NEW YORK CITY HUMAN RESOURCES ADMINISTRATION
OFFICE OF CIVIL JUSTICE

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HRA PUBLIC HEARING

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November 12, 2019

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2nd Floor Auditorium
New York, NY 10013

DIGITALLY RECORDED PROCEEDING, TRANSCRIBED BY:
NATHALIE MOORE, CHARLENE G. GOLOGUCH, KAREN SCHIFF, UBIQUS
MR. JORDAN DRESSLER: Good evening.

FEMALE VOICE 1: Good evening.

MR. DRESSLER: Before we start with introductions, I want to call up all the language interpreters in the room so they can introduce themselves. And, in addition to these interpreters, we also have a CART caption screen next to us. Members of the audience who are hearing-impaired will be able to read a running transcript of the hearing in real time. Let's just start lining up and we'll go one by one. Is it on? Well, turn it a little to her.

[INTERPRETER INTRODUCTIONS]

MR. DRESSLER: Thank you. Thank you to all of you and thank you to all of you who have come tonight. Good evening and welcome to the City of New York's Second Annual Public Hearing on the City's Universal Access to Legal Services Program. We are convening this hearing pursuant to New York City Local Law 136 of 2017. My name is Jordan Dressler and I am the Civil Justice Coordinator with New York City's Office of Civil Justice at the Human Resources Administration. And I am joined tonight by Jaclyn Moore, Executive Director for the Office of Civil Justice or OCJ. Sara Zuiderveen, who is Deputy Commissioner for Homelessness Prevention at HRA. And Joseph Jones, who's Deputy Coordinator with OCJ. First, I
just want to say a few words about the Human Resources Administration or HRA. HRA is a part of the Department of Social Services for the City and it is the largest Social Services agency in the United States assisting more than three million New Yorkers annually through the administration of twelve public assistance programs. Every day, in all five boroughs, HRA staff and programs work to ensure that our services and benefits provide low-income New Yorkers the assistance they need through a wide range of supports including cash assistance, employment services, SNAP, rental assistance, and eviction prevention, including the provision of housing legal services for New York City tenants in need administered by OCJ. OCJ was established at HRA through legislation enacted by the City Council and signed by Mayor De Blasio in August of 2017 and our office is tasked with overseeing, managing, and monitoring the City's civil legal services programs for New Yorkers in need. Since 2014, we have made great strides in increasing, enhancing, and making more efficient the delivery of civil legal services for low-income New Yorkers who are facing legal challenges that may jeopardize the "essentials of life" including issues such as immigration, employment, and housing. The subject of this evening's hearing, as you all know, is the City's Universal Access to Legal Services
Initiative. First and foremost, I want to thank everyone who has come tonight to offer your views and feedback on Universal Access. You know, no one is required to come to a hearing like this. Maybe except for the folks on this stage. So, if you're here, it means you share our commitment to making Universal Access a program that provides real, meaningful access to justice for thousands of New York City tenants in need and does so efficiently and effectively. I expect that we will hear tonight about the progress, the implementation, the achievements, and the challenges so far as we look back on the second full year of implementation and about considerations for OCJ and other system stakeholders as we look ahead to continued implementation. Civil Local Law 136 of 2017, which was sponsored in the City Council by council members Vanessa Gibson and Mark Levine, and was signed into law by Mayor De Blasio in August of 2017, was truly historic and it made New York City the first city in the United States to commit to making free legal services available to all tenants facing eviction in housing court or NYCHA administrative proceedings. This ground-breaking legislation, the Universal Access Law, tasks OCJ with implementing a program that would achieve this historic milestone by 2022. I am happy to report that two years into our program, we have made significant progress
towards reaching this goal. Last week, OCJ issued its second progress report on implementation of Universal Access in our tenant legal services programming. There are copies available in the front if you haven't received one and you'd like to take a look. In City Fiscal Year 2019, the second year of our phase in implementation, HRA's baseline budget included approximately $128 Million in funding for tenant legal services programs. Last year, OCJ's legal services programs for tenants provided legal representation advice--legal representation advice and assistance to approximately 41,000 households across New York City including 32,000 households facing eviction proceedings in New York City Housing Court, up 24 percent from the year before. Over a dozen non-profit organizations, representatives of which are in this room today, ranging from large, city-wide legal services providers to smaller borough and community-based groups, provided free legal services last fiscal year benefiting over 105,000 New Yorkers. For the first time, city-funded legal services for tenants in need assisted over 100,000 New Yorkers in a single fiscal year. In fact, as of the end of the last fiscal year, more than 350,000 New York City residents had received free legal representation, advice, or assistance in eviction and other housing-related matters since the start of the de Blasio
administration through tenant legal services programs administered by HRA. In addition, as we detailed in this report, the proportion of tenants who face eviction in New York City Housing Court, with the assistance of a lawyer, continues to grow. In 2013, roughly one percent of tenants facing eviction in Housing court had legal representation. By the end of fiscal year 2019, 32 percent of tenants who appeared in eviction cases in Housing Court, city-wide, were represented by counsel. In the neighborhoods targeted to receive increased availability of legal services through Universal Access, the findings are even more striking. Looking at the first twenty zip codes included in Universal Access, lawyers represented 62 percent of tenants appearing in Housing Court in their evictions proceedings in the last quarter of Fiscal Year '19. These represent increases from the year before and suggest that we are making good progress toward fully implementing Universal Access by 2022. We are seeing positive results for New Yorkers in need. As detailed in the report, for cases that were completed in Fiscal 2019, more than 28,000 New Yorkers whose tenancy was threatened by eviction were able to stay in their homes after OCJ-funded lawyers represented them in court. In Housing Court eviction cases resolved by OCJ's legal services providers, 84 percent of households represented
