

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HOUSING AND  
BUILDINGS JOINTLY WITH  
JUSTICE SYSTEM

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September 17, 2020  
Start: 11:05 a.m.  
Recess: 1:53 p.m.

HELD AT: Remote Hearing

B E F O R E: Robert E. Cornegy, Jr.  
Chairperson  
Housing and Buildings

Rory I. Lancman  
Chairperson  
Justice System

COUNCIL MEMBERS: Robert E. Cornegy, Jr.  
Fernando Cabrera  
Margaret S. Chin  
Mark Gjonaj  
Barry S. Grodenchik  
Farah N. Louis  
Bill Perkins  
Carlina Rivera  
Helen K. Rosenthal  
Ritchie J. Torres

Rory I. Lancman  
Andrew Cohen

Laurie A. Cumbo  
Farah N. Louis  
Alan N. Maisel  
Deborah L. Rose  
Ritchie J. Torres

A P P E A R A N C E S (CONTINUED)

Alia Razzaq  
Chief Clerk of the Civil Court of the  
City of New York

Jordan Dressler  
Human Resources Administration

Sarah Mallory  
Executive Director  
Department of Housing Preservation and  
Development

Lucy Joffe  
Department of Housing Preservation and  
Development

Erin Drinkwater  
Department of Social Services

Michael McKee

Lauren Price

Jonathan Fox

Elizabeth Clay Roy

Makeeb Sadiq

Ayela Trinidad

Jennie Laurie

Seeya Hegda

Melissa Sklarz

Damon Rowe

Esteban Guran

Sandra Mitchell

Katie Villanueva

Richard Velasquez

Theo Chino

Carlton Burroughs

Lyric Thompson

Jared Trujillo

Abraham Gross

Lauren Springer

Emmy Green Cohen

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1 COMMITTEE ON HOUSING AND BUILDINGS JOINTLY  
2 WITH JUSTICE SYSTEM

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3 SGT SADOWSKY: PC recording has started.

4 SGT BIONDO: Thank you.

5 SGT HOPE: Also the [inaudible] recording  
6 has started.

7 SGT BIONDO: Thank you.

8 SGT BIONDO: Good morning everyone and  
9 welcome to today's joint committee hearing for the  
10 New York City Council on Housing and Buildings along  
11 with Justice System. At this time would all  
12 panelists please turn on their cameras for  
13 verification. Once again, all panelists please turn  
14 on your cameras for verification. To minimize  
15 disruption we ask to please place all electronic  
16 devices on silent or vibrate. If you wish to submit  
17 testimony you may do so at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).  
18 Again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). Thank you  
19 for your cooperation. Chairs, we are ready to begin.

20 CHAIRPERSON CORNEGY: [gavel] Good  
21 morning. I'm Council Member Robert Cornegy, chair of  
22 the Committee on Housing and Buildings. I want to  
23 thank I want to Chair Lancman of the Committee on  
24 Justice System and other committee members for  
25 joining this hearing titled Oversight, the Potential  
Eviction Crisis in the Midst of COVID-19 Pandemic.

2 The COVID-19 pandemic. The COVID-19 pandemic has  
3 plunged the city into a crisis of unemployment. The  
4 impacts of pandemic have decimated several of New  
5 York City's most profitable [inaudible], including  
6 hospitality, tourism, and the arts. As of September  
7 5, 2020, over a million people working in New York  
8 City have filed for unemployment insurance benefits.  
9 This does not include individuals who have lost their  
10 jobs but do not otherwise qualify for unemployment  
11 insurance, such as undocumented immigrants. But  
12 employment insurance in New York pays \$504 per week,  
13 or \$26,208 per year. Although the federal CARES Act  
14 provided \$600 weekly over the base unemployment rate,  
15 this expired at the end of July. The New York State  
16 Department of Labor just announced a \$300 weekly  
17 increase, but once this increase ends days after  
18 Christmas many New Yorkers will once again remain  
19 unable to pay rent. Prior to COVID-19 the city was  
20 already in the throes of an affordability and  
21 eviction crisis. An April 2019 report found that  
22 nearly half of New York's, New Yorkers were rent  
23 burdened, meaning that they paid at least 30% of  
24 their income on rent. Of those rent-burdened New  
25 Yorkers, nearly one-third were severely rent

2 burdened, meaning that they paid at least 50% of  
3 their income on rent. Displacement, eviction, and  
4 homelessness remain a true threat for many New  
5 Yorkers. From March 2019 to March 2020 there were  
6 more than 16,000 residential warrants on eviction  
7 executed in the city. In addition, as of December  
8 2019 there were 18,700 homeless single adults and  
9 14,792 homeless families sleeping in shelters. On  
10 March 5, Judge Lauren King Marks, chief  
11 administrative judge for the New York State Unified  
12 Court Systems suspended eviction proceedings filed on  
13 or after March 16, 2020. On March 20, Governor Cuomo  
14 issued a 90-day eviction moratorium. This eviction  
15 moratorium has been extended twice, first until  
16 August 20 and then until September 20. On August 12  
17 Judge Marks issued a memorandum allowing eviction  
18 proceedings filed before March 16 to go forward.  
19 This memorandum also provided that warrants of  
20 eviction issued before March 16 may be executed after  
21 October 1. However, earlier this month the Centers  
22 for Disease Control issued an order under the Public  
23 Health Safety Act that suspended residential  
24 evictions through the end of 2020. That said, the  
25 CDC moratorium and the Department of Labor \$300

2 increase both expire at the end of the year, at which  
3 point the city may face a catastrophic eviction  
4 crisis. Today the committees will hear from the  
5 Department of Housing Preservation and Development,  
6 the Office of Court Administration, the Department of  
7 Social Service and the Human Resources Administration  
8 to Office of Civil Justice, who will discuss the  
9 city's attempts to stem the eviction crisis. In  
10 addition, we will hear testimony from legal service  
11 providers, advocates, and other key stakeholders.  
12 I'd like to thank my colleagues from the Housing and  
13 Buildings and Justice System committees present  
14 today. Ah, I see that we have Council Member  
15 Lancman, who else do we have, oh, Helen Rosenthal,  
16 always, oh, Reverend Cabrera, the honorable Cabrera.  
17 Who else do I see there. Hey [inaudible] I see you.  
18 Not saying you yet, though, and Barry Grodenchik is  
19 who I can see right now. Ah, we'll now hear from the  
20 honorable chair, Rory Lancman.

21 UNIDENTIFIED: Rob, I'm here.

22 CHAIRPERSON CORNEGY: Oh, I see you, I'm  
23 sorry, sorry. Council Member Rivera is also here as  
24 well.

25 COUNCIL MEMBER GJONAJ: So am I, Chair.

2 CHAIRPERSON CORNEGY: Listen, my screen  
3 only gets like 12 people at time. I'm sorry, unless  
4 I scroll over I don't see you. That's an, ah, an  
5 oversight of technology, not me.

6 COUNCIL MEMBER LOUIS: Council Member  
7 Louis here.

8 CHAIRPERSON CORNEGY: [inaudible].

9 COUNCIL MEMBER MAISEL: I'm here, too,  
10 ah, Councilman Cornegy.

11 CHAIRPERSON CORNEGY: Hey, Alan Maisel is  
12 here as well. I'm sorry, guys.

13 CHAIRPERSON LANCMAN: Any other council  
14 members want to identify themselves while it's still,  
15 ah, Chair Cornegy's fault for missing them?

16 CHAIRPERSON CORNEGY: Yeah, thanks, Rory.

17 COUNCIL MEMBER GJONAJ: Since the chair  
18 didn't recognize me by name, it's Councilman Mark  
19 Gjonaj.

20 CHAIRPERSON CORNEGY: I did say Mark  
21 Gjonaj, didn't I? The honorable Mark Gjonaj...

22 COUNCIL MEMBER GJONAJ: No.

23 CHAIRPERSON CORNEGY: ...representing  
24 upper parts of the Bronx.

1 COMMITTEE ON HOUSING AND BUILDINGS  
JOINTLY WITH JUSTICE SYSTEM

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2 COUNCIL MEMBER GJONAJ: I just like when  
3 you say my name.

4 CHAIRPERSON CORNEGY: [laughs]

5 COUNCIL MEMBER GJONAJ: I wanted to hear  
6 it again.

7 CHAIRPERSON LANCMAN: All righty. Good  
8 morning. I'm Council Member Rory Lancman, chair of  
9 the Committee on the Justice System, and welcome to  
10 this joint hearing with the Committee on Housing and  
11 Buildings, cochaired by my colleague, Council Member  
12 Robert Cornegy, on an impending flood of evictions  
13 that threatens to further harm our city in the wake  
14 of the health and economic crises brought on by the  
15 COVID-19 pandemic. We have seen efforts by  
16 government to step in with various protections,  
17 whether by the state courts, currently through a full  
18 moratorium on evictions that are set to expire at the  
19 end of this month, as well as by the governor, whose  
20 executive orders have generally offered protection  
21 for tenants facing nonpayment actions, by the state  
22 legislature, where protections for tenants have been  
23 enshrined in law for the duration of the pandemic,  
24 and this month even from the Centers for Disease  
25 Control and Prevention, which issued a federal ban on

2 evictions in at least some, but not all instances,  
3 set to expire on December 31. My focus today is  
4 ensuring that the city is meeting its obligations in  
5 providing tenants fighting eviction with legal  
6 representation once eviction proceedings resume and  
7 that our courts have the systems in place to fairly  
8 and safely adjudicate cases. The coronavirus  
9 pandemic has placed intense pressure on tenants to  
10 come up with rent during extended periods of reduced  
11 or nonexistent income, as well as on landlords, the  
12 courts, legal service providers, and finally on the  
13 city's Human Resources Administration. In the last  
14 three years our city has taken unprecedented steps to  
15 expand the civil right to counsel in housing court,  
16 spending hundreds of millions of dollars to ensure  
17 that tenants with a household income that falls below  
18 200% of the federal poverty guidelines and who live  
19 in one of the growing number of ZIP codes, 25  
20 citywide as of last February, have access to free  
21 legal counsel in housing court. This investment in  
22 leveling the playing field between landlords and  
23 tenants has made a difference in keeping people in  
24 their homes, even while HRA has worked to make sure  
25 landlords are made whole in nonpayment cases. Just

2 by way of example, in fiscal year 2019 the city's  
3 commitment to universal access for tenant legal  
4 services programs meant that in the universal access  
5 ZIP codes 62% of tenants facing eviction, that's  
6 41,000 households, had lawyers to defend their  
7 rights. And in 84% of those cases the tenants were  
8 able to remain in their homes. That's thousands of  
9 families whose lives were not disrupted and  
10 traumatized by homelessness, all because they had  
11 access to legal representation. For tenants facing  
12 emergencies, such as impending homelessness, eviction  
13 or dispossession, utility disconnection, fire,  
14 domestic violence, or other circumstances that affect  
15 their health and safety, the Human Resources  
16 Administration considers applications for emergency  
17 assistance, known as one-shot deals. These emergency  
18 grants are a backstop against eviction for thousands  
19 of tenants in nonpayment proceedings in housing  
20 court, and a key piece of the puzzle in New York City  
21 when it comes to preserving families in their homes  
22 and preserving neighborhoods. The challenge of this  
23 pandemic is in its scale. Does the city have the  
24 capacity to provide emergency rental arrears funds  
25 for all the New Yorkers who will need it? Do the

2 legal services organizations have the capacity to  
3 provide legal representation to all of those New  
4 Yorkers who will need it? As the city's housing  
5 courts seek to continue increasing their capacity how  
6 can we ensure that they are safe places for judges,  
7 court staff, landlords, tenants, and their attorneys  
8 to meet? The old ways of connecting tenants with  
9 attorneys, at their first court appearance, for  
10 example, may need to be updated. So I look forward  
11 to hearing from OCA, the administration, and legal  
12 service providers about how the city plans to meet  
13 these challenges. Thank you.

14 CHAIRPERSON CORNEGY: Thank you, Chair  
15 Lancman. Um, I'm now going to turn it over to our  
16 committee counsel to give some, to go over some  
17 procedural items.

18 COMMITTEE COUNSEL: Thanks, Chair  
19 Cornegy. I'm Austin Branford. I'm counsel to the  
20 City Council's Committee on Housing and Buildings.  
21 Before we get started, I want to remind everyone that  
22 you will be on mute until you are called on to  
23 testify, at which point you will be unmuted. Please  
24 listen for your name to be called as I will  
25 periodically announce who the next panelist will be.

2 We will first be hearing testimony from the Office of  
3 Court Administration. This will be followed by  
4 testimony from the administration, which will then be  
5 followed by testimony from members of the public.  
6 During the hearing the council members who would like  
7 to ask a question please use the Zoom raise hand  
8 function and I will call on you in order. We will be  
9 limiting council member questions to three minutes,  
10 including responses. We will now turn to testimony  
11 from the Office of Court Administration, which is  
12 being represented by Alia Razzaq. I will now  
13 administer the oath. Please raise your right hand.  
14 Do you affirm to tell the truth, the whole truth, and  
15 nothing but the truth before this committee and to  
16 respond honestly to council member questions?

17 ALIA RAZZAQ: I do.

18 COMMITTEE COUNSEL: Thank you. You can  
19 begin.

20 ALIA RAZZAQ: Good morning, all. I am  
21 Alia Razzaq. I am the chief clerk of the Civil Court  
22 of the City of New York and I am responsible for co-  
23 managing the operations of the court, including the  
24 landlord and tenant division. Chairmans Lancman,  
25 Cornegy, and counsel, as well as all of the guests,

2 we're pleased to share with you the efforts and steps  
3 taken by the court to ensure access to the court and  
4 meet the needs of our users during this extremely  
5 challenging time. In mid March, in consideration of  
6 the stay-at-home direction issued by the governor,  
7 the court minimized operations to the extent of  
8 processing essential matters only. For the landlord  
9 and tenant court essential matters involved matters  
10 where a court user was locked out or denied access to  
11 their residence, required post-eviction relief, were  
12 in need of emergency repairs, including the lack of  
13 heat or hot water, or required access to critical  
14 services. Though working in unprecedented times and  
15 it was necessary to limit services to emergencies the  
16 court never closed. We arranged with New York City's  
17 Office of Civil Justice that they be informed of all  
18 emergency landlord and tenant applications that are  
19 filed. This procedure allowed for a legal service  
20 provider to make contact with the filing party and in  
21 the majority of instances representation was provided  
22 to that party. In addition to making parties aware  
23 that there were legal services available to them, we  
24 converted our in-person help centers to virtual help  
25 centers, giving court users who would normally visit

2 the court to obtain legal and procedural information  
3 the opportunity to call in for the same service. The  
4 demand for this service was such that it was  
5 necessary to add additional court attorneys to expand  
6 the citywide service and assign coverage for each  
7 county. We addressed essential matters both  
8 virtually and in person, depending on the  
9 availability of technology for any of the impacted  
10 parties. We notified parties to actions that were  
11 considered nonessential in nature that the matter was  
12 administratively adjourned and that they would be  
13 notified when the matter was rescheduled. We  
14 accomplished notification by mailing a notice to all  
15 parties who were involved in the case that was  
16 scheduled to be heard on or after March 16 and ensure  
17 that our personnel assigned to answering telephones  
18 provided the same information. During this time,  
19 though we were not calendaring nonessential cases and  
20 court users were not required to answer nonpayment  
21 petitions, where a person wished to file a response  
22 we accepted and continue to accept answers by  
23 telephone, electronically, and with the assistance of  
24 the agency Housing Court Answers. Following the  
25 guidance of various executive and administrative

2 orders and/or directives, no warrants of eviction  
3 have been processed since March 16. Also, there have  
4 been no judgments of possession rendered other than  
5 those relating to restoring a respondent or a tenant  
6 to possession of a premises. Similar to the phased  
7 approach to reopening New York City and State, we  
8 resumed limited in-person operations and expanded our  
9 virtual operations incrementally over time and will  
10 continue to take an incremental approach to expanding  
11 in-person operations to reach all case types.

12 Regarding the landlord-tenant division of our court,  
13 we are remotely conferencing matters for which  
14 parties are represented, which both parties are  
15 represented. We are scheduling an hearing in-person  
16 trials. We discourage foot traffic at our site and  
17 instead provide information on electronic or  
18 telephonic services to court users upon first contact  
19 and via our web page. We're providing in-person  
20 services to court users who opt to visit our  
21 facilities. Upon communicating with a court user  
22 responding to a landlord-tenant proceeding, the party  
23 is advised that there are legal services available to  
24 them and provided with the appropriate contact and  
25 other phone numbers. This includes instances where a

2 party is answering and/or filing an order to show  
3 cause. Parties seeking to enforce a pre-pandemic  
4 warrant of eviction or judgment of possession must  
5 following the court's administrative directive issued  
6 in August. Included in this directive is the  
7 issuance of a notice to the receiving party that  
8 advises them that the landlord has applied to the  
9 court to have them evicted. They do not need to go  
10 to court in person to respond to the papers and that  
11 they can call the number associated with obtaining a  
12 free lawyer. The receiving party is further informed  
13 that if they do not get to a free lawyer or do not  
14 want one they can call the court to arrange a virtual  
15 appearance. Parties seeking warrants of eviction  
16 and/or judgments of possession in eviction  
17 proceedings filed after March 16 remain subject to  
18 the administrative orders of the chief administrative  
19 judge. Motions for permission to act on a warrant of  
20 eviction previously issued and/or for the entry of a  
21 warrant of eviction are scheduled to one calendar and  
22 virtual appearances are encouraged. We are prepared  
23 for in-person courtroom activity and courtrooms where  
24 in-person hearings are conducted have been  
25 retrofitted with Plexiglas. The calendar is arranged

2 so that matters are heard one case at a time, and  
3 where a respondent has not achieved representation  
4 there are legal service providers present for each  
5 calendar and they are accessible to any respondent  
6 that did not achieve representation prior to the  
7 scheduled hearing. We are accepting filings both by  
8 mail and in person for landlord and tenant matters.  
9 We have implemented e-filing for our sites in New  
10 York, Kings, and the Bronx, and anticipate rolling  
11 out e-filings in Queens and Richmond no later than  
12 October 5. In instances where the e-filing  
13 application has not yet been implemented, we rely on  
14 an Office of Court Administration-developed  
15 electronic document delivery system to afford court  
16 users to submit documents, further reducing foot  
17 traffic at our site. Remote appearances take place  
18 over Skype app for Business and/or Microsoft Teams,  
19 and any parties are informed that they can appear  
20 virtually if they have a smart phone or computer.  
21 Our clerks inform all parties with whom they  
22 communicate that they may not have to come to court  
23 in person to facilitate virtual appearances. The  
24 clerks collect the email addresses and telephone  
25 numbers of parties when providing service. Those

2 persons who visit a court site are subject to  
3 temperature screening and a COVID self-assessment,  
4 following guidelines established by the CDC and New  
5 York City and State departments of health. All  
6 parties entering a court building, of course, must  
7 wear masks and must observe social distancing. We  
8 have ensured that signage is posted in our buildings  
9 detailing requirements for entry, that hand  
10 sanitizers are conveniently located in public areas,  
11 and that courtrooms that host the public are  
12 retrofitted with protective equipment to ensure  
13 safety. Cleaning and sanitization have been enhanced  
14 at all our of facilities. Our operations of, our  
15 hours of operations and occupancy limits of our  
16 facilities have been adjusted in an effort at  
17 controlling density and social distancing. Staffing  
18 has been adjusted to ensure that we are able to  
19 provide services while further controlling social  
20 distancing at all of our sites. As we prepare to  
21 further address the needs of the court, we continue  
22 to assess both our undisposed case load, the number  
23 of new filings we receive, and a snapshot of the  
24 filings from June 1 of 2019 through September 1 of  
25 2019 we received close to 36,000 commercial and

2 residential filings. During the same period this  
3 year we've received approximately 10,000 filings,  
4 which show about a 72% decrease. We're taking a  
5 careful approach to scheduling matters, considering  
6 court users who experience COVID-19-related concerns,  
7 or receive unemployment and/or pandemic-related  
8 assistance and have advised us that they are unable  
9 to attend proceedings because of either circumstance.  
10 Our judges and legal support staff will continue to  
11 address matters for which both parties are  
12 represented. We are continuing our efforts at  
13 introducing and encouraging alternative dispute  
14 resolution for unrepresented parties. We recently  
15 identified more than 100 cases in Kings where both  
16 sides are self-represented and the cases are right  
17 for mediation. These cases will be referred to the  
18 New York Peace Institute. We will continue to  
19 encourage remote proceedings and work to enhance  
20 services to ensure the safety of both of our court  
21 users and the employees in accordance with guidance  
22 provided by local, state, and federal authorities.

