

Testimony Of Steven Banks, Commissioner Of The New York City Human Resources Administration, at the New York City Council’s Courts and Legal Services Committee on Civil Legal Services – April 15, 2015

Good morning Speaker Mark Viverito, Chairman Lancman, lead sponsor Councilman Levine, and Councilmembers Kallos, Menchaca, Gibson and Ignizio. Thank you for inviting us to appear before you today to discuss the role that civil legal assistance plays in providing access to justice, and to testify today regarding Int. No. 736 that provides for the creation of a Civil Justice Office in New York City, which is a concept that we support.

As you know – every day in all five boroughs – the City’s Human Resources Administration (HRA) is focused on carrying out the Mayor’s priority of fighting poverty and income inequity and preventing homelessness. With an annual budget of \$9.7 billion and a staff of 14,000, HRA provides assistance and services to some three million low-income children and adults, including:

- economic support and social services for families and individuals through the administration of major benefit programs (Cash Assistance, Supplemental Nutritional Assistance Program benefits (food stamps), Medicaid, and Child Support Services);
- homelessness prevention assistance, educational, vocational, and employment services, assistance for persons with disabilities, services for immigrants, civil legal aid, and disaster relief;
- and for the most vulnerable New Yorkers: HIV/AIDS Services, Adult Protective Services, Home Care and programs for survivors of domestic violence.

As part of our reorganization of the agency last year to carry out the Mayor’s priority of addressing poverty and preventing homelessness, we have created the Homelessness Prevention Administration headed by Bruce Jordan at HRA. In this new program area in the agency, we streamlined existing programs targeted at homelessness prevention and established these two new programs to enhance our ongoing efforts to provide low-income New Yorkers with access to legal assistance regardless of whether they are HRA clients.

The Early Intervention Outreach Team (EIOT) is the Homelessness Prevention Administration’s newly-created central office whose mission is outreach to families and individuals in need of legal assistance or emergency rental assistance. The Team’s work is currently based on early warning referrals from Housing Court Judges, with “early warning” referrals soon to be added for NYCHA tenant arrears cases and NYCHA Section 8 eviction actions, as well as Adult Protective Services referrals and referrals from New York City marshals. The Outreach Team makes referrals for tenant counsel to legal services organizations in accordance with contractual allocations set by HRA’s Legal Assistance Initiatives Unit.

And, of particular relevance to the hearing today, we established our new **Legal Assistance Initiatives Unit** to manage HRA's legal assistance programs.

The provision of civil legal assistance is part of HRA's overall effort to address poverty and prevent homelessness. To advance this effort, for the City Fiscal Year that began on July 1, 2014, the Mayor has consolidated all of the civil legal assistance programs in the City's baseline budget at the Human Resources Administration. This consolidation has been implemented to enhance the coordination and effectiveness of these important programs.

The consolidation at HRA includes legal services funding that had been allocated previously to the Department of Homeless Services (DHS), the Department of Housing Preservation and Development (HPD), the Department of Youth and Community Development (DYCD), and the Mayor's Office of Criminal Justice (MOCJ). The new contracts at HRA fund anti-eviction legal assistance, immigration legal aid, and a range of other civil legal services that are vital to vulnerable New Yorkers. These legal assistance programs provide civil legal help to clients regardless of whether they are applicants or recipients of other HRA benefits and services.