in Court by lawyers were able to remain in their homes, not only saving thousands of tenancies but also promoting the preservation of affordable housing and neighborhood stability. These indicators are consistent with other findings reflecting change in dynamics and a more level playing field for New York City tenants in need. As access to legal services for New York City tenants has increased, evictions across the city have decreased. In 2018, residential evictions by city marshals declined by more than 30 percent compared to 2013, a period during which New York City substantially increased funding for legal services for low-income tenants. Looking ahead, we will be adding additional zip codes to Universal Access this year and we expect to realize increased access to legal representation in these targeted neighborhoods and city-wide. In addition, OCJ recently established on-site Universal Access legal services for tenants in New York City Housing Authority public housing facing administrative termination of tenancy proceedings at NYCHA. We have worked with legal provider partners and NYCHA to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing these proceedings. As part of the first phase of implementation in earlier this fiscal year, Fiscal Year '20, OCJ, in partnership with our providers across the
city, began providing access to legal services on-site at NYCHA. In this first phase, all heads of NYCHA households who are seniors, 62 years or older, and who are facing termination of their tenancies in administrative proceedings, have immediate access to these free legal services on-site. This operational approach is expected to serve as a model for expansion for all NYCHA tenants facing termination of tenancy as Universal Access implementation continues. And OCJ continues to work with the Office of Court Administration and our legal services partners to innovate with the goal of connecting more tenants with eviction defense attorneys earlier in the legal process. In September of this year, New York City Housing Court implemented its new, revised, plain language Notice of Petition form. This revised notice now includes information that will guide and encourage tenants to access OCJ's legal services. So, to further facilitate access, OCJ has partnered with the Court's system to establish a telephone hotline that is included on the Notice of Petition for tenants to call and find out more about Universal Access and connect with free counsel as quickly as possible. With the use of this new form, we are now monitoring the impact that this new pathway to early access will have on OCJ's legal services programs. So, as we put all of these initiatives into action, we
know that communities beyond New York are watching us and watching all of us. New York City is the first and, by far, the biggest to do this and our city is at the forefront of a growing movement to increase access to justice for tenants facing eviction and create a fair and even playing field in our courts. Cities such as Newark and San Francisco have taken New York City's lead and have adopted their own versions of Universal Access or right to counsel legislation and other jurisdictions, including cities ranging from Boston to Cleveland, to Los Angeles, are exploring their own initiatives to increase access to legal services for tenants facing eviction. New York City leadership in this fight includes OCJ and HRA and it also includes all of you, advocates, attorneys, academics, elected officials, legal providers, other non-profits, and very critically, tenants and residents. Therefore, to ensure that we continue to serve New Yorkers effectively, and with cities across the country following our progress, it is important that we get it right. A critical part of that process is this public hearing and hearing from you today about your own experiences with the initiative, what you believe is working, and where you may think there is room for improvement. So, with that, we'll get started. First, let me tell you a few words about how tonight's hearing will go. This hearing is public. We invite
anyone who wishes to be heard on the topic of Universal Access and housing legal services to speak. We will not be answering questions, nor will we be asking any questions of speakers. This is an opportunity for the public to be heard. If you would prefer not to speak in public and would rather submit a statement in writing, we are collecting all written statements and will make them part of the record for this hearing which we will make available to the public on our website, which is www.nyc.gov/civiljustice, C-I-V-I-L, J-U-S-T-I-C-E, in the future. Written statements can be submitted to OCJ staff out at the sign-in table. Also, we will be making a transcript of tonight's entire hearing and we'll be making that transcript available on the website as well, once we put it all together. Now, we will call speakers up based on the sign-in list. If you want to speak but you're not yet on the list, please give your name to our staff at the sign-in table just outside the auditorium and we will add your name to the list. In order to ensure that everyone who wants to speak will have an ample opportunity to speak, we must limit speakers to three minutes a piece. So, if you're approaching the end of your time, one of our OCJ team members will hold up a sign that says 30, meaning that you have 30 seconds left. You can see it over there. I think we'll start at one minute, then we'll show you 30
seconds and then that'll tell you. If you speak a
language other than English and you need an interpreter,
please let our staff know at the sign-in table. We have
our interpreters present, as you know. Now, we're ready
to begin. I'm going to call a few names at a time. When
you hear your name, please be ready to speak and line up
by the microphone at the front of the room, which is going
to be over here, and be ready to present your statement.
And, now, let's begin. One more note before we get
started, since I got this note myself, we need to speak
slowly and clearly so that the CART, this transcriber
here, can take down everything and make sure that it's
accurate. So, I'll do that, and I ask you to do the same.
So, first we'll hear from Lourdes Rosa-Carrasquillo.
Next, Milagros Franco. Next, Sarah Cohen. And next,
Benjamin Levine. Thank you.