23 COMMITTEE COUNSEL: Thank you.

24 ALIA RAZZAQ: You're welcome.

2 COMMITTEE COUNSEL: We will now open for  
3 questions from Chairs Cornegy and Lancman. Chair  
4 Cornegy, do you want to kick things off?

5 CHAIRPERSON CORNEGY: Sure, absolutely.  
6 Um, thank you so much for your testimony, um, and  
7 thank you for your efforts, which seem to be in line  
8 with what this committee would like to see. Ah, but  
9 there are action plans to reopen physical  
10 courthouses? What's the timeline for that, ah, in  
11 the coming months?

12 ALIA RAZZAQ: Our timeline is, is guided  
13 by the, the local state and federal authorities.  
14 There are anticipations of peaks, um, and with, with  
15 regard to the pandemic and we're, we're, we're  
16 following the, the, the curve pretty much and the  
17 direction as it relates. Um, each step that we take  
18 is, is, is a slow process because our efforts are,  
19 ah, to observe the new normal, which is not having  
20 courtrooms full of people waiting for their cases to  
21 be heard. We are in, in instances where there are,  
22 um, in-person appearances cases are scheduled for a  
23 definite time and, um, one case per, per, per  
24 particularly scheduled incremental, whether it's 15  
25 minutes, half an hour, um, and, and, and that's

2 evident in, um, the most recent part that we  
3 established is an HMP part, where our jurors are  
4 hearing motions in which a party wants to execute a  
5 warrant or seeking a warrant of eviction. Those  
6 calendars are, are scheduled with parties coming in  
7 at a definite time and a definite date.

8 CHAIRPERSON CORNEGY: So what, thank you  
9 for that. What, what is, I'm assuming that because  
10 there is a new normal that there will be a ratio of  
11 in-person and virtual hearings that take place. If  
12 that continues, what do you think that ratio  
13 realistically will look like?

14 ALIA RAZZAQ: It's, it's challenging to,  
15 to, to paint a picture of that ratio because it's  
16 dependent on the court users, ah, availability of  
17 technology. So thus far the majority of our court  
18 users are able to attend virtually. However, there  
19 are court users that don't have the access and those,  
20 those court users, in order to allow their case to be  
21 heard, give them the access to the court that they  
22 need, we do make arrangements for them to come in  
23 person. Um, it's, it's really hard to tell because  
24 we haven't had full calendars. Um, again, um, a  
25 warrant of evictions, we have not started issuing

2 them as yet, so, um, time will tell. Um, we, we're  
3 not sure what that demand will be as yet.

4 CHAIRPERSON CORNEGY: Thank you. So in  
5 my office we're hearing that, um, and we know that  
6 there's been, ah, a mail issue, right? So people  
7 getting their mail, it's been backed up. Um, so we  
8 anticipate from a City Council perspective that  
9 there's going to be at some point, ah, a flood of  
10 these cases that will come, come to bear. Ah, what's  
11 gonna be the protocol for in-person hearings that  
12 gives us competence in a social distancing, ah,  
13 protocol in place for, for hearings? What's the  
14 actual protocol?

15 ALIA RAZZAQ: Currently the protocol is,  
16 is to, again, give a definite time and, and, and  
17 appointment for each hearing. So there is no mass  
18 9:30 calendar call, 10:30 calendar call, 12:00 p.m.  
19 calendar call. The calendar call, where if you're  
20 called into court for a 9:30 appearance it's one case  
21 per, per scheduled time slot.

22 CHAIRPERSON CORNEGY: So will you be also  
23 limiting the amount of people that can appear on a  
24 particular case? Because a lot of times we'll have  
25 people, whether it's because they need an interpreter

2 or whether it's because they're, they're elderly and  
3 need someone to help them. Is there a protocol in  
4 place for minimizing the amount of even per person,  
5 ah, per case individuals in the courthouse?

6 ALIA RAZZAQ: We ask support users to, to  
7 only appear with parties that are necessary to the  
8 case. Most often with regard to resolving a case  
9 that is the, the, the court user, the petitioner, the  
10 respondent, um, if there's representation the  
11 representation. With regard to the legal services  
12 providers, the legal service providers are in the  
13 courtroom, so we, we count them as, as, as one person  
14 pretty much because they're there and they're serving  
15 any of the unrepresented respondents. With regard to  
16 trial, the, ah, number of people expected at trial  
17 are established in advance of the trial. Um, there,  
18 only the necessary parties are allowed in the  
19 courtroom. With regard to language services, the  
20 language services provided by the court, our  
21 interpreters, are in the courtroom and staffed with  
22 audio transmitters to maintain the distance between  
23 them and the party that they assisting.

24 CHAIRPERSON CORNEGY: Um, ah, I'm, I'm  
25 concerned that especially the virtual cases that

2 these cases cannot meet the, the necessary, the  
3 necessary protocols in place in a case to move  
4 forward simply because, ah, an individual doesn't  
5 have the tools in place, ah, to, to meet the hearing.  
6 I'm, I'm very concerned about that, right. So as we  
7 move to virtual and whatever that ratio is, um, I can  
8 imagine that maybe a respondent doesn't have whatever  
9 is necessary virtually. What will those cases look  
10 like? Will they be extended? Will they have another  
11 opportunity to appear, or will, or is there a  
12 guidance that allows that to move forward, ah,  
13 irrespective of whether or not the person chose a  
14 virtual hearing and doesn't have the tools at that  
15 time to, to have the hearing proceed?

16 ALIA RAZZAQ: In, in scheduling of a  
17 hearing it, it is established whether a party has  
18 that access. Um, one of the tools in place is, of  
19 course, the, the universal access, the legal service  
20 providers are communicating with the respondents and  
21 in most instances the only way a respondent doesn't  
22 have representation thus far is because they chose  
23 not to have the representation. The legal service  
24 providers are there. Should a respondent tell us, or  
25 a court user tell us, that they don't have the

2 resources, we make arrangements, again, for the in-  
3 person. We have instances where there are what we  
4 call hybrid appearances, and so there is one party  
5 that may be able to attend virtually and another that  
6 doesn't, which means they're in the courtroom, we  
7 have kiosks set up so that the virtually appreciate  
8 and the jurors is dealing with someone in camera and  
9 dealing with someone that is on a Skype or Microsoft  
10 Teams, um, presentation.

11 CHAIRPERSON CORNEGY: So a very specific  
12 case. If I'm a, if I'm someone who's responded that  
13 I would like to have my case heard virtually and then  
14 the day of or the day before I realize that I don't  
15 have the tools to do it virtually. I've agreed to  
16 it, but now my internet is down. I've agreed to it  
17 and, and my technology is not working. What would be  
18 the protocol to ensure that that person gets their  
19 day in court?

20 ALIA RAZZAQ: They bring it to the  
21 attention of the court. Um, in scheduling Skype  
22 conferences or Microsoft Teams conferences the court  
23 user is provided with the telephone number of the  
24 court with which to communicate. Um, the  
25 adjustments, of course, are in the discretion of the

3 judge, but the jurors hears that and will most likely  
4 appropriately adjourn the case until the party can  
5 either make arrangements for an in-person visit or  
6 their technology concern is resolved.

7 CHAIRPERSON CORNEGY: I noted these  
8 questions seem very tedious, but we are moving to our  
9 new normal and there will be hiccoughs and glitches.  
10 I don't want that to negatively impact someone's  
11 ability to represent themselves and, and not, and,  
12 and not be evicted. So I don't want the technology  
13 to be, you know, what we're counting on to be the,  
14 the cause, ah, for someone being, you know, so I, I'm  
15 hoping that there will be some leniency as we move  
16 forward of, of, of being this new, new normal. I,  
17 I'd like for my, ah, colleague and, and cochair of  
18 this hearing, Rory Lancman, who is an actual  
19 attorney, I'm not an attorney, nor do I play one on  
20 TV, who actually has a legal background, probably has  
21 some more solid questions, ah, as it relates to that.  
22 Ah, thank you, thank you, and I'll come back on a  
23 second round, ah, but, ah, I would like to defer now  
24 to my colleague, ah, Council Member Rory Lancman.

25 CHAIRPERSON LANCMAN: Thank you very  
much, and, ah, first let me thank OCA for

2 participating in this hearing we really do appreciate  
3 it and we do appreciate the partnership and, and  
4 collaboration that we have with you. Let me ask you.  
5 Oh, let me also mentioned that we've been joined, I  
6 know, by Council Member Andy Cohen from the Bronx,  
7 and if there are other members who have joined and  
8 haven't been acknowledged just raise your hand and,  
9 and we'll make sure to do that. Um, I just wanted to  
10 ask you about the, ah, the open warrants. My  
11 understand is there's something like 14,000, 15,000  
12 warrants of eviction that are currently pending but  
13 that are on hold. Do you have an accurate number?  
14 Is that, am I, am I at least in the ball park with  
15 that, with that number?

16 ALIA RAZZAQ: I think with regard to that  
17 number it depends on whoever, ah, requested the data  
18 and, and the, the date, the time period for which  
19 that's covered. So I can say most likely between,  
20 um, January and March of 2020 there were, um,  
21 approximately 14,900-some-odd warrants of eviction  
22 issued to marshals.

23 CHAIRPERSON LANCMAN: And my  
24 understanding is that those folks are still entitled  
25 to a hearing, either a settlement or, or, or status

2 conference before those, those warrants of eviction  
3 can be, um, can be executed. Is my understand, is,  
4 is that right?

5 ALIA RAZZAQ: So, yes, ah, currently the  
6 directive of the administrative judge, ah, requires a  
7 motion before a warrant that was issued pre-pandemic  
8 can be issued, as well as parties seeking warrants  
9 for cases for which they might have a judgment of  
10 possession have to make a motion to get permanent to,  
11 ah, have a warrant entered and then finally execute  
12 on that warrant.

13 CHAIRPERSON LANCMAN: Do we know how many  
14 of those folks are represented by counsel, or were  
15 represented at the time that, that the warrant of  
16 eviction was issued?

17 ALIA RAZZAQ: No, no, we don't. We don't  
18 have that data.

19 CHAIRPERSON LANCMAN: You wouldn't have  
20 that data. Um, all right. Do you know once those  
21 motions are made will those individuals who have a, a  
22 warrant for, um, a warrant of eviction, will they be,  
23 is there a mechanism to connect those folks to legal  
24 services representatives?

2 ALIA RAZZAQ: The motions themselves, ah,  
3 include a notice to the respondent, that, or the  
4 person receiving that motion that they might not have  
5 to come to court. It provides them with the  
6 telephone number of the legal services unit for which  
7 they can be assigned a legal service provider.  
8 Additionally, in the courtroom on the hearing date  
9 the legal service providers are present in the  
10 courtroom, or present virtually.

11 CHAIRPERSON LANCMAN: How would you say  
12 the cooperation has been with DCAS in getting courts  
13 ready for real live hearings in a safe manner, and is  
14 there anything that the council can do to assist in,  
15 in, in getting some things done that, that maybe you  
16 would like to see get done, 'cause, you know, we, we,  
17 the city, are the ones that actually own the  
18 courthouses and, and maintain them.

19 ALIA RAZZAQ: So I, I, I would say that  
20 my response to that would be two part. I'm, I want  
21 to say that DCAS through their staff at, at, at all  
22 of our court sites have been extremely cooperative  
23 and stepped up with regard to the maintenance of the  
24 building and, and, and just about anything that we've  
25 asked them to do. I think, um, moving forward and

2 looking at the bigger picture would have to question  
3 if, if the spaces that, that the courts are assigned  
4 um, that are managed by DCAS are, are sufficient to  
5 meet the needs of the court, and so it's, it's, it's  
6 more so a space issue, ah, than, than, ah, an  
7 assistance issue with regard to the work that DCAS  
8 does with [inaudible].

9 CHAIRPERSON LANCMAN: Well, that's all  
10 that I have for the moment. I, I think our  
11 colleagues might have some, some questions. So, ah,  
12 Chair Cornegy if you want to handle the, you know,  
13 picking who those next, ah, that's, that's, I'm good  
14 for now.

15 CHAIRPERSON CORNEGY: I'm sorry, I think  
16 Austin has, has that?

17 COMMITTEE COUNSEL: Sure, Chair. So  
18 I'll, I'll now call on council members to ask  
19 questions in the order they've used the Zoom raise  
20 hand function. Council members, please keep your  
21 questions at three minutes, including responses. If  
22 there is a second round of questioning, council  
23 member questions will be limited to two minutes. The  
24 Sergeant at Arms will keep a timer and let you know  
25

2 when your time is up. So right now we just have  
3 Council Member Cohen.

4 SERGEANT AT ARMS: Time starts now.

5 COUNCIL MEMBER COHEN: Ah, thank you very  
6 much. Ah, it's good to see you, ah, Chairs Lancman  
7 and Cornegy and the rest of my colleagues. Ah, I'm  
8 very curious, um, how you, I mean, is there any way  
9 to gauge what, what, what it's gonna look like in  
10 terms of volume of in, you know, November, December,  
11 I guess really there won't be any evictions,  
12 obviously, from the end of the year, but like we, we  
13 can't have on January 1, you know, a mad dash to the  
14 courthouse. Um, how are we gonna plan for that?  
15 What is that gonna look like?

16 ALIA RAZZAQ: So I, I think, um, there's,  
17 there's, as, as with the pandemic, there, there are  
18 some unknowns. While there were 14,000-some-odd  
19 warrants of eviction issued to the marshals, we don't  
20 know that, that, that all of those are warrants will  
21 be acted on. Um, I, I don't necessarily have the  
22 number. I feel like there was maybe about 2600  
23 warrants of eviction that were issued and the parties  
24 were served. So that takes the number down a bit and  
25 it doesn't mean that we won't have to serve the needs

2 of the 14,000 parties involved in those cases, but  
3 it, it seems like it will, it will be something  
4 paced. That a, a, that the parties seeking to  
5 execute on a warrant, ah, has to make a motion, ah,  
6 that, that it's still under the discretion of the,  
7 the jurist that is hearing that case, whether that  
8 warrant is gonna be executed or not. Um, we are, are  
9 making steps to prepare. Um, we have court users  
10 anecdotally who call. There are some people that are  
11 no longer in those apartments. There's some people  
12 that have left the city. So there's so much unknown  
13 that we don't have, um, to, to apply and a viable  
14 response, I would say.

15 COUNCIL MEMBER COHEN: Ah, I, I

16 understand and, and I am incredibly sympathetic in  
17 terms of the dilemma and the challenges faced. Um,  
18 but on the flip side like I think maybe we need to be  
19 planning and planning in the alternative, um, for,  
20 you know, and I'm not sure that there will be, you  
21 know, on January 1 landlords will be racing to the  
22 courthouse to commence, you know, tens of thousands  
23 of nonpayments. But it's also not out of the realm  
24 of possibility. Um, and I'm very, you know,  
25 obviously I think I and my colleagues are very

2 concerned about like sort of that there is a backlog  
3 of a problem that hasn't quite, you know, manifest  
4 yet, ah, and that we need to be prepared to deal with  
5 it in a humane way.

6 ALIA RAZZAQ: Exactly, I, I agree. I  
7 would say that, again, looking at the snapshot of, of  
8 case filings from last year to this year for that  
9 particular period, June 1 to September 1, um, we're  
10 at a 72% decrease. We continue to view our case  
11 filings. We're monitoring case filings, um, that are  
12 coming in the various ways...

13 SERGEANT AT ARMS: Time expired.

14 ALIA RAZZAQ: We'll adjust according.

15 COUNCIL MEMBER COHEN: You could answer  
16 that.

17 ALIA RAZZAQ: Um, we have also brought  
18 our staff back to operations incrementally and  
19 continue to increase staffing, of course observing,  
20 ah, density in the building and, and social  
21 distancing, so that we can addressing the filings as  
22 they're coming in. And we'll continue to prepare to,  
23 to, um, for what could be the worst, um, and, and  
24 hope that that doesn't occur.

1 COMMITTEE ON HOUSING AND BUILDINGS  
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2 COUNCIL MEMBER COHEN: Ah, thank you. If  
3 there is a second round I have a question or two  
4 more.

5 CHAIRPERSON CORNEGY: Definitely a second  
6 round.

7 COUNCIL MEMBER COHEN: Thank you, Chair.

8 COMMITTEE COUNSEL: This is Council  
9 Member Rosenthal.

10 SERGEANT AT ARMS: Time starts now.

11 COUNCIL MEMBER ROSENTHAL: Thank you,  
12 just, um, thank you and apologies for the lack of  
13 screen. I just want to follow up on Council Member  
14 Cohen's questions. Um, is there a way to keep record  
15 of the people who do not answer the door or, you  
16 know, in some way where you just said perhaps they've  
17 left town but they're not getting the notice. Is  
18 there some way to track that?

19 ALIA RAZZAQ: I'm not sure I understand  
20 the question. But I, I, that is not something that  
21 we track at this time. Um, when, when an action is  
22 filed the, the filing party is required to ensure  
23 that service is made. That is, that, that's the  
24 responsibility of the filing party. In housing court  
25 actions there is a second notice, which is a postcard

2 that is mailed to, ah, the, the respondent and, um,  
3 we do keep, maintain postcards that are returned as  
4 undeliverable, postcards that are returned as party  
5 no longer at this address. So we do have that  
6 mechanism in place. Um, and the...

7 COUNCIL MEMBER ROSENTHAL: That, you've  
8 answered. And then, ah, we'll come back to that in  
9 one second. Real quickly, what languages are in the  
10 letters that are sent from the courthouse or in the  
11 postcards?

12 ALIA RAZZAQ: I can't call them all out  
13 to you at this, there's, there's at least six to nine  
14 languages...

15 COUNCIL MEMBER ROSENTHAL: Oh, OK.

16 ALIA RAZZAQ: In fairness, there's,  
17 there's Russian, there's French, there's Urdo...

18 COUNCIL MEMBER ROSENTHAL: Oh, you  
19 answered my question.

20 ALIA RAZZAQ: OK.

21 COUNCIL MEMBER ROSENTHAL: That's good.  
22 So, so a range, it's sent out with a range of  
23 languages, thank you.

24 ALIA RAZZAQ: Yeah, yes it is.  
25

2 COUNCIL MEMBER ROSENTHAL: Um, and then I  
3 guess the last question, just to go back to it, would  
4 be what you do with the postcards that are returned,  
5 um, and sort of bigger picture policy-wise, sort of  
6 what to make of that?

7 ALIA RAZZAQ: So the, the postcards are,  
8 are stored with the court file. Generally the second  
9 step should a respondent not respond to the court in  
10 a nonpayment case, file an answer, or, um, in a  
11 holdover case not appear the, the petitioner might  
12 seek a default judgment against that party and in  
13 reviewing a case for a, whether a default judgment  
14 should be rendered it's brought to the court's  
15 attention that the postcard was returned as  
16 undeliverable.

17 COMMITTEE COUNSEL: Thank you. So we'll  
18 circle back to our chair before starting a second  
19 round of questions. So if Chairs Cornegy or Lancman  
20 have additional questions?

21 CHAIRPERSON CORNEGY: Ah, yes. So I'd  
22 like to, when we decided as a council that we were  
23 going to, you know, ah, lead this state in, ah, doing  
24 our hearings, um, virtually there was a great deal of  
25 behind-the-scenes, ah, things that had to happen for

2 us to be able to do this, ah, with cyber security  
3 implications and all kind of different things. So a  
4 big shout-out to the speaker and to the staff for  
5 being able to put these together. But it was, it was  
6 no easy feat to be able to do that and have the same  
7 confidentiality and have cyber security. Um, have  
8 you considered the cyber security implications of  
9 holding hearings online and if so can you share the  
10 steps taken to ensure proper cyber security will be  
11 in place for these hearings?

12 ALIA RAZZAQ: I would say that, that,  
13 that, I'm only able to give a short answer to that.  
14 We have, the Office of Court Administration has an  
15 entire unit, um, dedicated to technology. That's our  
16 division of technology. And I would say that our  
17 division of technology carefully reviews, ah, the,  
18 the options with regard to, ah, virtual hearings and,  
19 ah, ensure that our cyber safety is, is, is covered.  
20 Um, I would not be able to give details regarding  
21 that.

