council Aging Committee for holding this hearing on the critical issue of housing for our City’s older people. Founded in 1978 in New York City, SAGE is the country’s first and largest organization dedicated to improving the lives of LGBTQ+ older people. SAGE is grateful for the enduring support from the New York City Council, which has fueled our crucial services and enabled SAGE to pivot our programs and services to adapt to the COVID-19 public health crisis.

Aging alone can be wrought with challenges, including social isolation and diminished income. For LGBTQ+ older people, however – many of whom have experienced stigma and discrimination throughout their lives as a direct result of their sexual orientation and/or gender identity – the deck is stacked against them and they are more likely to struggle financially.

In New York City, housing challenges are particularly acute. Countless LGBTQ+ older people find themselves priced out of the neighborhoods in which they have lived for years due to rising rents and financial insecurity as they age. Unless effectively addressed, this housing crisis among LGBTQ+ older people will only worsen as the LGBTQ+ elder population doubles and more “out” LGBTQ+ people age into their retirement years. In fact, research estimates there are between 2.5 and 4 million LGBTQ+ older adults in the United States – and this population will double by 2030.¹ Yet today, there are less than 500 units of affordable housing in existing LGBTQ+-welcoming complexes nationwide.

So many older New Yorkers struggle to find and access welcoming housing and often experience discrimination when seeking housing. A 2014 ten-state investigation conducted by the Equal Rights Center and SAGE found that 48% of same-sex older couple testers seeking housing in senior independent living facilities across the country experienced discrimination.²

LGBTQ+ older New Yorkers need and deserve affordable, welcoming housing. Service-enriched LGBTQ+-friendly housing is crucial for our city’s elders, allowing so many to age in place and in community. This is why SAGE, with support from New York City and State, and with our developer partners, SAGE opened our state’s first LGBTQ+-welcoming affordable elder housing

¹ Choi, S. and Meyer, I. (2016). *LGBTQ+ Aging: A Review of Research Findings, Needs, and Policy Implications*. The Williams Institute, UCLA School of Law.

² SAGE & Equal Rights Center (2014). *Opening Doors: An Investigation of Barriers to Senior Housing for Same Sex Couples*.

Stonewall House in Fort Greene, Brooklyn in 2020 and earlier this year opened Crotona Pride House in the East Tremont neighborhood in the Bronx.

Stonewall House offers 145 fully affordable apartments for low-income elders and 25% of the units are housing formerly homeless elders. Crotona Pride House features 83 LGBTQ+-welcoming affordable apartments and 40% of the units house chronically homeless elders.

Both Stonewall House and Crotona Pride House feature a ground-floor state-of-the-art SAGE Center, open to residents and members of the surrounding community. Through the SAGE Centers, SAGE will offer care management and support services. The SAGE Centers will follow SAGE's highly successful model, offering residents and local community members daily congregate meals, social services, educational workshops, counseling, health, wellness and nutrition classes, and peer support – complimented by on-site care management. These SAGE Centers will also bring much needed services to neighborhoods lacking in LGBTQ+ supports.

The need for services and supports was further exacerbated by the pandemic. LGBTQ+ elders are living at the epicenter of the COVID-19 pandemic. This is not only because of their age, but also because of high levels of underlying health conditions like HIV and diabetes, higher levels of poverty and food and housing insecurity, lower access to health care and supportive services, social isolation and thin support networks and mistrust of government and other institutions based on historical and current discrimination and mistreatment. All of these challenges are even further exacerbated for transgender elders and LGBTQ+ older people of color.

Throughout the pandemic, SAGE has supported the tenants in our City's and State's very first LGBT-friendly elder housing developments. To support SAGE housing residents who are acclimating to their new homes and new neighborhood during a pandemic, SAGE staff have been onsite several days per week – throughout the pandemic – to conduct wellness checks door-to-door, deliver groceries, and coordinate care with other providers and caregivers, all while following public health safety protocols. The team is also providing social services by email, telephone and Zoom.

Many of our residents present with complex needs, including significant medical and behavioral health issues, since they have so often been disconnected from the social safety net.

Throughout the past 15 months, one thing has become starkly clear: the COVID-19 pandemic has showed our City how critical it is to care for older New Yorkers. Poor communities, those living at the intersections of oppressed identities, those with chronic health conditions and isolated people have and continue to bear the brunt of this catastrophic illness. LGBT elders are among those who are most at risk. As our city continues to navigate the challenges posed by the COVID-19 pandemic, we must prioritize adequately resourcing programs and services for older people in our City's elder residences.

We appreciate the New York City Council's support of SAGE and commitment to ensuring that our LGBT older New Yorkers are supported. Know that SAGE will continue providing the critical support, programs and services to LGBT elders, both in community and in residences, throughout this pandemic and beyond.