MS. LOURDES ROSA-CARRASQUILLO: Is this on?
Okay. My name is Lourdes Rosa-Carrasquillo, I'm the
Director of Advocacy for the Center for Independence of
the Disabled. I am here with my colleague from another
independent living center, Brooklyn Center for the
Independence of the Disabled, and we would like to share
the time. I submitted electronically to Joseph so I
apologize that I don't have it in writing and another
apology is I will have to leave immediately because this
lighting is causing me severe pain, sorry. So, thank you first for the reports. In the last two years, they've been awesome and... Wait a second. I'm sorry? Oh, okay. And we serve the majority... people with disabilities throughout New York City and Brooklyn, our sister organization does also. What we'd liked to focus or raise an issue is... which I did last year but I didn't get to be public is that we'd like to see stats of people with disabilities that are being served in the zip code area because we get much... many calls about not being able to be served and we don't know what the barrier may be. Also, we are part of the Right to Counsel Coalition. I apologize, I didn't say that earlier. And we fully support two bills of 1529, which Milagros...

MS. MILAGROS FRANCO: It's... it's the bill that provides funding to community-based organizations such as BCAD [phonetic], and Sidney, to help people with Housing Court issues. They come to us before they go to the legal people. So, we try to help before we send them off to you and, sometimes, I go to Housing Court and I'm not legal but if I can help somebody, that's one less person you guys have to worry about. So, we need that funding just like everyone else. I go to Housing Court and I speak to different organizations and different things and I tell people about the Right to Counsel. So, we'd like some of
that funding, too. Thank you.

MS. ROSA-CARRASQUILLO: Also, the... I'm not going to go through all the points that my colleagues from Right to Counsel will, I'm just going to raise the key ones. We fully support all of their things, with a few amendments. They had requested that there be campaign via subways and outreach, okay... and outreach, different types of outreach and they mentioned robocalls. In many venues with HRA, we've mentioned how robocalls don't work for the deaf community so, something else has to be factored in to assist that. Also, we're fully supporting the passage of intro 1104, which would increase the percentage for eligibility to 400. We have a lot of people with disabilities that we serve are poor, but some are employed and underpaid because they are disabled. So, they fall into the cracks. So, we want to make sure they can also have representation. And one more point that I want to raise is the tenants that are homebound and that's obviously a very important population to us and I just want to make sure that marshals, when they go to the facilities, to their homes, don't turn around and call APS. We don't support that because many people with disabilities are looked at already as lacking capacity and for us, we've experienced a lot of times APS seeks City to get involved for Article 81 and that's problematic. Thank
thank you for your time.

MR. DRESSLER: Thank you. Sarah Cohen? And
just say your name clearly before you start. Thank you.

MS. SARAH COHEN: Good evening. My name is
Sarah Cohen. Thank you for the opportunity to testify
today. I'm a supervising attorney at CAMBA Legal
Services. CAMBA Legal Services is very proud to be one of
the legal services providers of the Universal Access to
Legal Services for tenants facing eviction in Brooklyn and
Staten Island. CAMBA Legal Services is also a member of
Leap, a coalition of 18 legal services providers in New
York City. CAMBA Legal Services congratulates the City
Council and the Mayor for adopting the Universal Access to
Legal Services for tenants facing eviction, the
administration for implementing the law and our partners
for working with us to make right to counsel a reality for
New York City tenants. We also would like to congratulate
and thank the Right to Counsel Coalition, the community-
based organizations, tenants, and community organizers
across the city whose hard work, diligence, and
persistence made this legislation possible. Right to
Counsel is already making a huge difference in the lives
of tenants and we see that every day in our work.
Congratulations to the Office of Civil Justice on
releasing the Year Two Implementation Report on Universal
Access to Legal Services. As a community-based service legal services provider, CAMBA Legal Services and our Leap partners feel very strongly that a community-based approach to implementation of Right to Counsel is critical. Some of the components that we believe are key to fulfill these implementations are the following.