22 CHAIRPERSON CORNEGY: OK. Um, so I have  
23 two other questions. One is, ah, something that I  
24 would hope that I never have to ask and I never have  
25 to use this phrase again, which is priority

2 evictions. So with the backlog of evictions, ah,  
3 what's, what's gonna be the protocol or the  
4 methodology in place to determine which of those go  
5 to the forefront? There's gonna be a huge backlog,  
6 there's no way around that, I mean, there's no sense  
7 in us trying to, to sugar coat that. How will you  
8 determine who's first as it comes to these eviction  
9 hearings?

10 ALIA RAZZAQ: Ah, we, we, we don't make a  
11 determination or prioritize, ah, warrants of eviction  
12 or requests for warrants of eviction in any other  
13 manner than those that are received and clocked in  
14 are processed. They're processed in the order that  
15 they come in. The, the, the added measure would be  
16 that they come in with the, a copy of the order  
17 granting them permission to request a warrant of  
18 eviction.

19 CHAIRPERSON CORNEGY: So even, even those  
20 that are on backlog from March will still have that  
21 same protocol? There will be no other protocol  
22 established as it relates to who, which, which of  
23 these hearings are brought first?

24 ALIA RAZZAQ: Right. Thus far the, we  
25 are following the directive of the administrative

2 judge and in order to act on a warrant of eviction  
3 that was issued prior to the pandemic or to request a  
4 warrant of eviction for a matter that a judgment was  
5 rendered prior to the pandemic you must file a motion  
6 requesting that the action that you are seeking is  
7 ordered by a judge and in that motion you're serving  
8 that they may not have to come to court, that they  
9 entitled to legal services and there is a number for  
10 them to call, and that they might not, again, might  
11 not have to attend the hearing, um, in person.

12 CHAIRPERSON CORNEGY: So I, I want to  
13 apologize in advance. It's not my intent to throw  
14 you off. But I'm getting a flood of questions  
15 around, while we spent a great deal of time in this  
16 hearing is centered around evictions, about  
17 foreclosures. Um, is there a different protocol in  
18 place for foreclosures?

19 ALIA RAZZAQ: Um, the most I could I say  
20 regarding foreclosures, because foreclosures are, are  
21 handled by the Supreme Court and I am not  
22 representing the Supreme Court, is that there have  
23 been, um, stays, um, both by the governor and I  
24 believe by the chief administrative judge. But I'm  
25

2 not, unable to speak to, to the process and I  
3 apologize for that.

4 CHAIRPERSON CORNEGY: No problem. Thank  
5 you very much for even addressing that. It was not,  
6 I had no reasonable expectation that you would based  
7 on it being not yours. So thank, thank you for even  
8 responding, ah, to that. That's all I have in, ah,  
9 this round. I'll turn it over to my cochair, ah, the  
10 honorable Rory Lancman.

11 CHAIRPERSON LANCMAN: Thank you very  
12 much. Um, have you seen an increase in ejectment  
13 proceedings in Supreme Court, which is an alternative  
14 route for landlords seeking to, to kick a, a tenant  
15 out.

16 ALIA RAZZAQ: Um, well I'm, I'm not  
17 privileged at this time. I can probably get it, but  
18 to Supreme Court data. With regard to ejectments in  
19 the lower court I can't say that we've seen an  
20 increase.

21 CHAIRPERSON LANCMAN: OK. Sorry, that's  
22 all I have.

23 CHAIRPERSON CORNEGY: I, I do have  
24 another question. So, um, there's been a lot of  
25 talk, well, there's actually been no talk about

2 eviction prevention per se. Has the city conducted  
3 any outreach to New Yorkers who are at high risk of  
4 being evicted?

5 ALIA RAZZAQ: With regard to the court's  
6 perspective that is not necessarily an outreach we  
7 do. Our communication or connection with, with a  
8 person facing eviction most often comes when there is  
9 matter filed against them.

10 CHAIRPERSON CORNEGY: Got it. So, so, so  
11 that doesn't take place in your courtroom. Thank you  
12 again for addressing, ah, giving me some latitude and  
13 addressing something that doesn't necessarily fall  
14 under your, your purview. But as you, as you can  
15 understand, um, with the backlog, ah, and with what's  
16 going forward and with the moratoriums in jeopardy of  
17 being lifted, um, there is grave concern around the  
18 city for what we see if we're not more proactive and  
19 if we don't provide an, an environment for  
20 preventive, prevention to evictions and also  
21 foreclosures, but also if we don't have a system  
22 that's prepared to deal with the onslaught. Ah, and,  
23 and I use those words not to be dramatic, but I can  
24 only imagine what we were facing prior to this, this

2 pandemic and what we'll be seeing with the backlog.

3 So thank you again.

4 ALIA RAZZAQ: Understood. I, I just also  
5 would like to, to mention, since you mentioned  
6 foreclosure, anecdotally, um, some of the users we  
7 serve are those small property owners who, who, who  
8 have, have, might have even prevailed prior to the  
9 pandemic with a judgment against a, a, a respondent,  
10 a tenant and, um, who, um, due to the lack of  
11 resources mention that they could be facing  
12 foreclosure based on the activity or inactivity of  
13 the housing court matter. So there's a slight  
14 connection. Um, I don't know if that's something  
15 that, that, that you are interested in.

16 CHAIRPERSON CORNEGY: A hundred percent.  
17 That's grave, that's of grave concern. A lot of the  
18 units that are affordable units, ah, reside directly  
19 in these smaller units and they're in jeopardy  
20 because of the ability to have this moratorium in  
21 place. Um, now we find homeowners, conversely, who  
22 are, who are, you know, in jeopardy, simultaneously  
23 while there's an eviction proceeding going on there's  
24 a, a subsequent potential for a foreclosure based on  
25 nonpayment of rent. So we are as a city, ah, in a

2 very precarious position. We want to protect and  
3 undergird and be able to build home ownership. Ah,  
4 but in this pandemic it's causing problems not only  
5 for, for tenants, residential tenants, but also for,  
6 ah, homeowners of these smaller properties who rely  
7 solely in some instances on the ability to meet their  
8 mortgage based on their rents being paid. So, so I'm  
9 hearing from both ends. I'm hearing from these small  
10 homeowners, two-, three-, four-unit homeowners who  
11 find themselves in jeopardy of keeping their  
12 properties and maintaining their properties based on  
13 the inability for their tenants to pay rent. So  
14 while they have sympathy, they find themselves in  
15 court almost simultaneously trying to hold to those  
16 properties. So we have, we have a real serious issue  
17 that we have to deal with on both ends. So thank you  
18 for addressing it and even, and even, ah, bringing it  
19 up.

20 ALIA RAZZAQ: You're welcome.

21 CHAIRPERSON CORNEGY: So I know if my  
22 colleague, Mark Gjonaj, were here he, he would say  
23 the same thing because in his district there are a  
24 lot of homeowners who are two-, three-, four-family  
25 homeowners who certainly are flooding his office as

2 well as mine and some other offices of council  
3 members around the district of what are we doing to  
4 help ensure while we're protecting, ah, ah, tenants  
5 from eviction and staving off eviction and making  
6 sure, what are we doing to make sure that those small  
7 homeowners who are the backbone ah, of, of this city,  
8 how, how are we protecting them, in, in the court  
9 system as well. So thank you.

10 ALIA RAZZAQ: You're welcome.

11 CHAIRPERSON CORNEGY: That's, that's all  
12 I have in terms of questions [inaudible].

13 COMMITTEE COUNSEL: If there are no  
14 questions from the chairs we'll circle back to  
15 Council Member Cohen, and the second round of  
16 questions will be limited to two minutes.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER COHEN: OK, thank you  
19 again. You know, again, we're all obviously  
20 concerned about sort of a, you know, a wave of  
21 eviction actions, ah, commenced in 2021, um, and I  
22 realize this is not exactly a sound policy, ah, but  
23 do you think that your, like your capacity, ah, to  
24 process these cases is gonna be sort of a limiting  
25 factor in, in, in the crisis unfolding at, at a pace

2 that maybe the city can manage? Like, in, in the end  
3 of the day how many, how long does it take from, you  
4 know, in early 2021 I commence a nonpayment, ah, or  
5 nonpayment is commenced against me, how long will it  
6 take, ah, do you think, for an order of eviction to  
7 issue?

8 ALIA RAZZAQ: Um, that, that, that's  
9 really hard to speak to, Councilman. It's, it's  
10 really hard to speak to. Um, it's, each case is, is,  
11 though the circumstances may be similar, is  
12 individual and, um, there, there are steps with  
13 regard to, um, the parties involved in the case with  
14 regard to filing an answer. Um, right now we are, we  
15 are receiving answers, um, but we're not yet  
16 scheduling them. Our parties are, are informed that,  
17 ah, a, we've received your answer. However, due to  
18 the pandemic we're, we're not yet scheduling them.  
19 So it's really difficult...

20 COUNCIL MEMBER COHEN: Can I, can I, in  
21 pre-pandemic days, ah, from the date of commencement,  
22 ah, in cases where an order of eviction issued, how  
23 long, how long on average does that take?

24 ALIA RAZZAQ: Um, it, it, it could be  
25 resolved in one court appearances. It's, it's really

2 challenging to, to pinpoint a, an average time  
3 period. But even, even appearances, I mean, you  
4 could get an adjourned date in three weeks, you can  
5 an adjourned date in three months. I mean, I would  
6 imagine OCA does have some data on how long it  
7 takes...

8 SERGEANT AT ARMS: Time expired.

9 ALIA RAZZAQ: I, I would say that we can  
10 probably, um, get hands on the data. I didn't come  
11 prepared with that today and I apologize.

12 COUNCIL MEMBER COHEN: I also. I am, as  
13 Chair Lancman said, we really appreciate your  
14 participate here, ah, it's very helpful. So I just  
15 want to say, make it clear, that I'm very  
16 appreciative. Thank you.

17 ALIA RAZZAQ: Thank you, I appreciate the  
18 opportunity to be here.

19 COMMITTEE COUNSEL: With no further  
20 questions from chairs or council members we will now  
21 turn to testimony from the administration, which will  
22 be followed by testimony from member of the public.  
23 Today we'll hear from Jordan Dressler from the Human  
24 Resources Administration, Sarah Mallory and Lucy  
25 Joffe from the Department of Housing Preservation and

2 Development, and Erin Drinkwater from the Department  
3 of Social Services will also be available for Q&A. I  
4 will now administer the oath. Please raise your  
5 right hands. I will call on each of you individually  
6 to affirm. Do you affirm to tell the truth, the  
7 whole truth, and nothing but the truth before this  
8 committee and to respond honestly to council member  
9 questions? Jordan.

10 JORDAN DRESSLER: Yes.

11 COMMITTEE COUNSEL: Sarah.

12 SARAH MALLORY: Yes.

13 COMMITTEE COUNSEL: Lucy.

14 LUCY JOFFE: Yes.

15 COMMITTEE COUNSEL: And Erin.

16 ERIN DRINKWATER: Yes.

17 COMMITTEE COUNSEL: Great. You may begin  
18 when ready.

19 JORDAN DRESSLER: Thank you. Ah, good  
20 afternoon, Chairs Cornegy and Lancman and, ah, other  
21 members of these committees. Ah, thank you for  
22 inviting me today to appear before your committees  
23 today to discuss the work of the Office of Civil  
24 Justice of the Human Resources Administration. My  
25 name is Jordan Dressler. I am the civil justice

2 coordinator and in that capacity I am proud to  
3 oversee the Office of Civil Justice. I'm joined  
4 today by Sarah Mallory, executive director of  
5 government affairs of the Department of Housing  
6 Preservation and Development, as well as Lucy Joffe  
7 from HPD and Erin Drinkwater from the Department of  
8 Social Services. You know, as you know, OCJ is part  
9 of New York City's HRA, BSS, the nation's largest  
10 social services agency, assisting more than three  
11 million New Yorkers annually through the  
12 administration of a range of public assistance  
13 programs. With the enactment of Local Law 61 in  
14 2015, OCJ was established as a permanent office  
15 within the Human Resources Administration, tasked  
16 with establishing, managing, overseeing, and  
17 monitoring the city's civil legal services programs.  
18 This year we are working with over 70 nonprofit legal  
19 services organizations and partners across the five  
20 boroughs to provide access to legal assistance with  
21 thousands of New Yorkers in need, critical services  
22 that provide low-income and other vulnerable  
23 residents the ability to access and preserve basic  
24 necessities of life, such as stable and affordable  
25 housing, legal immigration status, a fair and safe

2 workplace, and access to government benefits. New  
3 York City recently marked the third anniversary of  
4 the enactment of Local Law 136 of 2017, the city's  
5 landmark right to counsel law and the formal launch  
6 of OCJ's universal access initiative implementing the  
7 right to counsel law. Since that time OCJ has  
8 partnered with RTC and legal providers from across  
9 New York City, as well as court administrators,  
10 judges, and nonjudicial staff to greatly increase the  
11 availability of high-quality legal assistance.  
12 Hundreds of thousands of tenants facing eviction  
13 proceedings in New York City Housing Court have  
14 benefitted from free legal representation and advice  
15 through OCJ's programs. And the citywide rate of  
16 tenants facing their eviction cases with legal  
17 representation in court, which stood at 1% in 2013,  
18 reached 38% in 2019. At the same time, the number of  
19 evictions conducted in New York City has dropped to  
20 historic lows, falling by 41% between 2013 and 2019,  
21 while evictions nationwide are up. We're very proud  
22 of these milestones and achievements, but we  
23 recognize that they are from a different time, before  
24 COVID-19. All of our clients, our neighbors, and our  
25 colleagues have been touched in some way by this

2 crisis, and the aftershocks in New York City Housing  
3 Court will continue to be felt for some time to come.  
4 Today I'd like to share with you how OCJ and its  
5 nonprofit legal service provider partners are working  
6 to ensure that New York City tenants who are facing  
7 eviction have effective access to free legal  
8 assistance during the COVID-19 emergency. As you are  
9 aware, the pandemic has substantially altered  
10 operations in the New York City Housing Court and  
11 both substantive and procedural law have been  
12 transformed through the enactment and implementation  
13 of a series of moratoria, administrative orders, and  
14 legal mandates. As the pandemic began OCJ was well  
15 positioned to move quickly and effectively to address  
16 the emergent circumstances impacting the legal needs.  
17 Our central role in the contracting and  
18 administration of city-funded criminal legal system  
19 programs has enabled OCJ to coordinate among and  
20 between legal services providers, the courts, and  
21 other city offices efficiently and effectively,  
22 ensuring the legal providers and their clients have  
23 had access to reliable information about legal  
24 developments and court and agency operations.  
25 Moreover, we work closely with our agency partners,

3 including the Mayor's Office to Protect Tenants and  
4 HPD to ensure that reliable information about tenant  
5 rights and protections is widely available, including  
6 the recent launch of the city's tenant resource  
7 portal, an online portal that features comprehensive  
8 and up-to-date information about free public and  
9 private resources that can help New York City tenants  
10 prevent their eviction and remain stably housed  
11 through this crisis. Additionally, OCJ's legal  
12 organization partners have participated in hundreds  
13 of education and outreach activities to increase  
14 awareness of tenant protections and the availability  
15 of free legal services since the start of the  
16 pandemic, including virtual town halls, Know Your  
17 Rights sessions, tenant association meetings,  
18 continuing legal education trainings for other  
19 attorneys, radio appearances, and each week DSS  
20 Commissioner Banks shares pertinent information and  
21 takes questions about all HRA programs and client  
22 needs, including legal services and housing court  
23 updates on a weekly call for elected officials, CBO  
24 partners, and advocates. Each week following the  
25 call an informational email is sent to nearly 5000  
recipients. As the emergency has unfolded, OCJ and

2 its partners rapidly recast the legal services we  
3 provide to meet the immediate and urgent needs  
4 experienced by tenants in the city and to make  
5 services widely available, consistent with health and  
6 safety considerations. With courthouses and law  
7 offices transitioning to primarily remote and  
8 telework operations, OCJ's legal services partners  
9 have successfully continued to provide legal intake,  
10 advice, research, and advocacy and representation  
11 services remotely, by phone, video conference, and  
12 electronic filing, and we have updated our contracts  
13 to reflect this new normal of doing business.

14 Working in collaboration with OCJ's legal services  
15 partners, housing court answers, and the mayor's  
16 office we established a housing legal hotline to  
17 provide access to live phone-based legal advice and  
18 assistance provided by our legal services partners.

19 Through this hotline tenants with questions and  
20 concerns about eviction and housing court, as well as  
21 other landlord-tenant issues, are receiving legal  
22 advice and assistance Monday through Friday, 9 to 5.

23 Access to the phone-based legal assistance is  
24 currently available by 311 and the Mayor's Public  
25 Engagement Unit through the city's tenant help lines,

2 and through Housing Court Answers, which is supported  
3 in part by discretionary funding provided by the City  
4 Council and administered by OCJ. Legal advice  
5 services are free and are available to all New York  
6 City residential renters with housing questions or  
7 issues, regardless of income, geography or ZIP code,  
8 or immigration status. In addition, as you have  
9 heard, OCJ worked with the Housing Court to establish  
10 a case referral protocol to connect all unrepresented  
11 tenants who file emergency cases in court with free,  
12 access to free legal representation provided by an  
13 RTCUA provider. Today any unrepresented tenant who  
14 has filed an action to be restored to possession to  
15 their apartment after an illegal lockout who has  
16 filed an HP action for emergency repairs can be  
17 referred to OCJ by the court for free legal  
18 representation by one of our contracted legal  
19 providers. More recently, Chief Administrative Judge  
20 Lauren Marks issued court guidance allowing landlords  
21 to ask the Housing Court to permit pre-pandemic to  
22 move forward. In response, OCJ is working with the  
23 court to ensure that no tenant faces the threat of  
24 eviction without access to free legal representation.  
25 The court is requiring, as you've heard, the court is

2 requiring landlords' motion papers to include  
3 information about how to access free legal assistance  
4 and OCJ is referring unrepresented tenants facing the  
5 enforcement of a pre-pandemic eviction warrant for  
6 reaching out for free legal representation to one of  
7 our providers. In addition to this preconference  
8 protocol, OCJ is standing ready to provide free legal  
9 representation for unrepresented tenants who respond  
10 to motions to proceed with pre-pandemic eviction  
11 warrants by appearing virtually or otherwise for a  
12 scheduled court appearance and we are working with  
13 court administrators and providers to assign counsel  
14 to any tenant at such a conference who wants legal  
15 representation in their case. This initiative is  
16 citywide and it is universal. All tenants who are  
17 currently facing eviction warrants are eligible,  
18 regardless of ZIP code, immigration status, or  
19 whether the tenant may have previously declined or  
20 been found ineligible for legal representation under  
21 the universal access program and regardless of  
22 household income with an income waiver by OCJ.  
23 Complementary to these efforts, OCJ identified  
24 approximately 14,000 households without  
25 representation that had outstanding eviction warrants

2 issued by the Housing Court in 2020 that were not  
3 executed by city marshals pre-pandemic. We reached  
4 out by mail, informing those households of the  
5 availability of free legal assistance through OCJ and  
6 we're now working with legal providers in the public  
7 engagement unit to conduct more targeted outreach to  
8 tenants facing warrant-related motions that are  
9 pending in court. As we move forward and face  
10 unprecedented and likely unexpected challenges the  
11 Office of Civil Justice is committed to continuing to  
12 work hand in hand with all justice system  
13 stakeholders to make civil legal assistance available  
14 and effective for clients. Now more than ever New  
15 Yorkers need a justice system that is fair and  
16 accessible and we are grateful to the City Council  
17 for your support in helping us achieve that goal.  
18 Thank you, and I would be happy to take your  
19 questions.

20 COMMITTEE COUNSEL: Thank you. So before  
21 we actually move forward to chair questions, we're  
22 going to actually redo the oath very quickly. There  
23 were some audio issues. So [inaudible] if you could  
24 answer a little bit louder and we'll space you out so  
25 we can catch it. So please raise your right hand.

2 Do you affirm to tell the truth, the whole truth, and  
3 nothing but the truth in your testimony before this  
4 committee and to respond honestly to council member  
5 questions? I'll start with Jordan Dressler.