The civil legal services programs and the \$18.8 Million in associated funding in the City's baseline budget that have been consolidated at HRA are as follows:

- \$13.5 Million for anti-eviction legal services, which represents an increase of \$7.1 Million above the previous funding levels as part of the Mayor's new initiatives to prevent homelessness that were announced in September; and
- \$5.3 Million for legal assistance for immigrants, including legal services for survivors of domestic violence, immigrant workers, and immigrant City residents with legal needs involving citizenship and permanent residency.
- In addition, during the course of this fiscal year, two additional legal assistance programs have been developed at HRA:
 - a new program in the 13 zip codes in and around the rezoning areas that will provide access to legal assistance for community residents identified as victims of tenant harassment in order to prevent displacement, keep families and individuals in their homes, and maintain affordable housing – when fully implemented this program will fund \$31M in civil legal assistance and \$5M in HRA support services on an annual basis;
 - a new program to assist children and adults with disabilities obtain federal disability benefits in place of state and local public assistance for Appeals Council Review and Federal Court Services; and
 - a new \$660,000 program in FY15 to support legal assistance to help New Yorkers benefit from the President's Executive Action for immigrants.

These initiatives in the baseline budget represent an unprecedented commitment of resources by the Administration for civil legal assistance. For example, the prior Administration invested up to \$6 million in annual baseline funding for anti-eviction legal services for families in contrast to the current

Administration's investment of approximately \$45 million for direct civil legal assistance to prevent homelessness. No other municipality allocates even a small fraction of what New York City is committing to provide access to civil justice.

Moreover, as we testified at our agency's Preliminary Budget hearing, we are developing a study to evaluate the remaining need for legal assistance in Housing Court after taking into account the Administration's new commitment of resources to provide representation to preserve housing. Unfortunately, recent estimates of the need and the costs of meeting that need are based on data from the 1990s. When we complete this evaluation, we will report on the outcome to the Council as part of the reporting specified in the legislation under consideration today.

In addition to the Administration's commitment of resources in the baseline budget, as part of the FY15 budget agreement between the Mayor and the City Council, \$17.6 Million in discretionary funding has also been added to the City budget for this year for these programs:

- \$11.725 Million for civil legal services, including citywide civil legal services, legal services for low-income workers, legal assistance to obtain unemployment insurance benefits and federal disability benefits, legal services for survivors of domestic violence, legal services for veterans, and anti-eviction and SRO housing legal services;
- \$1 Million for the Unaccompanied Minors Initiative; and
- \$4.9 Million for a unique Family Unity Project to keep immigrant families together and avert deportation.

Included with this testimony is a report on both the baseline budget programs and the discretionary funding that presents the breadth and depth of each of the current initiatives. In combination, as Chief Judge Jonathan Lippman has done for the Judiciary's civil legal assistance initiative, these programs prioritize providing civil legal assistance in core matters involving the "essentials of life" – legal problems in the areas of:

- housing (including evictions, foreclosures, and homelessness);
- family matters (including domestic violence, children, and family stability);
- access to health care and education; and
- subsistence income (including employment wages, disability and other basic benefits, and consumer debts).

As illustrated by this summary of available legal assistance programs that have been consolidated at HRA, we currently oversee essential legal assistance programs for low-income New Yorkers. These programs emphasize the provision of preventative legal assistance that can avert or reduce the need for litigation and highlight the need for the provision of comprehensive services that require a seasoned, well-trained civil legal services staff to address often complex, interrelated legal matters.

Bringing all services together at HRA enables the City to utilize existing HRA mechanisms to claim available State and federal reimbursement for legal services, streamline the contract management

process to avoid duplication of effort and maximize resources for the direct provision of legal assistance, and enhance planning to address service gaps, the evaluation of emerging new legal needs, and responsiveness as emergencies arise.

In light of the Mayor's commitment to access justice as evidenced by the unprecedented municipal commitment of resources for civil justice efforts, we are pleased to highlight HRA's civil legal services programs and to continue to partner with the Council as Int. No. 736 moves through the legislative process to enactment. In view of the consolidation of the City's legal services programs at HRA and the dramatically increased legal services funding that the Mayor has already allocated to HRA, we greatly appreciate that the legislation provides that such an office may be established by the Mayor "within any department the head of which is appointed by the mayor." This provision will make it possible for the Administration to continue with the new legal services initiatives that are already underway.

Thank you again for including us in this hearing and we welcome any questions you may have.