Tenant awareness outreach and education is critical to the long-term success of Right to Counsel. Many tenants never make it to Housing Court and give up their apartments through intimidation. With tenant representation in Housing Court on the rise, we already see landlords resorting to other means to get tenants to give up their apartments. Also, (inaudible) best intake. While intake in the courthouse has been a critical component of the implementation of Universal Access that should continue, there also needs to be neighborhood-based processes so that the tenants can find an attorney before they go to Housing Court. We all know that some tenants will not make it to Housing Court on their own. They will, however, come to their trusted neighborhood-based providers ensuring Universal Access to Legal Services for tenants facing eviction. I just want to give one quick example. How much time do I have? One minute? Okay. I just want to give one quick example of how this Universal Access has helped a client. Just last week, I worked on
intake in Housing Court and there was a tenant who had already been evicted from her home, a post-evict case, and she had filed a pro se order to show cause just to get access (inaudible) get her things out of her apartment and I met with her and I reviewed the case. And it became apparent that the landlord never should have brought this case against her. In fact, she had a lease, and which was still in effect. As a result, I argued her pro se order to show cause in front of the judge. I restored her to possession immediately, that day, and the case was dismissed. Had it not been for Universal Access, she would have simply thought that she was there in court that day just to get her stuff out of her apartment and she would still be out of possession today. That's just one example of how Universal Access has helped tenants in Housing Court and I just want to thank you very much for this opportunity to testify today. There's so much to be proud of, to celebrate with our work and to be thankful for. I really look forward to working together to ensure that all tenants have a right to counsel to preserve their housing. Thank you very much.

MR. DRESSLER: Thank you. Next up is Benjamin Levine. I'm also going to call up the next several names so they're ready. Next, we'll hear from--after Benjamin Levine--Jessica Penkoff, Chaplain Sandra Mitchell, Andrew
Darcy, and Nova Lucero [phonetic]. Thank you.

MR. BENJAMIN LEVINE: Good evening. My name is Benjamin Levine, I'm a vice-president of the Civil Practice of the Association of Legal Aid Attorneys, local 2325, of the United Auto Workers. I've worked as a staff attorney at the Legal Aid Society for over three years and I've represented tenants in the Bronx and Brooklyn. Our union is comprised of a diverse group of compassionate, driven, and remarkably intelligent attorneys at the Legal Aid Society who believe in safeguarding the rights of tenants. I thank the OCJ for allowing ALAA to testify about our experiences at the frontline of implementing the Right to Counsel program. We strongly believe in the mission of the program and look forward to the day when every tenant will have an attorney to zealously advocate for them to keep them in their home. The City's report on the program clearly demonstrates the dramatic impact of this program but we believe that there is more to be done. Since this hearing last year, we still lack the funding to effectuate robust legal representation and to address the injustices impacting our tenants' lives that have caused them to come to court. Every day we witness the ways in which the affordable housing crisis and community displacement affects our clients. As attorneys, it is our role to hold those landlords accountable for filing
frivolous lawsuits, fight back against their harassment, and to secure repairs. However, this legal work is often not alone to keep tenants in their homes. Without the proper funding for social workers, paralegals, and administrative staff, our attorneys struggle to assist tenants in keeping them in their homes. We need these people to help us access benefits and to correct all lease violations that would result in our tenants losing their homes. By forcing attorneys to take on these roles, which we're not trained for, we lose critical time necessary to litigate and are pushed into becoming stipulation mills where tenants in the city needless to say reward landlords who collect illegal rents and fail to maintain their buildings. Additionally, our low pay due to inadequate funding and our large caseloads causes us to lose experienced attorneys at an alarming rate. When this occurs, our clients are forced into being represented by inexperienced attorneys, drag multiple attorneys throughout the duration of their case. The disproportionate large number of inexperienced attorneys places a greater burden on our supervisors who must spend more time in court working with the new attorneys and reviewing motions rather than helping to create and foster creative litigation strategies to deter unjust evictions. To further the mission of the Right to Counsel program,
the city should expand the program by passing City Council Bills 1104 and 1529. This city should pass Intro 1529 to notify people about their right to counsel as well as to prepare tenants before they come to court. Additionally, the city should also pass Intro 1104 to expand the Right to Counsel program to additional hearings, Supreme Court ejectment, action, and appeals. Without the support for that, the representation in Housing Court can often be meaningless. We believe that more must be done to fully achieve the purposes of the Right to Counsel programs and tenants deserve more than just assistance in paying their rent. They deserve workers who can assist them with their benefits and attorneys who can effectively and creatively litigate so that they can keep their home.

MR. DRESSLER: Thank you. Jessica Penkoff.