6 JORDAN DRESSLER: Yes.

7 COMMITTEE COUNSEL: Sarah Mallory.

8 SARAH MALLORY: I do.

9 COMMITTEE COUNSEL: Lucy Joffe.

10 LUCY JOFFE: Yes, I do.

11 COMMITTEE COUNSEL: And Erin Drinkwater.

12 ERIN DRINKWATER: Yes.

13 COMMITTEE COUNSEL: Great, thank you.

14 We'll now move to chair questions. Chair Cornegy, do  
15 you want to start things off?

16 CHAIRPERSON CORNEGY: Yes. Thank you so  
17 much, ah, for your testimony. Um, I, there's so much  
18 I don't even know where, where to start. Um, but I,  
19 I can ask. How does the agency plan to accommodate a  
20 potential wave of applicants when eviction  
21 moratoriums end?

22 JORDAN DRESSLER: I think there are two  
23 parts to that question. I think perhaps by  
24 applicants, um, the, the chair means, ah, applicants  
25 for rental assistance. But first let me speak to,

2 um, ah, legal services, ah, [inaudible] purview of  
3 the Office of Civil Justice. Um, we have been  
4 working hand in hand with our legal providers and  
5 with the court to meet the needs as they have  
6 developed. Um, ah, Council Member Cohen said  
7 something about a limiting factor, ah, earlier in  
8 terms of, ah, the operations of the court and, um,  
9 you know, we'll obviously be seeing how things  
10 develop, but we believe that's true. For now, ah,  
11 the court's operations have been limited and  
12 therefore the threat of eviction, even, irrespective  
13 of, of the moratoria, the threat of eviction, ah, is  
14 therefore limited. Um, we are making sure that we  
15 are implementing programs and working with our  
16 partners to have legal services available for those  
17 who actually are under the threat of eviction and the  
18 threat of displacement. Um, so when the court was  
19 remaining open for those essential cases in which a  
20 tenant had been, ah, legally locked out we put, ah,  
21 procedures in place to provide, ah, legal  
22 representation for all such tenants. Now that the  
23 court is moving forward with, ah, motions to enforce  
24 pre-pandemic warrants of eviction we have put  
25 procedures in place both prior to the court

2 appearance and in the court appearance to make sure  
3 that legal representation is available to those who  
4 want it. That's just starting now. We're going to  
5 see how it unfolds, but we think it will shine a  
6 light towards how moving forward within the, what you  
7 called the backlog, the, the additional caseload of  
8 pre-pandemic cases that the court will be moving on  
9 to will show how best to do that. Um, but we are  
10 committed to, ah, ensuring that, ah, legal assistance  
11 is available to tenants facing eviction, ah, now more  
12 than ever in this pandemic.

13 CHAIRPERSON CORNEGY: So, um, I, I want  
14 to be the first to say, ah, thank you for the work  
15 that you do. Um, I was on the budget negotiations  
16 meetings. We faced one of the toughest budgets,  
17 obviously, in the history of this city, and we fought  
18 hard, um, myself and my colleagues, to make sure that  
19 the resources were still available to undergird, ah,  
20 our legal service system, um, anticipating the  
21 onslaught that's coming. So, um, but how, how has  
22 the implementation of the right to counsel, ah, being  
23 modified in response to the COVID-19 crisis?

24 JORDAN DRESSLER: Thank you for the  
25 question. It's, um, obviously we have, as, as the

2 court has transformed and as the landscape has  
3 transformed, ah, we have transformed and our  
4 providers have transformed in terms of the, ah, the  
5 approach that we're taking. Ah, whereas before, um,  
6 intake was oriented around, ah, cases newly filed and  
7 therefore [inaudible] in their first appearance in  
8 court shortly after that and, ah, we were taking a  
9 ZIP by ZIP approach, ah, to meet the needs in high-  
10 need neighborhoods, as well as to orient the court  
11 and other court stakeholders to the idea of a  
12 universal access and universal, ah, representation,  
13 ah, bit by bit and phase by phase. We have now  
14 pivoted to an approach where we are meeting the needs  
15 that are most urgent. So if there is a tenant who is  
16 facing a pre-pandemic warrant of eviction that could  
17 be executed sometime after October 1, barring an  
18 intervention, we want to make sure that legal  
19 services are there and that representation is  
20 available. Ah, we have, as I said, issued an income  
21 waiver, ah, to ensure that, ah, even those who may  
22 have income, ah, modestly above 200% of poverty, ah,  
23 will have access to free legal representation if  
24 they're facing such a warrant in the midst of this  
25 crisis, and so, ah, it has required some adjustment.

2 It's required certainly a lot of adjustment and  
3 collaboration with our legal services providers, to  
4 which we are extremely grateful and we are really  
5 inspired by their efforts to, ah, step up and step in  
6 and, ah, provide that protection to tenants in need.  
7 Um, as we move forward and we do so hand in hand with  
8 the court and providers, ah, we think that these will  
9 serve as models for how we, how we do them.

10 CHAIRPERSON CORNEGY: So, so let me just  
11 be clear. You live in a ZIP code where right to  
12 counsel has not been implemented but you find  
13 yourself in housing court due to an issue that's  
14 COVID-related, are you guaranteed free counsel?

15 JORDAN DRESSLER: If you are facing a  
16 pre-pandemic warrant of eviction, which is the only,  
17 the only, and the landlord has duly filed a motion to  
18 bring that case back to court for a decision by the  
19 judge and whether or not that eviction can proceed  
20 and the marshal can proceed, ah, you have access to  
21 free legal representation, regardless of your ZIP  
22 code. The other cases that the court is currently  
23 hearing already involve cases in which counsel has  
24 been, ah, retained by, ah, the tenant. And when I  
25 say retained I mean, I mean the tenant is represented

2 by counsel. Ah, there are thousands of such cases  
3 and for the last several months the court has been  
4 hearing those cases by way of virtual conferences.  
5 Ah, the reason there are thousands of those cases is  
6 because we've done a good job of increasing the rate  
7 of representation in housing court for the last  
8 several years. Ah, it was as high 38%, ah, when, ah,  
9 the end of calendar year 2019, ah, those cases were  
10 immediately frozen, ah, at the beginning of the  
11 pandemic and, ah, the housing court began to hear  
12 those two attorney conferences that I think you heard  
13 Mr. Zack say, ah, over the last several months. The,  
14 the work on those cases continues. Now that there is  
15 a new component of the work happening in housing  
16 court that could involve unrepresented tenants, ah,  
17 we will quickly, ah, along with our partners, some of  
18 whom you'll hear from later today, ah, to have  
19 procedures in place to ensure that those  
20 unrepresented tenants would have access to legal  
21 representation, again regardless of ZIP code.

22 CHAIRPERSON CORNEGY: Ah, thank you so  
23 much. I have more questions, but I'll do them on a  
24 second round. I defer now to the honorable Rory  
25 Lancman, my cochair.

2 CHAIRPERSON LANCMAN: Thank you very  
3 much. Um, you referenced in your testimony, um,  
4 we've updated our contracts to reflect this new  
5 normal of doing business. Could you talk about that,  
6 how those contracts have been updated?

7 JORDAN DRESSLER: Sure, I mean, the, the,  
8 the contracts were written at a time when, ah,  
9 physical contact or physical presence with a client  
10 was simply assumed, um, and issues around signatures  
11 and retrieving documents, ah, were not obstacles, and  
12 we quickly realized we had to update those contracts,  
13 um, to reflect, ah, the new normal of working  
14 remotely and connecting with, ah, clients and  
15 potential clients electronically. Um, a separate  
16 track, we are working closely with our providers to  
17 assess COVID-related costs that they might be  
18 incurring. Ah, that's a process that is, ah, being  
19 sort of centrally handled by the Office of Management  
20 and Budget, um, but, ah, we are in touch with all  
21 providers about what those needs might look like, be  
22 they related to technology, training, ah, and other  
23 reforms to practice that are just necessary in light  
24 of, um, pandemic and health and safety regulations.

2 CHAIRPERSON LANCMAN: All right. Well,  
3 we're gonna hear from the legal service providers,  
4 ah, later and the way these things are structured is  
5 by then you won't be in the witness seat. I hope you  
6 do stick around, um, but I won't be able to come back  
7 to you. So is there anything that, that I can  
8 anticipate that the provider is saying in terms of  
9 their concerns or satisfaction with the process that,  
10 that I could address with you now?

11 JORDAN DRESSLER: I, I would expect that  
12 they would be satisfied with the process as we've  
13 been moving forward in it. I, I or a member of my  
14 team will be listening and we'll be listening to see  
15 if that's not the case.

16 CHAIRPERSON LANCMAN: OK, I appreciate  
17 that. Um, you know, when we, when you testified  
18 earlier, I think it was earlier this year, ah, we  
19 talked about the expansion of universal access  
20 according to, to the law. Obviously the pandemic has  
21 upended everything. But, um, is that still or is that  
22 going to be on track? How do you anticipate this  
23 enormous pause in, in, in the legal process impacting  
24 the continued roll-out of universal access?

2 JORDAN DRESSLER: Let me answer it this  
3 way, from an administration support perspective and  
4 from the perspective of, ah, looking to move forward,  
5 ah, we are on track. As Chair Cornegy said, we are,  
6 ah, pleased, um, about the state of the budget, now  
7 more than ever, um, knowing all the challenges that,  
8 ah, the city and, and all of us are facing. Um, but,  
9 ah, we are well resourced for this year and we are,  
10 ah, resourced for full implementation in the coming  
11 fiscal year. Um, much of the implementation will  
12 turn on the ability of our providers to, um, hire up,  
13 meet that capacity. Um, there are unique challenges  
14 to some of that now, which I'm sure some of the  
15 providers can speak to. Um, some may be relating to  
16 the bar exam, ah, some may be relating to, ah, just  
17 challenges with onboarding staff. Um, we've been in  
18 touch with our providers and we know that it calls  
19 for creativity and innovation in terms of, ah,  
20 service delivery and staffing models and those  
21 dialogues continue. But, ah, we are committed to  
22 meeting the needs as they emerge. Um, certainly with  
23 respect to the work that is happening right now and  
24 is just starting to begin, ah, in terms of, ah, the  
25 court's work involving, ah, pre-pandemic warrants of

2 eviction where New York City tenants may be at a more  
3 immediate threat of eviction in the absence of  
4 intervention after the moratoria are lifted. Ah, we  
5 thought it was appropriate to implement a full  
6 representation model and ensure that whether someone  
7 was reaching out prior to that court date or is  
8 appearing virtually or otherwise on that court date  
9 the legal services were there and legal  
10 representation was available, and so that's what  
11 we've done. Ah, it's begun, ah, in the Bronx and  
12 Staten Island just this week. So, ah, there's,  
13 there's no data to point to, but, ah, we are, we are  
14 pleased with the run up to that, ah, the launch of  
15 that process and, ah, you know, so much will turn on  
16 the ability of the court, the capacity of the court.  
17 Um, we expect to be in dialogue in respect to that.

18 CHAIRPERSON LANCMAN: Are, are you  
19 seeing, I'm going to ask the legal service providers  
20 this, of course, but, but are you seeing an increase  
21 in ejection proceedings in the Supreme Court, and I  
22 know that it had been, I believe it had been the  
23 practice that legal service providers could, could  
24 apply or ask for, um, permission under, under UA to,  
25 to do those proceedings as well?

2 JORDAN DRESSLER: We, we have not, um,  
3 and we, ah, have been in touch with providers and  
4 advocates about whether this, ah, sort of opting for  
5 an ejection action, ah, was, was happening in  
6 earnest. Um, the feedback we've gotten is that it  
7 wasn't, and we put our providers on notice that  
8 should they learn of any ejection action in the  
9 midst of this crisis they should let us know  
10 immediately so we could talk about what appropriate  
11 support looks like. Um, we, it is on our radar. Um,  
12 it does not seem to have manifested, um, but we are  
13 keeping an eye on it and we'll certainly be looking  
14 to address it if it becomes an alternative route for  
15 legal displacement. Um, we're certainly open to  
16 feedback if, if folks are hearing otherwise. But,  
17 um, it's something that we are sensitive to and, ah,  
18 it's something that we will be keeping an eye on.

19 CHAIRPERSON LANCMAN: All right. Um, ah,  
20 that's all I have for now.

21 CHAIRPERSON CORNEGY: So I don't know if  
22 we have, ah, any other of the members who have  
23 questions?

24 COMMITTEE COUNSEL: We do. We can go to  
25 those first when return to the chairs, if you have

2 any more. Um, I'll, I'll now call on council members  
3 to ask questions in the order they have used the Zoom  
4 raise hand function. As a reminder, keep this first  
5 round of questions to three minutes, including  
6 responses, and the second round will be two minutes.  
7 Ah, we had Council Member Cohen.

8 SERGEANT AT ARMS: Time starts now.

9 COUNCIL MEMBER COHEN: Ah, thank you very  
10 much for your testimony. Um, you mentioned at the  
11 end of the, ah, your last answer, ah, court capacity.  
12 And, you know, a lot of people, you know, advocates  
13 are concerned about, you know, are looking for a sort  
14 of macro policy, ah, to help tenants that, ah, you  
15 know, I'm not sure what the answer is, ah, but if  
16 court capacity can, I mean, I don't what court  
17 capacity is going to be going forward, but that could  
18 obviously be an incredibly limiting factor, ah, in  
19 the, you know, in people facing eviction, if the  
20 court can't process the, the nonpayment action, ah,  
21 even, you know, even, you know, where there is no  
22 defense. Um, do you have a sense of what the court,  
23 what you think the capacity is going to be like going  
24 forward and, ah, if you think that that's going to  
25

2 sort of, um, nurse out the problem in a way that we  
3 could maybe, that, that might be manageable?

4 JORDAN DRESSLER: It's very hard to say  
5 and, um, I, I would certainly, you know, I, I would  
6 defer to the Office of Court Administration on any of  
7 those assessments, and, and we've heard what, what  
8 they had to say. One other sort of variable that I  
9 would, um, inject into this, which I think will be  
10 key, and certainly legal providers can speak to this  
11 in greater detail, is, ah, sort of the complexion of  
12 the litigation that actually is happening. Um, even  
13 before, ah, the pandemic, if we can remember a time,  
14 ah, ah, Housing Court was in the process of  
15 transformation, first with the introduction of a  
16 tremendous number of creative and inventive and  
17 dedicated, ah, legal services attorneys defending  
18 tenants and really making the law through the  
19 introduction of new legal arguments, making motions  
20 resulting in decisions. Um, on top of that we had  
21 the introduction of the new rent laws in the spring  
22 of last year which opened up, ah, new grounds in many  
23 cases for, ah, either mitigation or outright  
24 elimination of the threat of eviction. Um, now we  
25 have new issues that are at play, um, and, ah, I

2 think it still remains to be seen what cases will  
3 actually look like in court and, of course, the, the  
4 needs, ah, to ligate, the needs to have hearings, if  
5 that's need, if that's necessary, are going to inform  
6 the pace of the court in moving cases along. Um, I  
7 think what, what I will say is that, ah, we have  
8 extraordinary dialogue with the court and  
9 extraordinary dialogue with our providers. Um, we're  
10 very happy to be the Office of Civil Justice at this  
11 time and be sort of the central coordinating point on  
12 this.

13 COUNCIL MEMBER COHEN: Let me just ask  
14 you this, then. I mean, do you, what do you think  
15 the landscape in terms of...

16 SERGEANT AT ARMS: Time expired.

17 COUNCIL MEMBER COHEN: ...eviction actions  
18 is gonna look like in, in the middle of next year, in  
19 the middle of 2021? Is, is the courthouse gonna be  
20 just flooded with, with cases? Do, do you think that  
21 that's not gonna happen based on the state of the law  
22 and, and the evolving landscape? Again, if we're  
23 trying to, you know, proactively, ah, form a response  
24 to this problem I'd like to know what your people,  
25 experts think that the problem is gonna look like?

2 JORDAN DRESSLER: Ah, I appreciate the  
3 question. Unfortunately, I'm not sure I have a  
4 satisfying answer. It is just there are many, many  
5 variables here and they seem to change, ah, often  
6 and, and, of course, the largest variable in all of  
7 this which, ah, I am by no means an expert in, ah,  
8 are the health and safety dynamics out there, and so  
9 much will turn on that. So I think that, that's  
10 unfortunately the most satisfying answer I can  
11 provide.

12 COUNCIL MEMBER COHEN: Ah, I appreciate  
13 that. Thank you, Chairs.

14 COMMITTEE COUNSEL: Next up for questions  
15 is Council Member Grodenchik.

16 SERGEANT AT ARMS: Time starts now.

17 COUNCIL MEMBER GRODENCHIK: Thank you,  
18 um, thank you, ah, Chair Cornegy, um, my chair, and,  
19 ah, Chair Lancman. I don't often have the pleasure  
20 of sharing time with Chair Lancman, but, um, I do  
21 today. My, my question maybe is a little, um, you  
22 know, putting the cart before the horse. I don't  
23 know what the right analogy is or the, the, my  
24 question is how do we prevent people, or how are we  
25 preventing people currently from even getting into

2 the legal system now? I know that, um, in the past,  
3 and maybe this is really a question for a General  
4 Welfare Committee hearing, um, combined with Housing  
5 and Buildings, but, um, what are we doing to keep  
6 people from getting there? I know that in, in, today  
7 and in times past, um, people could be helped with a  
8 one-shot assistance and, um, I wonder if somebody  
9 could talk about that. My, my great fear, um, having  
10 sat on General Welfare and Housing and Buildings, ah,  
11 for almost five, my, my time in the council, um, and  
12 it's, I think, a great fear that's shared by  
13 everybody here is, is a massive wave of evictions  
14 and, um, we just don't have, um, the capacity to deal  
15 with that and I think it would be a, a disaster of  
16 the human proportions that the city hasn't seen in,  
17 in decades, and none of us, um, since the Great  
18 Depression have had to deal with that. Um, we know  
19 that the numbers of homeless, ah, families seeking  
20 shelter are down, um, somewhat. Um, but my real  
21 question is how are we preventing people from even  
22 getting to court in the first place? And I'll take  
23 that answer, Mr. Dressler, if you'd like to try.

24

25

2 JORDAN DRESSLER: Ah, I was going to  
3 defer to my colleague, ah, Erin Drinkwater, who I  
4 think is...

5 COUNCIL MEMBER GRODENCHIK: Ms.  
6 Drinkwater, I'd be happy to hear from you, too.

7 ERIN DRINKWATER: Good afternoon, Council  
8 Member. Thank you for the question. Um, so in  
9 addition to the legal services that my colleague, Mr.  
10 Dressler, was speaking to, um, you're absolutely  
11 correct in that, ah, individuals can still apply for  
12 one-shot deals to pay rent and utility assistance,  
13 ah, arrears that they might have, um, as well as  
14 apply for, ah, rental assistance, ah, that they might  
15 need. So those programs continue to be available.  
16 Um, while we know that, um, evictions are not moving  
17 forward, um, in large part, ah, clients can still  
18 come to us through our home-based providers, um, the  
19 26 locations across the city. Ah, they're virtually  
20 operating, ah, in this environment and clients can  
21 work with them to receive assistance to avoid entry  
22 into shelter.

23 COUNCIL MEMBER GRODENCHIK: Are we seeing  
24 an uptick, and I would, I, you know, I have to think  
25 that there's been an increase in the number of people

2 seeking that assistance given the economic realities  
3 we're facing.

4 ERIN DRINKWATER: Um, I don't have the, I  
5 don't have the latest data, um, but what we do know  
6 is that we continue to share the information about,  
7 ah...

8 SERGEANT AT ARMS: Time expired.

9 ERIN DRINKWATER: ...[inaudible] ah, and  
10 the availability of those services, encouraging, ah,  
11 New Yorkers who are in need of assistance to apply so  
12 we can ensure that, ah, the best resource could be  
13 made available to them.

14 COUNCIL MEMBER GRODENCHIK: Yeah, I mean,  
15 it's a lot, it's a lot cheaper and it's a lot better,  
16 ah, for everybody involved, um, that we prevent  
17 evictions, um, if we have to pay the rent that's  
18 fine, it's a lot cheaper in the long run, ah, for the  
19 taxpayers and it's a lot better for the families,  
20 obviously. Ah, that's gotta be our first concern,  
21 um, if we can stave that off and, ah, put them on the  
22 proper footing. So I'm sure we're gonna be talking  
23 about this a lot more in, um, coming months and in  
24 coming hearings. But I thank you, ah, thank you for,

2 ah, answering that question, both of you, and I thank  
3 the Chair for your indulgence. Thank you.

