

**Testimony of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committees on Housing and Buildings and on the
Justice System
“The Potential Eviction Crisis in the Midst of the COVID-19 Pandemic”
September 17, 2020**

Good afternoon, Chairs Cornegy and Lancman, and thank you for inviting me to appear before your Committees today to discuss the work of the Office of Civil Justice (OCJ) of the Human Resources Administration (HRA). My name is Jordan Dressler and I am the Civil Justice Coordinator and in that capacity I am proud to oversee the Office of Civil Justice. I am joined today by Sarah Mallory, Executive Director for Government Affairs of the Department of Housing Preservation and Development (HPD).

As you know, OCJ is part of New York City’s Human Resources Administration (HRA)/Department of Social Services (DSS), the nation’s largest social services agency assisting more than three million New Yorkers annually through the administration of a range of public assistance programs. With the enactment of Local Law 61 in 2015, OCJ was established as a permanent office within the Human Resources Administration tasked with establishing, managing, overseeing and monitoring the City’s civil legal services programs. This year we are working with over 70 nonprofit legal services organizations and partners across the five boroughs to provide access to legal assistance to thousands of New Yorkers in need, critical services that provide low-income and other vulnerable residents the ability to access and preserve basic necessities of life, such as stable and affordable housing, legal immigration status, a fair and safe workplace, and access to government benefits.

New York City recently marked the third anniversary of the enactment of Local Law 136 of 2017, the City’s landmark right-to-counsel law, and the formal launch of OCJ’s Universal Access initiative implementing the right-to-counsel law (RTC/UA). Since that time, OCJ has partnered with RTC/UA legal services providers from across New York City as well as court administrators, judges and non-judicial staff to greatly increase the availability of high-quality legal assistance. Hundreds of thousands of tenants facing eviction proceedings in New York City Housing Court have benefited from free legal representation and advice through OCJ’s programs, and the citywide rate of tenants facing their eviction cases with legal representation in court – which stood at 1% in 2013 – reached 38% in 2019. At the same time, the number of evictions conducted in New York

City has dropped to historic lows, falling by 41% between 2013 and 2019, while evictions nationwide are up.

We are very proud of these milestones and achievements, but we recognize that they are from a different time, before COVID-19. All of our clients, neighbors and colleagues have been touched in some way by this crisis, and aftershocks in New York City Housing Court will continue to be felt for some time to come.

Today I would like to share with you how OCJ and its nonprofit legal services providers are working to ensure that New York City tenants who are facing eviction have effective access to free legal assistance during the COVID-19 emergency. As you are aware, the pandemic has substantially altered operations in the New York City Housing Court, and both substantive and procedural law have been transformed through the enactment and implementation of a series of moratoria, administrative orders and legal mandates. As the pandemic began, OCJ was well positioned to move quickly and effectively to address the emerging circumstances impacting the legal needs of tenants. Our central role in the contracting and administration of City-funded civil legal services programs has enabled OCJ to coordinate among and between legal services providers, the courts and other city offices efficiently and effectively, ensuring that legal providers and their clients have had access to reliable information about legal developments and court and agency operations.

Moreover, we have worked closely with our agency partners including the Mayor's Office to Protect Tenants and HPD to ensure that reliable information about tenant rights and protections is widely available, including the recent launch of the City's Tenant Resource Portal, an online portal that features comprehensive and up-to-date information about free public and private resources that can help New York City tenants prevent their eviction and remain stably housed through this crisis. Additionally, OCJ's legal organization partners have participated in hundreds of education and outreach activities to increase awareness of tenant protections and the availability of free legal services since the start of the pandemic, including virtual town halls, KYR sessions, tenant association meetings, continuing legal education trainings for other attorneys, and radio appearances. And each week DSS Commissioner Banks shares pertinent information and takes questions about all HRA programs and client needs, including legal services and Housing Court updates, on a weekly call for elected officials, CBO Partners and advocates; each week following the call, an informational email is sent to nearly 5,000 recipients.

As the emergency has unfolded, OCJ and its partners rapidly recast the legal services we provide to meet the immediate and urgent needs experienced by tenants in the city and to make services widely available consistent with health and safety considerations. With courthouses and law offices transitioning to primarily remote/telework operations, OCJ's legal services partners have successfully continued to provide legal intake, advice, research and advocacy/representation

services remotely by phone, videoconference and electronic filing, and we have updated our contracts to reflect this “new normal” of doing business.

Working in collaboration with OCJ’s legal services partners, Housing Court Answers and the Mayor’s Office, we established a housing legal hotline to provide access to live phone-based legal advice and assistance provided by our tenant legal services partners. Through this hotline, tenants with questions and concerns about eviction and Housing Court as well as other landlord-tenant issues are receiving legal advice and assistance Monday through Friday. Access to the phone-based legal assistance is currently available via 311 and the Mayor’s Public Engagement Unit through the City’s Tenant Helpline, and through Housing Court Answers which is supported in part by discretionary funding provided by the City Council administered by OCJ. Legal advice services are free and are available to all NYC residential renters with housing questions or issues, regardless of income, geography/ZIP code, or immigration status.

In addition, OCJ worked with the Housing Court to establish a case referral protocol to connect all unrepresented tenants who file emergency cases in court with free legal representation provided by an RTC/UA provider. Today, any unrepresented tenant who has filed an action to be restored to possession after an illegal lockout, or who has filed an HP action for emergency repairs, can be referred to OCJ by the Court for free legal representation by one of our contracted legal providers.

More recently, Chief Administrative Judge Lawrence Marks issued court guidance allowing landlords to ask the Housing Court to permit pre-pandemic eviction warrants to move forward. In response, OCJ is working with the Court to ensure that no tenant faces the threat of eviction without access to free legal representation. The Court is requiring landlords’ motion papers to include information about how to access free legal assistance, and OCJ is referring unrepresented tenants facing the enforcement of a pre-pandemic eviction warrant who reach out for free legal representation to one of our providers. In addition to this pre-conference protocol, OCJ stands ready to provide free legal representation for unrepresented tenants who respond to motions to proceed with pre-pandemic eviction warrants by appearing for a scheduled court conference, and we are working with court administrators and providers to assign RTC/UA counsel to any tenant at such a conference who wants legal representation in their case. This initiative is citywide and universal; all tenants who are currently facing eviction warrants are eligible, regardless of ZIP code, immigration status or whether the tenant may have previously declined or been found ineligible for legal representation under the Universal Access program, and regardless of household income with an income waiver by OCJ.

Complementary to these efforts, OCJ identified approximately 14,000 households without representation that had outstanding eviction warrants issued by the Housing Court in 2020 that were not executed by city marshals pre-pandemic. We have reached out by mail informing these households of the availability of free legal assistance through OCJ, and we are now working with legal providers and the Public Engagement Unit to conduct more targeted outreach to tenants facing warrant-related motions that are pending in court.

As we move forward and face unprecedented, and likely unexpected, challenges, the Office of Civil Justice is committed to continuing to work hand in hand with all justice system stakeholders to make civil legal assistance available and effective for clients.

Now more than ever, New Yorkers need a justice system that is fair and accessible, and we are grateful to the City Council for your support in helping us achieve that goal. Thank you and I would be happy to take your questions.