MS. JESSICA PENKOFF: Hi, my name is Jess Penkoff and I'm a staff attorney at Volunteers of Legal Service. VOLS was established in 1984 in response to federal cuts in legal services funding. At that time, the city's largest and most respected law firms teamed up with the New York City Bar Association to establish VOLS whose purpose was to leverage private attorneys to provide free legal services to low-income New Yorkers hoping to fill some of the gap left by cuts in federal funding. We are now 35 years into our existence and VOLS runs five
projects, including our Elderly Project & Veterans Initiative. Our Elderly Project & Veterans Initiative conducts regular free legal clinics in senior centers around the city. We provide legal support to community-based organizations serving low-income senior veterans. We provide training to community-based organizations and to the public regarding proper end of life planning. We access the pro bono services of the private bar by training, supervising, and pairing up volunteer lawyers with low-income seniors and senior veterans. We are also proud to participate in the New York City Veterans Law Working Group and the Right to Counsel New York City Coalition. We thank the Office of Civil Justice for holding this important annual hearing on the progress and impact of Universal Access. In November, we reflect on those who served our nation and yesterday we celebrated Veterans Day. As attorneys serving low-income elderly veterans, we see every day the legal issues they face including and especially those involving housing and eviction. As has been widely reported, veterans make up a disproportionate percentage of the nation's homeless population and many of these homeless veterans suffer from mental health conditions related to their military service. Thanks to federal programs like HUD-VASH, Section 8, and the support of services for veterans'
families, as well as local efforts, in December 2015, New 
York City became the largest city in the country to be 
certified by the federal government for having ended 

veteran homelessness. New York City had achieved 
"Functional Zero," a designation where all new homeless 
veterans are re-housed within 90 days of entering the 
system. Sadly, we have experienced a backslide and New 
York is no longer certified as a "Functional Zero" city. 

When we talk about reducing homelessness, we need to be 
asking what we are doing specifically for veterans as part 
of that effort. The overall statistics about the impact 
of Universal Access on eviction rights in New York City 
are positive and impressive. What is missing from these 
statistics is any measure of how UA has impacted veterans 
and veteran homelessness. As an attorney who practiced 
eviction defense for low-income tenants in Brooklyn for 
years, I was surprised to recently learn that Universal 
Access providers can apply for waivers, on a case by case 
basis, to be able to represent a veteran that does not 
reside in one of the zip codes or that has income above 
200 percent of federal poverty. These waivers are an 
esential tool in the effort to end veteran homelessness. 
Without these waivers, disabled veterans may find 
themselves facing eviction without counsel. Those who are 
considered totally and permanently disabled due to
injuries sustained in service, receive benefits from the U.S. Department of Veterans Affairs in excess of 200 percent of the federal poverty level and are, therefore, disqualified from receiving counsel under UA. These are the veterans who sacrificed the most in service to the nation and the guidelines for UA deny them access to the program unless their attorneys know that they can apply for a waiver. We must ask ourselves whether or not these waivers are being sought, why if not, or whether they're being granted and why, if not. What is HRA doing to educate legal service providers about seeking exceptions? Does HRA screen for military service before denying someone? How, when, and where does an attorney from a legal service provide seek an exception to represent a veteran? How many veterans have been covered by UA? How many waivers have been set? How many have been granted? Why have certain waiver requests been denied? And does HRA refer these individuals to providers who have other funding to represent veterans? More broadly, we need to know how UA has impacted veterans. How many vets have stayed in their home due to UA? Has the number of eviction proceedings filed against veterans decreased? How many veterans were actually evicted in the last year or the year before?

MR. DRESSLER: Can I ask you that?
MS. PENKOFF: Oh, sorry, I'm not done yet.

MR. DRESSLER: It's okay.

MS. PENKOFF: We laud the achievements of the tenants and advocates working within the Universal Access program and encourage the city to take the above questions into account in the continued roll-out of UA so that our city can fulfill its goal of ending vet homelessness and achieving "Functional Zero" on a sustained basis. Thank you and happy Vets Day.

MR. DRESSLER: Thank you. Now, we'll hear from Chaplain Sandra Mitchell.