4 COMMITTEE COUNSEL: Next up for questions  
5 is Council Member Rosenthal.

6 SERGEANT AT ARMS: Time starts now.

7 COUNCIL MEMBER ROSENTHAL: Thank you, um,  
8 appreciate all the hard work that you're doing. In  
9 fact, my questions, I hope, reflect, ah, how much I  
10 appreciate the work that all three of you are doing,  
11 um, the work of your offices. Um, I, I'm worried  
12 about two things. One, people slipping through the  
13 cracks for whatever reason and just not getting an  
14 access to a lawyer. And, second, I'm worried about  
15 people who have gotten a one shot but need another  
16 one shot. And I guess, third, I'm worried about  
17 whether or not we're paying our nonprofits enough  
18 money to hire lawyers and to be able to function, um,  
19 as well. So those are basically my three questions.  
20 The first one, um, I'm wondering if there's one more  
21 step that could be, um, put into the process, which  
22 is could a letter go, or maybe this already happens,  
23 but a letter go from HRA, from the Office of, um,  
24 Civil and Legal to tenants prior to a sheriff going  
25 out to actually physically evict someone.

2 JORDAN DRESSLER: Um, thank you, Council  
3 Member, for both the question and for the continuing  
4 support for the work you are doing. It is  
5 appreciated. Um, we are, ah, taking a fresh look at  
6 outreach. First, I should point out that in addition  
7 to the letters that we sent to, um, ah, you know,  
8 thousands of, of tenants who, ah, may be facing  
9 eviction warrants, ah, from prior to the pandemic,  
10 um, there have been larger efforts, um, to get the  
11 word out about the availability of legal information  
12 and advice and access to legal representation. So  
13 earlier in the spring, ah, with the launch of the  
14 Tenant Help Line that's accessible by 311, ah, we  
15 partnered with the mayor's office to protect tenants  
16 [inaudible] engagement unit, um, and put something in  
17 the neighborhood of 1.4 million, million, ah,  
18 postcards, ah, into, ah, neighborhoods identified as  
19 high need, ah, with the, the information about if you  
20 have questions, if you're facing an eviction call 311  
21 so you can get some legal help. Um, on the, that's  
22 sort of at a broad level. At a more micro level, one  
23 thing that we have put in place now that we are  
24 launching this, ah, sort of novel effort to have  
25 legal services, ah, providers, ah, present and

2 assisting and able to offer full legal representation  
3 to those who, ah, respond to these, ah, motions to  
4 enforce the warrants, ah, is that we are working with  
5 those providers to identify those tenants who don't.  
6 And, ah, we're working out the kinks, whether it's...

7 SERGEANT AT ARMS: Time expired.

8 JORDAN DRESSLER: ...[inaudible] reach out  
9 or the providers themselves who reach out, ah, we're  
10 happy to be reaching out, ah, in any way we can to  
11 that, you know, now identified number of tenants who  
12 are, ah, potentially facing, ah, a warrant of  
13 eviction and, ah, and for whatever reason did not,  
14 ah, respond to that motion, did not appear in court,  
15 did not appear in the virtual conference to offer  
16 them, ah, access to free legal representation. So,  
17 ah, we're trying to work out outreach on both sets.

18 COUNCIL MEMBER ROSENTHAL: Chairs, with  
19 your permission, can I ask, um, the panel to keep  
20 answering my questions?

21 CHAIRPERSON CORNEGY: Yes, ma'am.

22 COUNCIL MEMBER ROSENTHAL: Thank you.  
23 So, um, another question, Jordan, was do you think  
24 that, um, are the nonprofits being paid adequately  
25 for the service we're asking them to do?

2 JORDAN DRESSLER: I mean, I, look, when,  
3 when we talk about the budget for, ah, right to  
4 counsel, um, what we're talking about is a budget for  
5 nonprofit legal work.

6 COUNCIL MEMBER ROSENTHAL: Um-hmm.

7 JORDAN DRESSLER: Um, this is a budget  
8 that, ah, even in the face of, ah, tremendous budget  
9 constraints, um, still grew and grew substantially in  
10 fiscal year 21 as compared to fiscal year 20, and is  
11 a far cry from what legal services, ah, was funded  
12 at, ah, back in fiscal year 2013, um, before the  
13 beginning of the administration. So I think our, I,  
14 I think our investment is sound and we continue to  
15 work with providers to make, to make funding  
16 available, to make resources available, um, if  
17 they're able to make use of it. I, I think that  
18 there are external factors, and maybe some of the  
19 providers will speak to this, um, that could limit  
20 capacity, um, and now more than ever, ah, there are  
21 issues around onboarding and around identifying, ah,  
22 not just any old attorney, but an attorney, ah, to  
23 hire or to, ah, promote who is dedicated to the work,  
24 and will be doing the work at the...

25 COUNCIL MEMBER ROSENTHAL: Yep.

2 JORDAN DRESSLER: ...kind of levels that  
3 we all want to see.

4 COUNCIL MEMBER ROSENTHAL: Yeah.

5 JORDAN DRESSLER: So, I think, you know,  
6 we continue to work through those issues and, ah,  
7 obviously capacity continues to grow and we think  
8 we're in a good place.

9 COUNCIL MEMBER ROSENTHAL: I guess where  
10 I would leave that is I look forward to hearing the  
11 testimony from the providers. I'm gonna posit that  
12 they could use more funding. Um, and I'm also gonna  
13 posit we're in a fiscal crisis, so I get it, but also  
14 facing the largest, you know, eviction crisis that  
15 we've ever lived through in our lives. Um, I forget  
16 what my third question was now. So I guess we're  
17 gonna leave at that. If, if you remember you can  
18 answer.

19 JORDAN DRESSLER: I, I don't, and I'm not  
20 just saying that. It was the, the excitement of the  
21 first question...

22 COUNCIL MEMBER ROSENTHAL: I think we hit  
23 it.

24 JORDAN DRESSLER: ...[inaudible]  
25 directed.

2 COUNCIL MEMBER ROSENTHAL: All right.  
3 Thank you very much. Thanks, Chairs.

4 COMMITTEE COUNSEL: Seeing no additional  
5 council member questions we'll turn back to the  
6 chairs for a second round of questioning if you have  
7 any more.

8 CHAIRPERSON CORNEGY: Actually, I think  
9 my colleagues have been pretty thorough in asking the  
10 questions, some of which were on my mind as well. So  
11 I, I don't have another question.

12 COMMITTEE COUNSEL: Chair Lancman?

13 CHAIRPERSON LANCMAN: I do want to drill  
14 down a little bit on the, um, the one-shot  
15 applications and, and probably this is more, ah, for,  
16 um, Ms. Drinkwater, unless it's for Mr. Dressler, but  
17 whoever can answer it I'll take it. How the one-shot  
18 applications by tenants who have not yet been served  
19 with rent demand notices, um, prioritized relative to  
20 those who, who have been served?

21 ERIN DRINKWATER: Thank you for the  
22 question. Um, so we, we look at and take into  
23 consideration the applications based on individual  
24 circumstances. Obviously we have resources that in  
25 other circumstances have not been made available, ah,

2 to individuals who have not been able to pay their  
3 rent due to loss of employment or loss of income, um,  
4 namely the state, ah, administered the DHCR program,  
5 ah, for COVID rent relief. Um, so we look at sort of  
6 the totality of circumstances in which a client is  
7 coming, ah, before the agency in need of a one-shot  
8 deal to pay rental assistance and/or utility  
9 assistance, um, recognizing that we want to  
10 prioritize, um, those who are facing an eviction  
11 proceeding. And I don't know if Jordan wants to add  
12 anything.

13 JORDAN DRESSLER: [inaudible]. That's  
14 fine.

15 CHAIRPERSON LANCMAN: Um, and how is HRA  
16 coordinating with OCJ and legal service providers to  
17 ensure that tenants who have eviction cases are able  
18 to access rental assistance?

19 JORDAN DRESSLER: I can speak to that  
20 briefly. As the, ah, as the emergency, ah, unfolded  
21 and as the court, ah, reopened, ah, to hear cases  
22 that already involved, ah, attorneys on both sides,  
23 um, ah, the Homelessness Prevention Administration of  
24 HRA, um, set up a special email address, a special  
25 protocol, um, so that legal service providers could

2 reach out directly and prioritize, ah, those  
3 applications, highlight those applications as they  
4 related to, ah, cases that were now, ah, ongoing and  
5 could be, ah, ah, settled and resolved. Um, and so  
6 that was something that was put in place sometime  
7 between March and now. Um, ah, it probably had been  
8 up for a couple months now, um, and that's been just  
9 another sort of tool in the tool box in the, ah,  
10 triaging and highlighting what [inaudible] case.

11 CHAIRPERSON LANCMAN: And, um, in  
12 holdover cases, not the, the nonpayment cases, but in  
13 holdover cases, um, are there additional resources or  
14 initiatives that HRA has to offer tenants who are  
15 facing, ah, homelessness? Like if their, if their  
16 lease is up or they're in an unregulated apartment?

17 JORDAN DRESSLER: Well, I mean, I, I  
18 think the, the, the fact of a holdover proceeding  
19 brought against a tenant does not necessarily mean  
20 that that tenant is going to be evicted. Um, it's,  
21 you know, the, the work of our legal service  
22 providers to, ah, ah, either eliminate or delay, ah,  
23 that possibility, um, through, ah, you know,  
24 highlighting legal issues, bringing motions, um, is  
25 real and, ah, is, ah, something that has to be

2 considered here. Um, so I think, you know, the, the  
3 fact of a legal intervention alone, um, is obviously  
4 a, a defense to an eviction proceeding.

5 CHAIRPERSON LANCMAN: OK. Thank you very  
6 much.

7 COMMITTEE COUNSEL: All right. Seeing no  
8 additional questions, we will now to turn to  
9 testimony from members of the public. I'd like to  
10 remind everyone that unlike our in-person council  
11 hearings we'll be calling on individuals one by one  
12 to testify. Once your name is called a member of our  
13 staff will unmute you and the Sergeant at Arms will  
14 set the timer and announce you may begin. Your  
15 testimony will be limited to two minutes. I would  
16 now like to welcome Michael McKee, followed by Lauren  
17 Price.

18 SERGEANT AT ARMS: Time starts now.

19 MICHAEL MCKEE: Hello, good morning or I  
20 guess it's afternoon by now, ah, Chair Cornegy, ah,  
21 Chair, um, Lancman, and other members of the council.  
22 My name is Michael McKee. I'm the treasurer of the  
23 [inaudible] Political Action Committee. Um, I'm not  
24 gonna read my, ah, written testimony, which I assume  
25 you will see. Ah, I want to start out by praising

3 the City of New York for making a real effort to make  
4 sure that tenants get representation and advice. Um,  
5 there's a lot we can criticize the city for and I  
6 won't go into that, um, but I think it's very clear  
7 that both the, um, administration as well as the  
8 courts are making a real genuine effort to make sure  
9 that tenants have access to advice and  
10 representation. The council is largely responsible  
11 for this also in terms of the recent, ah, ah, changes  
12 you've made to providing more funding for legal  
13 representation. It's been a very big sea change and  
14 I'm sure Jenny Laurie of Housing Court Answers will  
15 be able to testify more about this. Um, I'm urging  
16 you to do everything you can to persuade the State of  
17 New York, the State Legislature, and the governor to  
18 extend the moratorium on evictions beyond October 1.  
19 Ah, we are supporting a bill by Senator Zellnor Myrie  
20 of Brooklyn and Assembly Member Karen Corines Reyes  
21 of Bronx that would extend the moratorium statewide,  
22 ah, for the duration of the emergency and a time  
23 after that. Um, if this is not, if this doesn't  
24 happen we're going to have a disaster on our hands,  
25 which all of you understand. And this will be much  
worse for communities of color, low-income tenants,

2 who have already been, ah, disproportionately  
3 impacted by this virus. So I'm urging you to do  
4 everything you can to persuade the State Legislature  
5 to pass this bill and the governor to sign it before  
6 we have a disaster on our hands. Thank you very  
7 much.

8 COMMITTEE COUNSEL: Thank you. We'll now  
9 hear from Lauren Price, followed by Michael Etra.

10 SERGEANT AT ARMS: Time starts now.

11 LAUREN PRICE: Good morning. Thank you  
12 for the opportunity to testify. My name is Lauren  
13 Price. I'm a senior staff attorney at the Civil  
14 Justice Practice at Brooklyn Defender Services. I'm  
15 also a cochair of the Brooklyn Tenant Lawyers  
16 Network, which is an association of legal services  
17 lawyers who represent tenants [inaudible] attorney.  
18 I want to be clear that based on what I've heard here  
19 today the CDC moratorium through the end of the year  
20 is far from short of universal. It only protects a  
21 very specific subset of people with the burden on the  
22 tenant to prove that they fall under its protections.  
23 It will not prevent an influx of housing court cases.  
24 It will not prevent eviction of the 42% of  
25 unregulated tenants in the city, and it will not

3 prevent landlords from [inaudible] causes to evict  
4 the rest. [inaudible] assigning representation to  
5 tenants without tenants rights protected and, more  
6 importantly, arrears assistance, will not stem the  
7 tied of evictions. In fact, I've already received a  
8 motion requesting to evict my client immediately  
9 after October 1 on a no-cause holdover case based on  
10 lease expiration. My client had agreed to move out  
11 of the apartment by the end of March. Before she  
12 even had the chance the city shut down. We need  
13 urgent action on a local level and within the next  
14 two weeks. Otherwise, the city is guaranteed to face  
15 an eviction crisis and unprecedented homeless  
16 populations as there is no affordable housing left in  
17 the city. This will, of course, bring about a new  
18 wave of infections. Much like COVID, this crisis  
19 will disproportionately impact black and other  
20 tenants of color in New York City. We need  
21 legislative and policy solutions, and I echo Mr.  
22 McKee's support of the legislation in the state  
23 level. At my office we have an affordable housing  
24 search specialist who assists clients with the  
25 challenges of relocation. This week she reported  
nine available apartments citywide within the price

2 range for city vouchers, and only seven available  
3 with the entire lottery housing system. Within 24  
4 hours all those listings were gone. This is before  
5 the eviction crisis has even begun. However, there  
6 are steps that the city can take to address this  
7 crisis. First, the city must extend the...

8 SERGEANT AT ARMS: Time expired.

9 LAUREN PRICE: ...universal eviction  
10 moratorium. Or in two short weeks we'll see an  
11 influx of housing court cases and an unsafe  
12 courthouse and mass evictions shortly thereafter. We  
13 also support, of course, um, all the efforts to  
14 extend rental assistance and we urge HRA to expand  
15 eligibility for that assistance. Thank you for the  
16 opportunity to appear today and discuss these issues.

17 CHAIRPERSON CORNEGY: All right, thank  
18 you.

19 CHAIRPERSON LANCMAN: Rob, I, I have a  
20 question if you're not, if you don't have one.

21 CHAIRPERSON CORNEGY: Yes, Rory, I have  
22 no questions.

23 CHAIRPERSON LANCMAN: OK. Um, Ms. Price,  
24 you used the term unsafe courthouses. Is, is that,  
25 um, anything in particular you want to tell us that

2 we might want to urge DCAS and OCA to, to deal with,  
3 or do you just mean generally in the context of we're  
4 in the middle of a pandemic and people shouldn't be  
5 forced to, to congregate.

6 LAUREN PRICE: Of course generally in the  
7 context of a pandemic, but particularly in a  
8 courthouse that I have practiced in, 141 Livingston,  
9 um, there's been plenty of publicity around the city  
10 about how this is a uniquely unsafe building. Um,  
11 Ms. Razzaq testified that a lot of the trials and  
12 hearings that are going to be happening will be  
13 taking place at the Supreme Court building in  
14 Brooklyn, which is somewhat better. At least it's a  
15 modern building where I think there are air filters.  
16 But, um, 141 is not usable and that's where these  
17 motions about eviction execution will be taking  
18 place. Mine is scheduled for the second week of  
19 October. I don't have to appear in person because  
20 I'm a lawyer, I can come on Skype. But unrepresented  
21 tenants of people who don't get connected to counsel  
22 before the hearing takes place will have to be there.  
23 Additionally, this is a terrifying proportion, to get  
24 a motion that says you're, the landlord wants to act  
25 on this eviction notice. I'm sure people will be

2 flooding the courthouse when they start getting them  
3 in October and beyond.

4 CHAIRPERSON LANCMAN: We're gonna hear  
5 from a lot of legal service providers, but you're the  
6 first one up, so, um, could you share with us the  
7 challenges of representing people virtually,  
8 particularly where some of these people might, um,  
9 have difficulty accessing the kind of technology  
10 that, that you and I are able to in our fancy offices  
11 and homes? You're, you're muted. I've unmuted.

12 LAUREN PRICE: [inaudible] permission to  
13 unmute.

14 CHAIRPERSON LANCMAN: There you go.

15 LAUREN PRICE: Um, I, yes, virtual  
16 appearances are challenging. It's not the same as  
17 appearing in person. There's obviously the  
18 awkwardness of communication, and for my clients,  
19 even if they have perhaps a smart phone and perhaps  
20 it has a video that they could turn on, that doesn't  
21 mean they have a space that's quiet. I barely have a  
22 space that's quiet. You can hear the construction  
23 outside of my home. For people who are less stable  
24 or overcrowded housing this is even more of a  
25 challenge, and that doesn't even get to people with

2 disabilities or with limited English language ability  
3 who aren't able to express themselves in this kind of  
4 environment.

5 CHAIRPERSON CORNEGY: Good afternoon.

6 CHAIRPERSON LANCMAN: And how would you,  
7 um, describe your, the, the work that you've done  
8 with, um, the Office of Civil Justice, or your  
9 organization has done with the Office of Civil  
10 Justice to adjust to this reality?

11 LAUREN PRICE: I think that question is  
12 probably better answered with some of the offices  
13 that are assigned, um, in the universal access  
14 program. We have received some referrals from the  
15 Office of Civil Justice, but we aren't one of the,  
16 um, universal access providers.

17 CHAIRPERSON LANCMAN: OK, all right.  
18 Thank you very much.

19 LAUREN PRICE: Thank you.

20 COMMITTEE COUNSEL: We will now have  
21 questions from Council Member Cohen.

22 SERGEANT AT ARMS: Time starts now.

23 COUNCIL MEMBER COHEN: Thank you very  
24 much. I just got the pizza, my pizza [laughs].  
25 Thank you very much. Ah, and thank you for taking

2 the time to testifying. Ah, again, I guess I'm  
3 focusing on the same, the same theme. Um, you're  
4 particularly concerned about, ah, the start of  
5 October. Again, I'm not convinced that the, the  
6 courthouse has the capacity, um, to process, ah, new  
7 cases in any significant volume. Ah, do you have a  
8 sense of it, or I guess what is the basis, or what do  
9 you think the capacity is gonna be, like will there  
10 really be an avalanche all at once? Um, are we gonna  
11 have an opportunity to cut a deal with this in a, in  
12 a, at a pace that we can, can handle. Um, I mean,  
13 you obviously seem very concerned that, that, that,  
14 ah, it's sort of a cataclysmal date, the beginning of  
15 October. Could you just talk about what you think  
16 the basis of that concern is and what you think the  
17 court capacity is?

18 LAUREN PRICE: I know that I've heard  
19 from my colleagues on the other side of the, the bar,  
20 landlords' attorneys, that their clients are eager to  
21 start evictions. I know that people are starting to  
22 receive these motions and they, the court has just  
23 started accepting them, and they're already flooding  
24 into our offices. And whether the court is able to  
25 calendar them all quickly, I'm sure they're doing

2 their best to be efficient, but I, I think the idea  
3 of what number is acceptable isn't a question we  
4 should be asking. No one should be facing evictions  
5 at this time.