CH. SANDRA MITCHELL: Good evening, everyone. My name is Chaplain Sandra Mitchell and a chaplain is like a community pastor. I live at [redacted], in the Bronx, and I've been there for two years. I am a proud member of CASA, Community Action for Safe Apartments, and also the Northwest Bronx Community Clergy Coalition in the Bronx. I've been in my apartment for two years after spending two years in the shelter. I walked away from my apartment after winning my case facing eviction because I couldn’t take the trauma of the harassment, even though I won my case. The right to counsel did not exist then. So, as I would go to my small bed in the shelter, and I would leave there and come to the CASA meetings, when we decided that we were going to
fight for something like this not to happen to the working poor, and/or someone with a disability like myself, I was fueled with fire so that no one would go through what I went through. Even though I won my case, I had no representation and the trauma and the subsequent mini strokes that followed, landed me in the shelter. I had to leave my apartment; I couldn't stay there anymore. I am mental health counselor and I am a wellness coach and I'm proud of my profession to go and help people in their time of crisis and need and emotional turmoil. But when I needed someone, when I was going through what I was going through with my eviction, there was no one. So, I sought help in CASA and Northwest Bronx Community Coalition and clergy coalition, and I received the help and the power and the empowerment that I needed so that, even though I didn't have a place of my own—not yet, I could make a difference. So, I know that the Right to Counsel is extremely important for the safety and wellbeing of New Yorkers, both people with disabilities, both people who are working and who may fall below the standard that has been set. But we need to change that standard from 200 percent of the federal poverty level to 400 percent. I made too much money. If the Right to Counsel was in effect when I needed help, I would have made too much money. We have to double the income eligibility level so
that almost everyone who is facing an eviction would be eligible from 200 percent to 400 percent. Also, we need to expand the law to cover more eviction cases like HPD administrative cases, for Mitchell-Lama Residents, Supreme Court ejectment cases, housing development fund and corporation cases. All low-income tenants facing eviction, it doesn't matter what type of case, should have the right to a lawyer. Also, we have to support community organizing. Like I said, CASA and Northwest Bronx Community Coalition saved my sanity. Even though I was going through so much trauma... I lost my job, I couldn't work and if it wasn't for the organization, the community-based organizations, I would not be here today. I was the one with CASA and Northwest Bronx doing the surveys in the courtrooms and people did not know about the Right to Counsel and they were so traumatized, they would walk away from us. It was heartbreaking to know that we could help them, but they were so traumatized they couldn't accept help. They were falling into despair. I saw some veterans, I saw some seniors, and I saw some very young people who maybe just fell behind one month in their rent because they just got a job or they just lost their job and especially the veterans, it really hurt my heart to know that they put their lives on the line and now they would be thrown to the curb. So, community-based
organizations like CASA and the Northwest Bronx Community Coalition---Clergy Coalition we need sustained funding. Sustained funding. Because there's so many people that we have helped but there's so many more who had to leave because of the trauma and because of not knowing what to do. They're on the streets right now, they're in the train stations, and they're in shelters. Please, we need sustained funding for the community-based organizations. And thank you.

MR. DRESSLER: Thank you. Before we move to Andrew Darcy, I just want to say one thing. It occurs to us, we don't have a time's up sign, which is probably for the best. I will take the liberty of gently interrupting if we're beyond the thirty seconds or we're really out of time and I will politely ask you to try to wrap it up at that point, if you're a speaker so, thank you for indulging me. We'll now hear from Andrew Darcy. Thank you. And actually, Andrew, as you're coming up, if you don't mind, I understand we've had one person change their minds. We'll call up four more names, just to be ready following Andrew Darcy. Floriberto, Katie Brennan, Yoselyn Gomez, and Orlando Berra. Thank you.

MR. ANDREW DARCY: Thank you. Good evening everyone, it's a pleasure to be with you today. My name is Andrew Darcy, I'm a supervising attorney at
Mobilization for Justice. I work specifically in our Bronx housing unit. MFJ envisions a society in which there is equal justice for all. Our mission is to achieve social justice, prioritizing the needs of people who are low-income, disenfranchised, or have disabilities. MFJ is a member of the Leap Coalition and is thankful for the opportunity to share with OCJ, and with all of you, information about the great work that it has done through the Universal Access to Counsel program as well as some thoughts about how the implementation can be improved.

So, MFJ participates in the Universal Access program in the Bronx where there are currently three court parts dedicated to Universal Access. And so, every Monday, a team of about ten of us go up to the Bronx to perform intakes for anywhere between thirty to forty tenants who have eviction cases. And, in part because of UAC and our connection with the Bronx community, MFJ has made a substantial impact in preserving tenancies and neighborhoods in the Bronx. For example, in calendar year 2019, MFJ has prevented approximately 500 evictions while further helping 500 additional tenants. We've had these successful outcomes in part because of the tremendous benefits advocacy that we, our attorneys and our paralegals do. Just to throw another statistic at you, in Fiscal Year 2019, MFJ was able to obtain somewhere around
three and half million dollars through rental arrears assistance grants and programs like FEPS. And, indeed, we've had over 250 FEPS applications that were approved. MFJ does not just do benefits advocacy. We also are zealous litigators and we have seen a lot of situations in which but for our zealous legal representation, we think tenants would have succumbed to the massive eviction machine that we all know exists. And, indeed, we're regularly on trial, we're regularly filing motions and doing appeals. We're thankful to the Universal Access to Counsel program because it helps Mobilization for Justice fulfill our mission. However, we do believe there are a few ways in which the implementation of the program can be improved to allow us to better serve our clients. One of those ways is that tenants need to be able to connect with counsel prior to the filing of an answer. Currently, in non-payment cases, tenants, or at least most of them, do file answers without the advice of counsel and, in doing so, they may waive defenses that could be dispositive in their case. And while there may be ways that we can clean up or fill in things that they left out, it does complicate cases and sometimes there may be defenses that judges will deem to have been permanently waived which might mean that they lose the case simply because they didn't have the advice of a lawyer when they were filing
this very important document. I mentioned earlier the referral process. We do believe that the referral process on intake days does need to be consolidated and somehow systematized. Right now, as it stands, when we go to do Universal Access, we have a large calendar intake but we also get referrals from judges at their discretion and without any system in place, sometimes those referrals can be overwhelming and we're not able to perform adequate intakes for every single person that's both on the calendar and referred to us on a given day. So, we think that some sort consolidation and systematizing of that would be very helpful to ensure we perform adequate intakes. MFJ is also one of the few providers that doesn't have any space in the courthouse. So, as it stands now, we have to find somewhere to sit or stand with some of the many tenants that we are meeting for the very first time and that raises privilege and confidentiality concerns as well as just general discomfort. The Housing Court wasn't--the hallways of the Housing Court weren't built to do such intakes and so, space does need to be provided for all providers. And, finally, I mentioned FEPS applications earlier. We do believe that our paralegals should be able to do these FEPS applications in-house. Having to outsource these applications creates inordinate delays, which sometimes actually places tenants
more at risk of eviction than if they could be done in-
house. So, in closing, we're thankful for this
opportunity to share our thoughts and we're thankful for
the opportunity to participate in the program and we look
forward to continuing to work together.

MR. DRESSLER: Thank you. Floriberto? Come on
up. It's okay.

MR. FLORIBERTO GALINDO ALVARADO (THROUGH
INTERPRETER): Good night. Hello. My name Florentino
[sic] Alvarado. I am the leader of the tenant association
of [redacted] in the Bronx and a member of the
coalition of the Northeast of the Bronx. I've been living
for fifteen years in my apartment. It's been a year that
my association has tried to eliminate the MCIs. Our
owner, Morgan Group, remodeled the bathrooms, the
kitchens, but it cost us a lot of other problems like
leaks, water leaks, and the toilets are clogged, and
everything became smaller. We've been paying a high rent
and which it's not possible for us to pay a lawyer to
fight the case. It's important for us to have this right
so we can fight our rights as tenants. I came tonight to
ask for help and ask for more resources to all these
community organizations that are present this night. We
need more resources in order to help the tenants and the
lawyers. Two of my neighbors have already received help
for legal representation to fight their case. They went
to court and they won the case thanks to the lawyers that
are helping the coalition to fight for our rights. I
agree with the list of demands that the coalition of
rights representatives are representing. I think it will
be a better improvement to make legal improvements and
justice for the tenants in these ways. Make aware the
tenants of all their rights they have. So, they can know
their rights. The city must put wall boards or billboards
with information regarding this issue. And start a
campaign of sharing more information. Coordinate
messages. We all know it as the right of legal
representation. The city must name it like that way
instead of universal access. It should also apply to
other cases and not only to eviction. And not only to
defense of eviction. Okay. Allow the tenants to find
legal representation or legal help before going to trial,
before the cases start. We are not able to pay for the
MCIs and also pay for the lawyers. That's why it's so
important to expand this right. Thank you so much for
your attention and your help. Have a good night
everybody. Thank you.

MR. DRESSLER: Katie Brennan.

MS. KATIE BRENNAN: Good evening. Thank you for
the opportunity for speaking at tonight's meeting. My
name is Kathleen Brennan, I'm a supervising attorney at the Tenant's Rights Unit at the New York Legal Assistance Group. The groundbreaking Universal Access for tenants facing eviction program has already made an incredible impact on the lives of low-income tenants in New York. Access to counsel exponentially increases the chances that tenants will be able to stay in their homes or at least be given the time they need to find alternative housing. Now that we're more than halfway to full implementation, the program continues to make an enormous difference in the lives of our clients especially with the rights and protections that the state's Housing Stability and Tenant Protection Act gives our clients. For example, shortly after the passage of HSTPA, a NYLAG attorney made a motion to dismiss an owner's use holdover proceeding. The tenant had lived in her apartment her whole life. The holdover is predicated on the grounds that the owner's son wanted to live in the apartment with his potential future children and needed a larger apartment. The recent changes through the HSTPA made that claim invalid. After a number of court appearances, rather than an attempt to oppose the motion, the landlord withdrew the case, and the client was able to continue living in her home of many decades. Without a lawyer, it is highly unlikely that the client would have been able to assert her rights under the
recent technical legal change and would have faced the
loss of an affordable apartment to which she has always
lived. The data clearly shows that access to a lawyer in
Housing Court is key to avoiding eviction. As UA
expansion continues, the HSTPA affords tenants significant
additional rights in areas such as challenging over charge
claims and the regulatory status of their apartments. It
is likely that those dramatic declines in eviction will
continue in the new zip codes covered by UA expansion.
However, in order to continue building on the success of
the program, it is crucial that Universal Access expands
to allow providers the discretion to represent tenants in
HP proceedings, appeals, Article 78 proceedings, and in
administrative proceedings. There are many instances in
which representation in Housing Court will not prevent a
tenant's eviction or stabilize a tenant's housing
situation if the tenant is not also able to obtain
representation in proceedings other than eviction
proceedings. As an example, NYLAG recently represented a
client who would have been evicted from her home of many
decades but for the advocacy and other forms.