6 COUNCIL MEMBER COHEN: Well, I mean, I, I  
7 understand that if there's a, we, we don't want to  
8 destabilize the housing stock to the point where, I  
9 mean, like the system has to work at, on some level.  
10 We have to come up with a solution. Um, I guess, I'm  
11 very concerned about that, I guess, what the, what  
12 the ultimate resolution is gonna be and how this is  
13 gonna get resolved and obviously we have this, this  
14 is the system we have, ah, and, and for people to  
15 have the opportunity to contest, ah, eviction cases,  
16 and I want to make sure that that's done fairly. But  
17 I also, I guess I have some doubt that, ah, it's  
18 going to happen, you know, which I think is good for  
19 tenants in an expeditious way. I think that return  
20 dates are gonna, you know, are gonna be very, it's  
21 gonna take a long time and that might give us the  
22 opportunity to sort this out in a way that's  
23 obviously fair and equitable.

24 LAUREN PRICE: I hope that's true and I  
25 think that, you know, the second part of this

2 solution, which I briefly mentioned and will  
3 elaborate on, our written testimony, is rental  
4 assistance and, you know, ensuring that people who  
5 are out of the ability to pay their rent through no  
6 fault of their own and who won't recover that ability  
7 for quite a long time, even as the city partially  
8 reopens, have the ability to repay their rent and,  
9 and, and make creative solutions with landlords.  
10 People are in homes. Homeless people can't stay  
11 home, right, so the natural conclusion for me is that  
12 we should...

13 SERGEANT AT ARMS: Time expired.

14 LAUREN PRICE: ...fund and incentivize  
15 landlords to keep those tenants in the homes that  
16 they already have.

17 COUNCIL MEMBER COHEN: You know, I,  
18 obviously, I agree with that, obviously. All right,  
19 thank you very much, Chair. Thank you for your  
20 testimony.

21 LAUREN PRICE: Thank you.

22 COMMITTEE COUNSEL: Next we have  
23 questions from Council Member Rosenthal.

24 SERGEANT AT ARMS: Time starts now.

25 COUNCIL MEMBER ROSENTHAL: [inaudible]

2 COMMITTEE COUNSEL: Council Member,  
3 you're breaking up a little bit.

4 COUNCIL MEMBER ROSENTHAL: [inaudible]

5 COMMITTEE COUNSEL: Council Member, we  
6 can't hear you.

7 CHAIRPERSON CORNEGY: I think we've lost  
8 her.

9 COMMITTEE COUNSEL: Yeah, I'd agree.

10 COUNCIL MEMBER ROSENTHAL: [inaudible]

11 SERGEANT AT ARMS: Council Member  
12 Rosenthal, it seems that you're having some audio  
13 issues.

14 COUNCIL MEMBER ROSENTHAL: You know, I  
15 guess I'm wondering [inaudible] I am, so, sorry. Oh,  
16 dear.

17 COMMITTEE COUNSEL: Now you're on  
18 unmuted.

19 COUNCIL MEMBER ROSENTHAL: Sorry, I'll be  
20 [inaudible] delay in that. Um, my questions is to  
21 the lawyers whether or not they think the one-shots  
22 are sufficient. In other words, um, do we need more  
23 than one-shots?

24 LAUREN PRICE: I think we need more than  
25 one-shots. I think that we need one that needs to be

2 not exclusively one-time assistance. There's a lot  
3 of limits on one-shot deals that I'm sure my  
4 colleagues can elaborate on, but they are, um,  
5 limited only to rental arrears and nonpayment cases  
6 where there's a possessory judgment in place. So  
7 that's usually at the conclusion, or the last  
8 agreement that is made in a housing court case and  
9 then a judgment is entered and, you know, there's a  
10 risk of eviction. Um, HRA should expand the  
11 eligibility for one-shot deals and call them, I wish  
12 they would call them rental assistance, arrears  
13 assistance, because it shouldn't just be one time.  
14 Um, so that eligibility should be available not only  
15 for possessory judgments, but perhaps even before a  
16 housing court case is started. They should also be  
17 available in, um, holdover proceedings where the  
18 offer of rental arrears might incentivize the  
19 landlord to keep a tenant who is already there. Um,  
20 I mentioned earlier that almost half of the housing  
21 stock is unregulated housing stock, so landlords, we  
22 have heard this from many, many clients, that  
23 landlords will cycle in a family out of shelter  
24 because they get a big bonus for taking them.  
25 They'll agree to a one-year lease with a FEPS voucher

2 and then after that year is over, maybe the rental  
3 limits have increased with FEPS and they say why not  
4 start again, why not get a new bonus. They'll evict  
5 that family and start fresh with a new bonus and a  
6 new round of funding from the city. The incentive  
7 needs to go the other way and the landlords need to  
8 be, to have a reason to keep families in place and  
9 not cycle families in and out of shelter, which  
10 certainly costs the city more and is incredibly  
11 traumatizing to our clients.

12 COUNCIL MEMBER ROSENTHAL: Thank you very  
13 much. Thank you very much, appreciate you.

14 COMMITTEE COUNSEL: Any more questions  
15 from our chairs?

16 CHAIRPERSON CORNEGY: Yeah, ah, ah, to  
17 the attorneys, I do have a question. Um, I, I find  
18 myself and the city finds itself in this precarious  
19 position where we're trying to support, ah, and  
20 prevent evictions, but also support and prevent  
21 foreclosures of small homeowners. So the one- to  
22 four-family homeowners who have provided, in some  
23 instances, a great pathway for affordable housing for  
24 tenants now find themselves in, in, in the lurch.  
25 And there's no coordinated effort to save the homes

2 while saving, while staving off eviction. Ah, what  
3 would be your prescription for us as city government  
4 to be able to literally walk and chew gum at the same  
5 time?

6 LAUREN PRICE: I think this relief needs  
7 to extend to small homeowners as well, particularly  
8 those of this kind of units. I don't think that  
9 that's all the landlords in New York City, um, but we  
10 absolutely support assistance to them. Rental relief  
11 helps landlords, too, and that's what we want the  
12 council to recommend.

13 CHAIRPERSON CORNEGY: Thank you.

14 COMMITTEE COUNSEL: Great. Thank you so  
15 much, Lauren. Um, we have additional legal service  
16 providers actually also coming up to testify. Next  
17 up is Jonathan Fox, followed by Elizabeth Clay Roy.

18 SERGEANT AT ARMS: Time starts now.

19 JONATHAN FOX: Sorry, I'm trying to  
20 figure out how to start my camera. Give me one  
21 second, sorry about that, oops. Good afternoon, ah,  
22 Chairmans Cornegy, Lancman. Thank you very much for  
23 the opportunity to speak at, at, at today's hearing  
24 on the potential eviction crisis in the midst of the  
25 COVID-19 pandemic. My name is Jonathan Fox and I'm

2 the director of the Tenants' Rights Unit at the New  
3 York Legal Assistance Group. Ah, the City Council is  
4 trailblazing initiatives to pass the first right to  
5 counsel and housing court law in the nation in 2017  
6 demonstrated the city's commitment to preserving  
7 housing security for all New Yorkers. In the midst  
8 of the coronavirus pandemic and the severe economic  
9 hardship it has wrought, which has had a profound  
10 disparate impact on communities of color, the right  
11 to counsel law functions as an enduring bulwark to  
12 keep New Yorkers in their homes. With an array of  
13 state and federal eviction moratoria and an extremely  
14 complex rent stabilization legal landscape, the  
15 funding the City Council provides to right to counsel  
16 providers enables tenants citywide to get skilled  
17 legal representation in defense of their homes. This  
18 legal representation was critical to preserving New  
19 Yorkers' homes and communities before the pandemic  
20 and is even more important now with so many New  
21 Yorkers facing pandemic-related housing insecurity.  
22 Public policy should favor keeping people in, in  
23 their homes. The scope of this crisis with its  
24 potential to make many thousands of individuals and  
25 families homeless mandates swift action from all

2 levels of government to ensure that a crisis of rent  
3 arrears does not become a humanitarian crisis.

4 Without substantial rent relief assistance, black and  
5 brown communities would bear the brunt of the  
6 economic devastation. Already endemic race-based  
7 inequalities would be, would be further amplified.

8 New York should not serve an action to allow  
9 communities of color to suffer the most during this  
10 pandemic and the eventual recovery. NYLAG urges the  
11 City Council to pass a resolution to encourage New  
12 York State Legislature to pass the emergency housing  
13 stability and tenant displacement...

14 SERGEANT AT ARMS: Time expired.

15 COMMITTEE COUNSEL: Thank you. We now  
16 have, we will now hear from Elizabeth Clay Roy,  
17 followed by Makeeb Sadiq.

18 SERGEANT AT ARMS: Time starts now.

19 ELIZABETH CLAY ROY: Thank you to the  
20 council chairs, members, and staff for your work to  
21 help the city through this crisis. My name is  
22 Elizabeth Clay Roy. I'm the executive director of  
23 Take Root Justice, a legal services organization that  
24 serves over 2000 clients across New York City each  
25 year to advance racial and economic justice. Our

2 team works side by side with tenants as they fight  
3 against gentrification to demand better living  
4 conditions, affordable rent, and a voice in the  
5 policies that shape their neighborhoods. This  
6 advocacy has resulted in millions of dollars' worth  
7 of repairs in low-income housing and kept New Yorkers  
8 in their homes. A safe place to live is personal  
9 protective equipment in 2020, crucial for families to  
10 prevent and recover from the virus. Our collective  
11 investment in housing stability should therefore be a  
12 priority for everyone. We support the extension of  
13 the moratorium, specifically the Emergency Housing  
14 Stability and Displacement Prevention Act now in the  
15 New York State Senate. The moratorium has done more  
16 to prevent homelessness in the past five years than  
17 any other government action in recent history, which  
18 is an important lesson in and of itself. And we  
19 know, ah, it's been described, um, the, that there  
20 could be as many as one million new eviction filings  
21 in New York in the first four months after the  
22 moratorium expires. This wave of, of evictions will  
23 crash into a safety net full of holes. Many tenants  
24 will be ineligible for the one-time rental assistance  
25 because of a permanent loss of income and ineligible

2 from the rent, ah, rental voucher programs because  
3 their rents are too high and black and Latinx  
4 tenants, um, who have already been disproportionately  
5 devastated by the pandemic will face the brunt of  
6 this eviction crisis. No single action will be  
7 enough by itself, but there are two important bills  
8 before the council now that we believe are crucial to  
9 preventing mass evictions and homelessness. Intro  
10 2050, to fully implement a right to counsel, that  
11 will fully implement a right to counsel, um, in  
12 housing court for all ZIP codes, um, is essential,  
13 and Intro 146, to raise, ah, city rental voucher  
14 payments to the HUD fair market rent, bringing  
15 vouchers within reach of thousands of households who  
16 have lost income during the pandemic.

17 SERGEANT AT ARMS: Time's expired.

18 ELIZABETH CLAY ROY: And last I'll  
19 briefly say, um, that landlords are ramping up  
20 harassment in this climate which is, um, disturbing  
21 but not surprising, um, and we're ligating emergency  
22 harassment cases of many landlords who despite the  
23 moratorium, um, are harassing, um, their tenants  
24 verbally, physically, um, and, um, that work, um, in  
25

2 fact, ah, is critically important to continue, um, as  
3 this crisis unfolds. Um, thank you very much.

4 COMMITTEE COUNSEL: Thank you. We will  
5 now hear from Makeeb Sadiq, followed by Ayela  
6 Trinidad. Makeeb.

7 SERGEANT AT ARMS: Time starts now.

8 MAKEEB SADIQ: Good afternoon, ah, Chair  
9 Cornegy, Chair Lancman, council, ah, council counsel,  
10 and the Sergeants at Arms. Um, I, I'm not gonna read  
11 from my testimony, ah, we will submit that. It's  
12 about 20 pages. I want to thank my colleague, Ellen  
13 Davidson, for pulling that together. Um, so I will  
14 mostly focus on housing court in Brooklyn. Housing  
15 court, that's what I know. Before I started working  
16 from home, ah, that was my other home, ah, 141  
17 Livingston Street, and there are some specific, ah,  
18 recommendations and ideas that the Legal Aid Society  
19 has, um, to deal with this unprecedented challenge as  
20 the courts reopen. I just want to first, you know,  
21 just maybe bring us all back to March 13, 2020. Ah,  
22 that's the date that I'll certainly remember, ah,  
23 that Friday, that was the last day that I was at 141  
24 Livingston Street, ah, certainly and, ah, there was a  
25 lot of fear. There was a lot of fear and panic in

2 the courthouse. Ah, I know it was one of those times  
3 when you really see in some ways the masks come off.  
4 Um, it's one of these times when I, ah, had that  
5 visceral feeling of, you know, that our clients have  
6 when they're at that building, ah, a sense of  
7 abandonment and fear. Ah, it was palpable, and I  
8 think it's important for us to remember to remember,  
9 at least to remember not to forget that. Obviously,  
10 we know what happened and, ah, the devastation that  
11 was inflicted on our city and, ah, poor people in the  
12 city, especially, ah, the majority of them people of  
13 color. So, first of all, we, we have sort of four  
14 recommendations I think in terms of housing court  
15 that, ah, to some degree the others, ah, the others  
16 who have testified have, ah, addressed some of these  
17 issues. I mean, first of all, we must expend the,  
18 extend the eviction moratorium, right. If we allow  
19 evictions to take place now with the cusp of a second  
20 wave we will be flooding homeless shelters, subways,  
21 streets, at the very moment that we need to maintain  
22 the status quo to prevent the death toll, which has  
23 already been so devastating, ah, 25,000 at least in  
24 the city from climbing any further.

25 SERGEANT AT ARMS: Time's expired.

2 MAKEEB SADIQ: Um, I just, you know, the  
3 second thing I would say is that, you know, we want  
4 to make sure that we have that, ah, if, if equity  
5 requires that people are mandated to come to court,  
6 especially low-income people of color, they should be  
7 able to appear virtually at any time, without the  
8 need to prove any medical exemption. We also need to  
9 make sure, thirdly, that OCA ensures a maximum degree  
10 of safety for in-person appearances. And DCAS here,  
11 I think, has a special role. They really need to be  
12 forthcoming and transparent about the work that  
13 they're doing. 141 Livingston Street, I'll say, ah,  
14 you know, nobody thinks that that building could be  
15 made safe as a venue. It was wrong before the  
16 pandemic as a place, ah, to bring in litigants,  
17 especially poor people, and it's certainly wrong now.  
18 You know, and finally, ah, we must provide rent  
19 relief. Ah, attorneys are necessary, absolutely, but  
20 they're not sufficient. We need a subsidy program to  
21 support any tenant family who's rent burdened and  
22 access to rent arrears for both undocumented families  
23 as well as and rules barring landlords from bringing  
24 nonpayment cases for apartments with hazardous  
25 violations. With these recommendations we hope that

2 the city can work to ensure that, ah, New York City's  
3 housing courts reflect the best of our city and our  
4 collective will to protect the most vulnerable New  
5 Yorkers. Thank you.

6 COMMITTEE COUNSEL: Thank you. We will  
7 next here from Ayela Trinidad, followed by Jennie  
8 Laurie.

9 SERGEANT AT ARMS: Time starts now.

10 AYELA TRINIDAD: Hello, everyone. Um, my  
11 name is Ayela Trinidad and I am an investigative  
12 process server with Manhattan Legal Services. Thank  
13 you for the opportunity to testify today in front of  
14 all of you about COVID-19 and the impact the court  
15 system has on low-income litigants and their  
16 representatives. As you know, at Legal Services our  
17 focus is providing free legal services to low-income  
18 New Yorkers, including those facing eviction in  
19 housing court. My comments today focus primarily on  
20 what we are seeing in housing court. Evictions are a  
21 public health crisis and a violent act to communities  
22 and family. This is even more so in the midst of a  
23 pandemic, when displacing someone from their home  
24 through either legal or actual legal means tears them  
25 out the safest space available to protect them

2 against the virus. Mental health is at risk, along  
3 with physical health and safety of New Yorkers. Job  
4 loss from the pandemic has caused unemployment to  
5 skyrocket and each month an increasing number of New  
6 Yorkers are unable to pay rent. Homeless New Yorkers  
7 are 61% more likely to die from COVID-19 than those  
8 who are housed. To protect New Yorkers and all of  
9 our communities it is imperative that we keep people  
10 in their homes. Black lives matter. Communities of  
11 color in New York are bearing the brunt of the  
12 virus's impact. Black and brown New Yorkers are more  
13 likely to be essential workers who cannot perform  
14 their jobs remotely, more likely to live in  
15 overcrowded conditions, exposing them to others who  
16 may carry the virus. They are also more likely to  
17 have to ride crowded means of transportation, which  
18 do not allow for social distancing as recommended by  
19 the CDC. And they are more likely to be uninsured or  
20 underinsured, and face discrimination in health care  
21 and housing. Although average COVID rates are low  
22 across New York, these averages mask significantly  
23 higher rates in communities of color. Opening the  
24 courts will do nothing but make for more exposure to  
25 essential workers and to New York's most vulnerable.

2 The decision to begin holding in-person trials forces  
3 the poorest...

4 SERGEANT AT ARMS: Time expired.

5 AYELA TRINIDAD: ...[inaudible] New  
6 Yorkers. Thank you for allowing me to testify today.

7 COMMITTEE COUNSEL: Thank you. We will  
8 now hear from Jennie Laurie, followed by Sohaley  
9 Mendez.

10 SERGEANT AT ARMS: Time starts now.

11 JENNIE LAURIE: Ah, thank you very much  
12 to, ah, Chairs Cornegy and Lancman for holding this  
13 hearing. Um, it's really important, I think, for the  
14 City Council to do as much as possible to control the  
15 impending eviction crisis. Um, Housing Court Answers  
16 has been running a hotline, thanks in part to  
17 initiative, in large part to initiative funding from  
18 the New York City Council for tenants and small  
19 landlords with questions and problems related to the  
20 moratorium, eviction preventions, getting enough  
21 food, um, income support, lease tenancy rights.  
22 We've been assisting folks with, um, illegal lockouts  
23 and emergency housing conditions, filling emergency  
24 HP actions. Um, our call volume has increased  
25 tremendously in recent weeks now that landlords can

2 file new cases and restore old cases. Housing Court  
3 Answers urges the City Council to pass Intro 2050,  
4 which would allow the city to implement the 2017  
5 Right to Counsel law, which many have talked about  
6 today, and it's had a tremendous effect on, um,  
7 decreasing evictions in New York City. Um, the Intro  
8 250 would call for immediate implementation rather  
9 than phased-in implementation. Right now tenants  
10 facing eviction on these new warrant cases, ah, get  
11 counsel, but there's no word on what will happen once  
12 the court opens more and more cases are calendered.  
13 Um, over the past six months landlords have filed  
14 about 8000 nonpayment cases and 2000 holdover cases,  
15 which is much lower than would be in normal times,  
16 and clearly we're not in will times. We also urge,  
17 um, obviously, um, federal money at the level of the  
18 CARES Act to, um, deal with the epidemic and, um, an  
19 extensive moratorium, ah, to be passed on the state  
20 level, as others have suggested. Um, thanks again to  
21 the City Council for all your support, um, in this  
22 crisis. It's been really important.

23 COMMITTEE COUNSEL: Thank you. Next,  
24 we'll hear from Seeya Hegda, um, who will be the end  
25

2 of our legal service providers. Ah, they will be  
3 followed by Melissa Sklarz and Damon Rowe.

4 SERGEANT AT ARMS: Time starts now.

5 SEEYA HEGDA: Good afternoon. My name is  
6 Seeya Hegda and I'm staff attorney with the Bronx  
7 Defenders Civil Action Practice. As civil public  
8 defenders in the Bronx, we defend against the  
9 countless enmeshed civil consequences that stem from  
10 legal system involvement. We regularly witness the  
11 spiraling catastrophic impact of the city's housing  
12 crisis on the lives of our clients and their families  
13 as they try to keep or secure stable, affordable,  
14 quality housing. We recognize housing as a  
15 fundamental human right and that housing is health.  
16 In the last six months or clients with criminal cases  
17 have been subjected to temporary orders of  
18 protection, leading to de facto evictions. Criminal  
19 courts refuse to hold hearings regarding these  
20 orders, instead referring clients to housing court,  
21 which lacks the authority or ability to modify them.  
22 Our clients have also been illegally locked out of  
23 their homes and we have conducted emergency hearings  
24 to prevent homelessness. Our clients who are  
25 essential workers have had their occupational

2 licenses suspended. And we have argued for the  
3 reinstatement of these licenses to avoid potential  
4 eviction. Our clients in nonpayment eviction  
5 proceedings struggle to secure timely public benefits  
6 and sufficient rent assistance before the impending  
7 end of the eviction moratorium on October 1. We are  
8 deeply concerned about the state elected officials  
9 and courts' failure to take proactive, comprehensive  
10 action in response to the housing crisis. We need  
11 broad concrete rent relief passed so that low-income  
12 renters who otherwise face the imminent threat of an  
13 eviction are protected. We support the housing, the  
14 Emergency Housing Stability and Displacement  
15 Prevention Act for a universal moratorium, the Rent  
16 and Mortgage Cancellation Act, and the Housing Access  
17 Voucher Program. While none of these pending bills  
18 would singlehandedly solve the crisis, they would go  
19 further than any piecemeal effort at the state or  
20 local level to date. As a member of a proud provider  
21 of the expanding right to counsel in housing court,  
22 the Bronx Defenders urges the City Council to give  
23 voice to the urgent need for state governmental  
24 action. Moreover, you should work to eliminate the  
25 enmeshed civil consequences based on criminal and

2 other legal system involvement. These consequences  
3 are an extension of punitive carceral systems that  
4 exacerbate the housing crisis. Thank you for your  
5 time, Council.

6 COMMITTEE COUNSEL: Thank you. And  
7 before we move on, I'd like to just pause in case any  
8 council members have questions for legal service  
9 providers before we move on to our next witnesses.

10 CHAIRPERSON LANCMAN: I, I just want to  
11 mention I think we've been joined by Council Member  
12 Debbie Rose.

13 COMMITTEE COUNSEL: OK. All right,  
14 seeing none, we'll move on to Melissa Sklarz,  
15 followed by Damon Rowe and Esteban Guran. Melissa.

16 SERGEANT AT ARMS: Time starts now.

17 MELISSA SKLARZ: Great. Um, thank you,  
18 good afternoon everyone. So my name is Melissa  
19 Sklarz. I'm the senior government relation  
20 strategist SAGE. Ah, we're dedicated to improving  
21 the lives of LGBT elders. I'm going to ask everyone  
22 just to do a slight pivot. Instead of focusing on  
23 wage-based evictions, but to ponder age-based  
24 evictions. For older New Yorkers there was a crisis  
25 before COVID-19. Um, when you think of LGBT elders

2 and you think of LGBT elders most of them are people  
3 of color. 20% of New York City LGBT elders are  
4 people of color. 33% of elders are poor and  
5 struggling with housing stability. 40% of, of people  
6 of color, LGBT elders, are poor and struggling with  
7 both food and housing. But LGBT elders have  
8 isolation, discrimination, HIV, and poverty, um, and  
9 now as COVID seems to overwhelm our city and what  
10 happens next when the moratorium expires, all of our  
11 elders and non-LGBT elders are gonna be at risk.  
12 SAGE, with the partners in the City Council, has been  
13 able to start creating LGBT-friendly affordable  
14 housing in New York. We have our Stonewall House in  
15 Fort Greene in Brooklyn on the Ingersoll campus. Ah,  
16 by the end of the year we hope to be opening a second  
17 house on Crotona North in the Bronx. Ah, safe,  
18 clean, state-of-the-art housing for LGBT-friendly  
19 elders, along with our SAGE centers and our services.  
20 Um, we have done everything that we can possibly do.  
21 We are so grateful for the support of the, of the  
22 council. We've been a good neighbor and a good  
23 supporter. We've been supporting moratorium  
24 evictions. We're grateful to Judge Marks for the  
25 extension to October 1. We support this Tenant Safe

2 Harbor Act. We look forward to continuing working  
3 with our friends in the council to make sure that  
4 LGBT elders have safe, affordable housing here in New  
5 York. Thank you.

6 COMMITTEE COUNSEL: Thank you, Melissa.  
7 Next we'll hear from Damon Rowe, followed by Esteban  
8 Guran and Sandra Mitchell. Damon.

9 SERGEANT AT ARMS: Time starts now.

10 DAMON ROWE: Thank you, thank you. Good  
11 afternoon. My name is Damon Rowe and I am the  
12 director of special projects at the Osborne  
13 Association, which is a nonprofit organization that  
14 provides programs for individuals affected by  
15 incarceration, including people in prisons and jails,  
16 their children, and their families, and I'd like to  
17 highlight a few issues in my, ah, written testimony.  
18 The city's use of hotels to provide housing to people  
19 in homeless shelters and people returning from jail  
20 or prison was a [inaudible] step to the [inaudible]  
21 the spread of COVID-19. However, the passionate  
22 reaction that we've seen to the hotels reflected the  
23 fact that we don't have a viable housing strategy for  
24 people leaving jail or prison. We were heartened to  
25 see that the diversity of recommendations from the

2 council's The Case for Change Report on the  
3 Homelessness Crisis that was released by the Speaker  
4 at the beginning of the year included  
5 recommendations, recommendations, sorry, that would  
6 target this pressing need, including, ah, state  
7 funding for, a state funding program for transitional  
8 housing, housing, amending the New York City 1515  
9 support of housing programs so people with  
10 incarceration are no longer excluded, and revising  
11 the NYCHA rules that the rent justice-involved people  
12 can be reunited with their families in public  
13 housing. As Osborne and other social service  
14 providers and public interest organizations have  
15 advocated, the NYCHA exclusions for justice-involved  
16 people are particularly harmful while we're all  
17 dealing with the housing consequences of the COVID-19  
18 pandemic. Eviction, particularly evictions by a  
19 public agency with the largest provider of affordable  
20 housing in the city, should not be a consequence of  
21 providing shelter to a loved one during a crisis. We  
22 must also recognize that blanket approaches do not  
23 adequately serve thousands of formerly incarcerated  
24 people, many of whom aren't classified as chronically  
25 homeless until they spend months in the shelter on

2 streets post release. So to respond to the ways that  
3 the COVID-19 has and continues to exacerbate the  
4 city's housing crisis we recommend that the council  
5 pursue an integrated strategy that allows for  
6 governmental and non-governmental actors to provide a  
7 full spectrum of housing options that does not  
8 discriminate against the people returning from prison  
9 or jail. Only such a model will create a system that  
10 will allow everyone to have a home. Thank you.

11 COMMITTEE COUNSEL: Thank you. It looks  
12 like we have a question from Council Member  
13 Rosenthal.

14 SERGEANT AT ARMS: Your time starts ow.

15 COUNCIL MEMBER ROSENTHAL: Hi, right,  
16 thank you. Um, this is really for Melissa, um, or  
17 anyone. But, Melissa, have you seen people actually  
18 be evicted during COVID? In other words, are you  
19 working with anyone now ho was not homeless before  
20 but is now homeless and possibly in shelter?

21 COMMITTEE COUNSEL: This is for  
22 Elizabeth, you said?

23 COUNCIL MEMBER ROSENTHAL: Melissa  
24 Sklarz.

2 MELISSA SKLARZ: Sorry, I missed the  
3 question.

4 COMMITTEE COUNSEL: Council Member, can  
5 you repeat the question? May have lost her  
6 connection.

7 MELISSA SKLARZ: The answer is yes.

8 COUNCIL MEMBER ROSENTHAL: All right,  
9 obviously, oh, no.

10 COMMITTEE COUNSEL: Oh, you're back. Go  
11 for it. Nope, lost you again. Just one moment and  
12 we'll try and sort this out. We're gonna move on to  
13 the next one. Next, um, we will now hear from Jared  
14 Trujillo, followed by Esteban Guran, and then Sandra  
15 Mitchell.

16 SERGEANT AT ARMS: Time starts now.

17 COMMITTEE COUNSEL: Jared? He might not  
18 be there. Let's see. OK, we will move forward with  
19 Esteban Guran and circle back to Jared in the next  
20 round. So, Esteban, you're on.

21 SERGEANT AT ARMS: Time starts now.

22 ESTEBAN GURAN: Good afternoon. My name  
23 is Esteban Guran. I'm a tenant and a member of the  
24 Crown Heights Tenant Union. I also serve on the  
25 board of directors of Tenants Pac. Um, in mid March

2 of this year my husband and I were seriously ill for  
3 several weeks with COVID-19. As a result we found  
4 ourselves facing significant increase in expenses,  
5 falling behind on our rent almost immediately. Five  
6 months later I'm not back to normal. I'm gonna skip  
7 the rest of my written testimony, but I just want to  
8 add that we need to cancel rent entirely, it's the  
9 only solution. Um, I want to alert you to the fact  
10 that landlords are getting desperate. They're using  
11 illegal lockouts, severe harassment, intimidation,  
12 other forms of self-help evictions. And to respond  
13 to that, in preparation for the deluge of evictions  
14 that we're expecting, ah, we've started just forming  
15 our own networks of, ah, eviction defense, like  
16 Brooklyn Eviction Defense. Um, I want to address  
17 Council Member Cohen's concerns about having a fair  
18 process for landlords to be able to bring evictions.  
19 There's nothing fair about landlords being able to  
20 evict folks during a deadly pandemic. Remember that  
21 the context here is that for somebody like me, who  
22 would not survive a second bout of COVID, evictions  
23 equal death and we're not gonna let our neighbors  
24 die, nor will we go willingly to meet our end. Um,  
25 the last thing I'll say is that there is one thing

2 that this council can do to not be complicit in our  
3 landlord's plans to remove us from our homes so that  
4 there is space for richer, whiter tenants. You can  
5 do that by rejecting rezoning applications, like  
6 Industry City. Land use decisions right now impact  
7 primarily low-income tenants of color and ones  
8 already dying by the thousands. The hotels and strip  
9 malls and luxury towers planned for our neighborhoods  
10 will cost lives. Don't do it. Don't let that be  
11 your legacy. Thank you for your time.

12 COMMITTEE COUNSEL: Thank you. Next  
13 we'll hear from Sandra Mitchell, followed by Katie  
14 Villanueva and Robbie Parks. Sandra.

15 SERGEANT AT ARMS: Time starts now.

16 SANDRA MITCHELL: Can you hear me?

17 COMMITTEE COUNSEL: Yes.

18 SANDRA MITCHELL: Thank you. I want to  
19 the honorable Chairs Cornegy, Lancman, and all the  
20 council members and the champion speakers for  
21 creating a space for our voices to be heard. My name  
22 is Chaplain Sandra Mitchell and I am a new settlement  
23 apartment CASA leader, and CASA stands for Community  
24 Action for Safe Apartments. By profession I am a  
25 specially trained and skilled mental health advocate,

2 trainer, counselor, and group facilitator, and I'm  
3 also a Right to Counsel Coalition startup member.  
4 More importantly, I am a registered voter and a  
5 survivor of the court system and shelter system. I  
6 would like to speak to you briefly about, um, the  
7 need to extend the universal eviction moratorium and  
8 ensure that everyone facing eviction is well informed  
9 and offered and has the direct means to obtain the  
10 right to counsel. In reference to extending the  
11 universal moratorium, the state acknowledged that the  
12 inhumanity of evictions during COVID-19, but,  
13 however, that acknowledgement of throwing people out  
14 of their homes to become homeless and directly  
15 exposed to COVID-19 is beyond humane. It is savage.  
16 It's an abomination. The eviction moratorium needs  
17 to be extended at least one year after the pandemic  
18 is over. Evicting tenants during a global pandemic  
19 will cripple the city's economy and raise the death  
20 toll astronomically. We are urging the, the City  
21 Council to extend the university moratorium.  
22 Secondly, ensuring that everyone facing eviction is  
23 well informed and is giving express access to the  
24 right to counsel. Every human being deserves the  
25 right to counsel and to be allowed express direct

2 access to it. During my court, ah, case of eviction  
3 I did not have the right to counsel. The right to  
4 counsel did not exist, and that's why I fought to  
5 help to create the right to counsel and I made sure  
6 that as I walked through the courts everyone received  
7 information on their rights.

8 SERGEANT AT ARMS: Time expired.

9 SANDRA MITCHELL: I'll just say this in  
10 closing, please. Ah, we, we are better than this.  
11 We do not want to have legal legacy, our legacy to be  
12 destroyed as the New York City epicenter of the  
13 world. We need to save lives, save homes, save our  
14 economy, save New York City by making absolutely  
15 certain that the right to counsel is made law in the  
16 entire State of New York and across the country.  
17 Make right to counsel universal states' law and make  
18 sure that we extend the eviction moratorium until  
19 this pandemic is over. Thank you and God bless you.

20 COMMITTEE COUNSEL: Thank you. Next  
21 we'll hear from Katie Villanueva, followed by Richard  
22 Velasquez and Theo Chino.

23 SERGEANT AT ARMS: Time starts now.

24 KATIE VILLANUEVA: Good day, everyone.  
25 Ah, thank you for giving me the opportunity to speak

2 today. I'm Katie Villanueva. I'm a CASA member and  
3 a Bronx constituent. Our Bronx community has been  
4 affected from decades of disinvestment and racist  
5 government policies, creating a housing crisis that  
6 has been going on for far too long. This is why the  
7 COVID-19 pandemic has disproportionately affected us,  
8 making the housing crisis even worse. We need action  
9 from government now. That's why I'm here today  
10 asking you to meet our demands to avoid thousands of  
11 evictions. I think it's necessary to expand the  
12 universal eviction moratorium for at least a year  
13 after this crisis ends. Evictions are considered  
14 inhumane and they're very stressful. It is unfair to  
15 make people go through one in the middle of a health  
16 and economic crisis. Things are really bad right  
17 now. Thousands of people haven't been able to pay  
18 their rent for months because they have lost their  
19 jobs once we were forced to be quarantined. Now they  
20 are jobless and we cannot allow them to also be  
21 homeless. We need the government to protect the  
22 health of our people and sending them to crowded  
23 shelters where they can't properly have social  
24 distance is not safe. If our representatives are  
25 going to allow eviction cases to start, then they

2 have to ensure everyone facing eviction has and knows  
3 about the right to counsel so they can fight for  
4 justice and for their homes. We have a right to  
5 counsel bill, but it is not for everyone. We demand  
6 your support to make it universal by helping us pass  
7 the Intro 2050 that would amend the local law to  
8 require immediate implementation of right to counsel.  
9 Once the eviction cases start they should be slowed  
10 down in order to prevent crowding in the courts. It  
11 shouldn't be allowed for landlords to file eviction  
12 cases in the middle of a crisis, but if you're going  
13 to allow them to do so at least hold them accountable  
14 and prioritize cases that uphold tenants' rights over  
15 landlords' rights. We need to prioritize health and  
16 safety and accessibility in courts for our community.  
17 Thank you for letting me share this testimony. I'm  
18 looking forward to seeing how...

19 SERGEANT AT ARMS: Time expired.

20 COMMITTEE COUNSEL: Thank you. We will  
21 now hear from Richard Velasquez, followed by Theo  
22 Chino and Carlton Burroughs. Richard.

23 SERGEANT AT ARMS: Time starts now.

24 RICHARD VELASQUEZ: Hi, good afternoon.  
25 My name is Richard Velasquez and I'm a law graduate

2 of Goddard Riverside Law Project, a nonprofit legal  
3 services provider. I would like to give an  
4 advocate's perspective on the imminent eviction  
5 crisis [inaudible] much. It goes without saying that  
6 many people were affected by COVID-19 in one way or  
7 another. This was no one in particular's fault and  
8 people should not continue to suffer by going to  
9 court in the midst of dealing with illness, death,  
10 trauma, and a loss of income. However, I would like  
11 to emphasize that the people most affected by this  
12 pandemic, as well as to the groups more likely to be  
13 behind in rent and subject to eviction are black and  
14 brown folks of lower-income communities. At Goddard  
15 we have had dozens of folks call since the beginning  
16 of quarantine asking for advice or representation.  
17 And nearly caller has been affected in some way by  
18 COVID-19, and the majority of callers also stem from  
19 lower-income minority communities. Moreover, at  
20 Goddard we have a long history of advocating on  
21 behalf of SRO tenants and they're even more  
22 disproportionately impacted by the same issues  
23 impacting tenants in general. There are also many  
24 ways in which folks have been impacted by COVID-19  
25 which go beyond loss of income or being behind in

2 rent. Many are still recovering, grieving, and  
3 traumatized, in addition to the additional financial  
4 burden associated with healthcare costs, funerals,  
5 and supporting one's family, which are often not  
6 discussed. Whereas there should be a multifaceted  
7 approach which focuses on people's health and  
8 financial responsibilities equally. Accordingly,  
9 Goddard would like to echo the demands of the Right  
10 to Counsel Coalition. Namely, we would also call for  
11 a halt to all eviction proceedings and a better, more  
12 universal eviction moratorium. We [inaudible] that  
13 the city continue to support the right to counsel  
14 program and its expansion to ensure accessibility to  
15 all New Yorkers. Additionally, we ask for a slow-  
16 down of court cases once they do resume.

17 Furthermore, we ask that housing be recognized as a  
18 human right and accordingly should be protected more  
19 proactively by the city. Lastly, we urge that the  
20 health, safety, and accountability to courts be  
21 prioritized in a meaningful manner. In conclusion, I  
22 understand there's no one-size-fits-all solution to  
23 combat this crisis, but simply pushing back court  
24 dates or utilizing attorneys as a means to speed up  
25 the eviction...

2 SERGEANT AT ARMS: Time expired.

3 RICHARD VELASQUEZ: ...without supporting  
4 actually relief will not aid in this crisis. If I  
5 could just finish this last sentence? As attorneys  
6 we like to provide the best representation as  
7 possible and we feel we simply cannot do that if  
8 adequate relief is not provided for tenants and due  
9 process considerations aren't addressed. Thank you  
10 for the opportunity to testify.

11 COMMITTEE COUNSEL: Thank you, Richard.

12 We'll now from Theo Chino, followed by Carlton  
13 Burroughs and Lyric Thompson. Theo.

14 SERGEANT AT ARMS: Time starts now.

15 THEO CHINO: Hi, my name is Theo Chino.  
16 Anyone hearing me, please google my name, Theo Chino.  
17 I'm testifying today because I would like to speak to  
18 Councilman Cornegy and I'm sorry I forgot to put my  
19 video. Yes, ah, I run the website throwthebook.org  
20 and I'm there because we have a problem with HPD. HPD  
21 is holding 400,000 unit in the city and suddenly we  
22 have a problem of eviction. We have a problem  
23 because people are homeless. How is that possible  
24 when we have that many unit that are held by HPD? An  
25 investigation needs to be done at HPD and Councilman

2 Cornegy, the last time we talked to Edward Amador  
3 we're still waiting for the email from the document  
4 we have submitted [inaudible]. So my question to you  
5 and my testimony in front of City Council what  
6 happened to the thing that your staff promised us  
7 that they will look into? There is one minute left.  
8 Please give me an answer. Give us an answer, because  
9 [inaudible] army of more than a thousand resident  
10 from a thousand building all over the city is coming  
11 out from now until February and we will help any  
12 [inaudible] candidate to run for office so this issue  
13 will never appear again. Thank you very much for  
14 your time, and I would like an answer, if possible.

15 CHAIRPERSON CORNEGY: Ah, unfortunately,  
16 Mr. Amador is no longer employed at this office, so  
17 would you please resend those documents? He hasn't  
18 worked here for the last six months, unfortunately.

19 COMMITTEE COUNSEL: Next up is Carlton  
20 Burroughs, followed by Lyric Thompson and Abraham  
21 Gross. Carlton.

22 SERGEANT AT ARMS: Time starts now.

23 CARLTON BURROUGHS: Hello? Hello?

24 COMMITTEE COUNSEL: We hear you.

2                   CARLTON BURROUGHS: Oh, OK. Um, my  
3 concern is I, I testified on July 22, 2019, and I got  
4 a, ah, report back that DOI did an investigation and  
5 found no fraud. But during my testimony I submitted  
6 documentation that clearly showed the fraud, and  
7 nothing has been done and we're, we're continuing to  
8 suffer, and it appears to me that HPD is above the  
9 law, and no agency should be above the law. They're  
10 putting pensioners' money at risk, ah, through their  
11 third-party transfer program, and this is pre-  
12 pandemic, during the pandemic, and I'm sure it's  
13 gonna last after the pandemic. It is important to do  
14 a forensic, ah, investigation of HPD and the staff of  
15 HPD. I don't understand. I've been talking about  
16 this for five years now, and nothing is being done.  
17 Does HPD control the City Council? Does HPD control  
18 DOI? I have a situation where a DOI report was  
19 lifted from a judge's desk. These are all acts that  
20 should be looked into. We're on the verge of losing  
21 our homes that we paid for. I worked hard to save  
22 that money, and now I can lose my home to a predatory  
23 lender because HPD controls the city, controls the  
24 mayor, controls the media? It shouldn't be like that  
25 in America. Somebody at the City Council has to be

2 brave enough to step up to this agency and do  
3 something about this. And Robert Cornegy, Mr.  
4 Cornegy, you know me. You've sat next to me. You,  
5 you did a radio show in Harlem and you know this is  
6 going on. Somebody has to be brave enough to step up  
7 to HPD...

8 SERGEANT AT ARMS: Time expired.

9 CARLTON BURROUGHS: ...and do the right  
10 thing.

11 COMMITTEE COUNSEL: Next up we have Lyric  
12 Thompson, followed by Jared Trujillo and Abraham  
13 Gross. Lyric.

14 SERGEANT AT ARMS: Time starts now.

15 LYRIC THOMPSON: Hi, my name is Lyric  
16 Thompson and just an idea. Has anyone ever thought  
17 of giving landlords a one-shot deal? Might be a  
18 little easier to manage than dealing with a whole  
19 bunch of tenants. With that said, I'd like to, I'd  
20 like to speak about, um, illegal evictions and some  
21 of the tenant harassment that I'm seeing in, in our  
22 city. Um, a lot of landlords aren't waiting for the  
23 courts. They're just taking the locks of people's  
24 doors. In one case the landlord kicked the door in  
25 and tried to move a stranger into this woman's

2 apartment. Now if that's not disturbing enough, when  
3 she dialled 911 and the police showed up the police  
4 told her to get along with her new roommate. That is  
5 abusive. She was left battered, broken, and  
6 traumatized. Now, I, I'd like to give a shout out to  
7 incoming Councilwoman Darna Didies, who worked  
8 tirelessly with the police to prevent this woman from  
9 having the stranger move into her house. But, you  
10 know, the police need to be on the same page with  
11 regard to this type of behavior. I called every  
12 single precinct we have in this, this city, in the  
13 five boroughs, and way too many of them thought it  
14 was perfectly illegal for a landlord to kick your  
15 door in because he owns the building. That's not  
16 legal, it needs to be prosecuted. Now, I'd like to  
17 follow up with Carlton on the HPD situation. Housing  
18 Preservation and Development is at, at the root a  
19 corrupt agency. My dealings with HPD is I'm in a  
20 421-A building that was never completed. The  
21 architectural papers were forged. The public  
22 accountant's papers were forged. The original  
23 certificate of eligibility was a notarized statement  
24 from a woman who had been dead for three years at the  
25 time of notary. Now, what did HPD do? Remove it and

2 let them put in another, you know, another document.

3 HPD is well aware that these, these, you know,  
4 documents are forged. Yet they have done absolutely  
5 nothing to address the issue of fraud within their  
6 own ranks. Now, Council Member Cornegy, you know me,  
7 too. You've been to my building.

8 SERGEANT AT ARMS: Time expired.

9 LYRIC THOMPSON: This is six years. No  
10 citizen should have to deal with a housing agency for  
11 six years. I could have literally donated my liver  
12 twice. It would have grown back and all of us with  
13 new livers could be drinking, you know, shots of  
14 Jamison in the bar. It's ridiculous. Does anybody  
15 have any questions? If anybody would feel the need  
16 to, you can google Willie Zembrano and see if he  
17 signed off the Decatur buildings. He'll tell you no.  
18 Any questions from anybody?

19 COMMITTEE COUNSEL: Seeing none, I'll  
20 move to our next panelist. Next up is Jared  
21 Trujillo, followed by Abraham Gross and Lauren  
22 Springer. Jared.

23 SERGEANT AT ARMS: Time, time starts now.

24 JARED TRUJILLO: Ah, good afternoon, and  
25 thank you for allowing the Association of Legal Aid

2 Attorneys the opportunity to testify. Ah, we  
3 represent 2000 legal workers, ah, lawyers,  
4 paralegals, social workers, and others, um, in all  
5 five boroughs, Nassau County, and Orange County, and  
6 that includes a lot of folks that work in housing  
7 court. And while our members ferociously represent  
8 all of their clients, it is, it is troubling that,  
9 ah, in-person eviction trials have been allowed to  
10 continue in the housing court. Ah, on August 20, ah,  
11 Chief Judge, I'm sorry, Judge Marks testified that no  
12 trials would go forward in person without the express  
13 consent of both parties, but we've seen at three  
14 different organizations of, ah, where I represent  
15 members, that has not been the case, where people  
16 have been asked to do in-person housing trials  
17 without their consent. That not only impacts our, my  
18 members, but, more importantly, that impacts the low-  
19 income clients that they represent who already live  
20 in communities that have been ravaged by the COVID-19  
21 epidemic. Um, I want to thank the city for its  
22 leadership, um, and its investment in the right to  
23 counsel program. It's not only a moral imperative,  
24 but it makes good fiscal sense and it's a, it's an  
25 important investment in human capital. However, more

2 is need. I recognize that the city has, um, that the  
3 city, what the city's budget projections look like.  
4 However, right to counsel saves the city money. So  
5 passing things like, ah, Intro 1104, which expands  
6 the types of cases that are covered by right to  
7 counsel, is imperative, even during this economic  
8 crisis. Passing, ah, Intro 1529, which extends  
9 tenant organizers, which, ah, helps tenants know  
10 their rights and, and it limits the amount of  
11 landlord harassment that people face is imperative at  
12 this time. Ah, the acceleration of the right to  
13 counsel program, ah, which we've seen the city, ah,  
14 you know, see really the value in, it's important to  
15 make sure that the legal service providers and the  
16 unions that represent the lawyers, um, and, and  
17 paralegals, um, are also involved in, in that  
18 planning, and I'll...

19 SERGEANT AT ARMS: Time expired.

20 JARED TRUJILLO: ...[inaudible], ah, last  
21 point I just want to make. Ah, housing is more than  
22 just about housing, but it's about the people that  
23 are excluded from it as well. Ah, passing Council  
24 Member Steve Levin's bill, Intro 2047, ah, which  
25 would prevent landlords from being able to

2 discriminate against people or ask about criminal  
3 records, is incredibly imperative, especially, ah,  
4 during a pandemic when so many communities have been,  
5 ah, have, have, ah, faced such, ah, discrimination.

6 Thank you.

7 COMMITTEE COUNSEL: Thank you, Jared.

8 Next up we have Abraham Gross, followed by Lauren  
9 Springer and Emmy Green Cohen. Abraham.

10 SERGEANT AT ARMS: Time starts now.

11 ABRAHAM GROSS: Ah, I'll start by  
12 thanking Chairs Cornegy and Lancman. Ah, after being  
13 denied some of the most basic human rights for more  
14 than a year I plead with the chairs to use their  
15 discretion, not cut me right off at two minutes. I  
16 promise to finish in a timely manner, just want a  
17 little bit more, more time and there's ample  
18 precedent. The chairs have discretion to give a  
19 member of the public a few more minutes. The past  
20 two hours you've been talking about the suffering of  
21 the 60 or 80 thousand people who are in homeless  
22 shelters, where I've also been, unfortunately, and  
23 the threat of much, many more, people don't know what  
24 the number is, of people who may find themselves in a  
25 homeless situation. And I want to ask the honorable

2 council members a very simple question. Why aren't  
3 you using the current inventory of over 150,000  
4 vacant affordable apartments that were already paid  
5 for with various tax abatements and which are kept  
6 empty for reasons only HPD knows? Why in light of a  
7 humanitarian crisis can't honorable members stand up  
8 to HPD and say we see the city data, we see that  
9 these apartments are vacant, we have homeless people  
10 who are facing the pandemic. I mean, do you really  
11 need me to bring this to, I mean, this happened  
12 today. You can solve a big part of all of homeless  
13 in New York City today with apartments that are  
14 available. How do we know so much apartments are  
15 available? I beg you for the opportunity to show you  
16 exactly how much, how we know that. First of all,  
17 out of, um, the new construction 421-A apartments  
18 thousands of them were purposely kept vacant. That's  
19 right. They never arrived at the..

20 SERGEANT AT ARMS: Time expired.

21 ABRAHAM GROSS: ...[inaudible] please just  
22 a couple more minutes. The, these apartments were  
23 never given to low-income applicants to begin with.  
24 The developers took the tax abatement and then used  
25 every fraudulent way to keep these apartments,

2 convert them back to market rate. And this is, I'm  
3 gonna be strategic here. Thank you, two minutes is  
4 all I ask for. I came to a council member who has  
5 been on this call and asked questions on this call,  
6 and I explained my grievance and people in her office  
7 looked at my documentation and said this is  
8 outrageous, why is this guy rejected, these numbers  
9 are conclusory, they're cryptic, they contradict what  
10 the regulatory agreement says. This council member  
11 promised to help me. She was gonna write HPD a  
12 letter. She never followed up. We had a meeting.  
13 She never called me. I begged her for some kind of  
14 response, what happened? No response. I finally, as  
15 I was about to head into shelter for the first time  
16 in my life in September, I came to her office, asked  
17 her chief of staff what happened, why, why is a  
18 public official treating a constituent like dirt, or  
19 less than dirt? Is that the standard? She said to  
20 me there's nothing the council member could do. You  
21 have to go into a shelter. And lo and behold it  
22 turns out that at the exact same time that that  
23 council member hung me out to dry she also moved into  
24 the, ah, adjacent complex from the complex from which  
25 I was rejected, into a luxury apartment that was not

2 on the market. Now, I am respectfully appealing to  
3 all of you honorable members of the Council of the  
4 City of New York. There are 51 of you. There has to  
5 be a group of council members of integrity who won't  
6 allow this to happen. Don't let my words just, oh,  
7 another guy is complaining, we're gonna ignore him.  
8 It is September 17, 2020, and those people in  
9 shelters are suffering so much unnecessarily. The  
10 apartments are there and, and my final thing is  
11 another amazing way to free up apartments for the  
12 homeless shelter is if you force the HPD executives,  
13 their family and friends, the state judges and, um,  
14 federal judges, and all those other privileged  
15 partners who were granted for free through documents  
16 that are on [inaudible] although sometimes using a  
17 person who's been dead for three years to cover it  
18 up, if you force every single public official who's  
19 embezzled public property and treated it like it's  
20 their own property, if you force to give those  
21 apartments back to the public, do you know how many  
22 apartments you could have?

23 CHAIRPERSON LANCMAN: Thank you, thank  
24 you, Mr. Gross.

2 CHAIRPERSON CORNEGY: I really appreciate  
3 your comments and, um, that's what these hearings are  
4 for, actually, is to hear your voice and to make sure  
5 that we can make the necessary changes. So thank you  
6 for coming to the hearing to be able to voice your  
7 opinion.

8 COMMITTEE COUNSEL: Thank you. Next up  
9 we have Lauren Springer, followed by Emmy Green  
10 Cohen. Lauren.

11 SERGEANT AT ARMS: Time starts now.

12 LAUREN SPRINGER: My name is Lauren  
13 Springer. I'm a tenant leader with Catholic  
14 Migration Services, a nonprofit legal services  
15 provider and community-based organization, actively  
16 engaged in tenant organizing work, and I'm also an  
17 active member of the right, New York City Right to  
18 Counsel Coalition. The COVID-19 public health crisis  
19 has exposed existing, um, social, economic, health,  
20 and other inequities that need to be addressed. Now  
21 is not the time to return to business as usual or to  
22 maintain the status quo, but to take this opportunity  
23 to deconstruct these inequities and injustices and to  
24 create a society that takes care of everyone, in  
25 particular, um, vulnerable communities, and there are

2 several ways that the City Council can do this. We  
3 need to extend the eviction moratorium. Um, we need  
4 to, um, housing court can no longer be an eviction  
5 mill and it cannot be full speed ahead with  
6 evictions, so we need to slow down the pace of the  
7 court calendar. We need to fund tenant organizers so  
8 they can let people know about their rights and their  
9 right to counsel. Um, we need to reorder our  
10 priorities where cases that protect the rights of  
11 tenants take priority, um, over the, um, landlords'  
12 right to sue and evict. Um, we need to make sure  
13 that housing court is safe. With so many tenants  
14 facing the threat of eviction once the moratorium  
15 lifts the COVID-19 health crisis has only shown the  
16 need, um, for right to counsel and housing court  
17 eviction proceedings. Pre-pandemic this, um, council  
18 was on track to pass Intro 1104 and Intro 1529. It  
19 had garnered more than two-thirds support of the  
20 council membership, um, and data shows that right to  
21 counsel legislation works. Therefore, I strongly  
22 urge the City Council to pass Intro 2050 and I also  
23 basically say that the City Council must do  
24 everything in its power to restructure housing court,  
25 pass Intro 2050, pressure the state legislator to

2 take the necessary steps to protect tenants. All of  
3 New York City, or I should say all of New York State,  
4 but specifically New York City will be adversely  
5 impacted by failure to take action once the eviction  
6 moratorium expires. Thank you.

7 COMMITTEE COUNSEL: Thank you. We'll now  
8 hear from Emmy Green Cohen.

9 SERGEANT AT ARMS: Time starts now.

10 EMMY GREEN COHEN: Hello, good morning.  
11 I don't know if you can hear me or not?

12 UNIDENTIFIED: [inaudible]

13 EMMY GREEN COHEN: I'm not so  
14 technologically advanced.

15 CHAIRPERSON CORNEGY: We can hear you.

16 EMMY GREEN COHEN: Can you hear me?

17 CHAIRPERSON CORNEGY: We can hear you,  
18 yes.

19 EMMY GREEN COHEN: Oh, good. Um, I  
20 submitted, um, our testimony, my testimony today,  
21 under the auspices of the Harlem Housing Advocacy  
22 Group, Incorporated. We incorporated. I'm the  
23 founding executive director and we incorporated in  
24 January 2017 to bring some, to bring power to our  
25 pain. We submitted testimony, Carlton Burroughs and

2 myself, regarding this, the nucleus of our troubles,  
3 which is 938 St. Nicholas Avenue, where we were  
4 asking for investigation of HPD and it's, it's, it's,  
5 um, tentacles throughout this housing community  
6 that's supposedly affordable, when in fact it really  
7 is an opportunity for, ah, city properties to be  
8 testified to, ah, predatory lenders through, ah,  
9 Article 11 and their ability to have advance payment,  
10 um, to these, to these, to these projects. And it's  
11 really very, people are suffering. We've been  
12 suffering for 15 years. They refused to make a  
13 settlement. They refused to repair the disrepair  
14 that the sponsor developers gave to our building.  
15 Our organization is basically a group of the walking  
16 wounded. We organized ourselves. We want housing  
17 justice. We want, um, affordable healthy housing.  
18 We are not supposed to be the vessels for which  
19 people can exploit low-income and, and, and mid-  
20 income, ah, people so that they in turn can  
21 [inaudible] over so it becomes a, to the predatory  
22 lenders and it's, it's, it's, it is [inaudible]  
23 unfair, it's unconstitutional, and something must be  
24 done.

25 SERGEANT AT ARMS: Time expired.

2 EMMY GREEN COHEN: We are organized to do  
3 so. Thank you very much.

4 COMMITTEE COUNSEL: Thank you. We're  
5 going to hold for just one moment to ensure we have  
6 no final witnesses. Just one moment. This concludes  
7 our public testimony. If we have inadvertently  
8 forgotten to call on someone to testify, if that  
9 person could please use their raise hand function on  
10 Zoom we'll call on you now. All right, seeing now,  
11 we'll now hand it off to Chair Cornegy to close the  
12 hearing.

13 CHAIRPERSON CORNEGY: Ah, thank you so  
14 much. I want to thank you for all the testimony  
15 today. Um, I do want to say that I feel the pain and  
16 the passion in our, in the folks that have testified.  
17 Um, we've had our concerns with HPD and continue to  
18 work to make sure that HPD functions as a catalyst  
19 for providing affordable housing units for folks in  
20 our community. Um, those people who've had concerns,  
21 as directly related to HPD, please feel free to reach  
22 to, to my office as the chair, um, of Housing and  
23 Buildings. I think it's important. Um, somebody  
24 mentioned third-party transfer. We are not done with  
25 this third-party transfer process. We have a suite

2 of bills looking to, um, ah, plug the holes that we  
3 found, especially in the third-party transfer  
4 program. Um, that only stopped because of COVID and  
5 we are up now running again and ready to address the  
6 third-party transfer needs in our communities around  
7 HPD, and HPD overall. Um, this has been an ongoing  
8 problem. The situations transcend even the current  
9 commissioner who is in place. But we are meeting  
10 continually to see if we can make sure that HPD  
11 functions the way it was intended to function and  
12 does what it was intended to do. Um, I want to again  
13 thank the committee staff. I want to thank everybody  
14 who has worked on this particular hearing, um, and,  
15 really, this is not falling on deaf ears. We have  
16 these hearings because we, this hearing in particular  
17 we held because we understand that once the, um,  
18 moratorium is lifted that there will be a literal  
19 parade or onslaught and we want to see to the degree  
20 that we can mitigate some of that by bringing HPD and  
21 by bringing the other agencies forward. Um, this,  
22 we've never seen anything like this before, and we  
23 understand that prior to this we were already in a  
24 backlog, ah, with, with, um, evictions and  
25 foreclosures. So that is an absolutely priority for

2 this administration. It's a priority for this  
3 council. It's a priority for this committee to make  
4 sure that we can reduce the number of people who are  
5 negatively impacted in their housing situation due to  
6 COVID. We saw COVID exacerbate every inequality  
7 possible in the City of New York, especially housing  
8 inequities and, ah, health care inequities. So we  
9 are reeling and trying to make sure that we can  
10 protect New York City citizens in their quest to have  
11 good affordable housing, good affordable health care,  
12 education, and all of those things. So that's what  
13 this hearing was about. We will continue until we  
14 get to the justice that we need to serve the  
15 communities that we serve. Again, thank you for  
16 attending the hearing. This hearing is now closed.  
17 Oh, I'm sorry, there may be comments from my cochair,  
18 the honorable Rory Lancman. Sorry, Rory.

19 CHAIRPERSON LANCMAN: No problem, Robert.  
20 Thank you very much, and thank you for taking the  
21 lead on this hearing. Um, it's an extremely  
22 important subject and I thought it was very helpful  
23 to hear from OCA and from the legal service  
24 providers, as well as from members of the public.  
25 Um, there is a storm that's brewing and once these

2 eviction proceedings are going forward, ah, full  
3 steam ahead, ah, we're gonna see a lot of people in  
4 the City of New York hurting really badly, at risk of  
5 losing their homes. Um, which is a terrible  
6 circumstance under, at any time, but in the middle of  
7 a pandemic, ah, particularly tragic. I was  
8 encouraged, um, by what I heard today, but obviously  
9 there's still things that, that need to be worked on,  
10 particularly, ah, when it comes to operation of the  
11 process that the city has set up to make sure that  
12 everybody who needs legal representation, ah, gets  
13 it. So thank you so much to the staff, to the  
14 committee staff, ah, the Committee on the Justice  
15 System, ah, to Max, my own counsel, ah, um, Michael  
16 Klinger, ah, and to everyone who helped make this  
17 hearing run as smoothly as it did. Thank you very  
18 much.

19 CHAIRPERSON CORNEGY: So, lastly, what I  
20 can say is you can always judge a commitment and our  
21 priority by the way it reflects in the budget, and we  
22 did, in a nine billion dollar budget, protect the  
23 lines that were developed and created to make sure  
24 that there was advocacy and attorneys, um, so where  
25 everybody else took tremendous cuts, we fought

2 diligently to make sure that those cuts were not  
3 reflected in the way that we deal with, um, eviction  
4 and in foreclosure. So I can attest to the fact that  
5 this particular administration saw the need to make  
6 sure that those programs that undergird, um, ah,  
7 eviction prevention and foreclosure prevention were,  
8 were, remained whole and we'll continue to fight for  
9 more resources because we know as we go forward and  
10 these numbers increase of those in jeopardy of being  
11 homeless, ah, that we have these services in place.  
12 Thank you. Ah, this hearing is now closed. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date September 29, 2020