MR. DRESSLER: (inaudible).

MS. BRENNAN: The landlord had commenced a
holdover proceeding against the client. They were facing
eviction based on a chronic rent delinquency proceeding.
The holdover proceeding was initially settled pursuant to a provisionary agreement. Subsequently, the client was late in making one of the payments but with NYLAG's assistance she was able to make the payment, her city FEPS benefits were substantially increased and she became current with her monthly rent. Despite all this, the Housing Court judge ordered the client and her family evicted from their home of almost four decades. NYLAG filed an appeal at appellate term, obtained a stay of the eviction proceeding pending the outcome of the appeal, briefed and argued the appeal. The appeal was ultimately successful and appellate term stayed the client and her family's eviction from their home. Without the attorney's tireless appellate advocacy, the client and her family would have lost their home of nearly four decades, being forced to enter the shelter system. In addition to appeals, administrative Section 8 voucher termination proceedings at HPD, DHCR, or NYCHA are often vital to maintaining stable housing. If the provider is representing a UA client in a Housing Court proceeding and a Section 8 voucher termination proceeding is commenced in which the client has legal defenses, it is critical for the client to be represented in the voucher termination proceeding as the loss of the voucher will surely result in the loss of the housing. After several years of
experience with implementing UA, OCJ is uniquely well-situated to work with providers to advocate with the state senate and assembly for additional resources and legal changes that will ensure the success of UA in New York City and serve as a model of excellence for the expansion of similar programs to other areas of the state where tenants face immense housing instability and displacement pressures. While OCJ has undertaken tremendous efforts to ensure UA implementation is as seamless as possible, given the current resources and infrastructure available to the Housing Court system, it is clear that without significant infrastructure resources and the passage of legislation that would standardize and systematize the way Housing Courts operate, it would be extremely challenging for landlord and tenants, counsels, judges, and litigants to realize the vision of UA in which Housing Court becomes a respected venue for true housing justice. I (inaudible) welcome the opportunity to meet with OCJ along with other providers and stakeholders to discuss changes needed to this on a state level to ensure the program can meet the goal of ensuring that all low-income tenants in New York City have access to counsel in Housing Court.

MR. DRESSLER: Katie.

MS. BRENNAN: Once again, NYLAG truly appreciates the opportunity to be a part of the
implementation of the UA program which will provide a road map to cities across the country in revolutionizing access to justice. Thank you.

MR. DRESSLER: I'll call out four more names. Yoselyn Gomez. Oh, wait. I kind of called these already, I'm sorry. Yoselyn Gomez, Orlando Berra, and then finally Ms... folks, Xiomara Loarte and Andrew Scherer. So, first, we'll hear from Yoselyn Gomez. Apologies if I'm mispronouncing there.

MS. YOSELYN GOMEZ (THROUGH INTERPRETER): Good evening. My name is Yoselyn Gomez. I live at 750 Grand Concourse. Do you know that that building is the worst? Is the number one landlord that kicks the tenants out of the buildings. That's why I'm here. Because in my building there are sixteen families ready to be kicked out, out of their buildings. So, they are constructing more buildings in the Bronx and I want to tell the members of the city, I don't know where to find more lawyers to represent us if it's not because of the organizations like CASA and a number of organizations are here, present this night. I don't know if they're gonna say this, but the money that you guys are providing, you guys got to provide also to the organizations from the town. Because if you went to the Bronx--I think this audience should actually be in the Bronx, because that's where, that's where we
are. That's where everybody live, the people that are in Housing Court. Those are the people that are going to tell you there is a need for representation from the lawyers in the Housing Court. Those are the people, those are who we are, the people that are being kicked out of our apartments. These are the people that need the lawyers that are facing eviction and be kicked out of the buildings. I'm here tonight, even though my husband's very ill at the hospital tonight. Because I want to tell the city that calling 3-1-1, that's a waste of time. To find a lawyer to represent me, I can never find it. I go to Casa--that's my organization--every Thursday. There are very few lawyers helping us there. So, what is it you do with the money? You provided it to offices and lawyers, instead of providing it to us, the people, the community that needs lawyers in the Bronx. The (inaudible) the court, especially the Bronx court, it's over-populated. My landlord lives [phonetic] there, if you want to know. That's where you have to go pay the rent. When I saw the lawyers from the Housing Court outside, if you don't have a lawyer behind you, especially behind my people, the people that don't speak the language, basically (inaudible), basically you have no power against them. But if you have a lawyer, that truly represent the interest of the tenant, we would feel more
comfortable. We need lawyers, not just the people that make $20,000 a year, for anybody, any (inaudible) any income. We need lawyers, because we all need a place to live. That's the amount of income that they have. The (inaudible) in the name of several people that I talked to; we need the money. We need the city to provide the money, not to the lawyers that (inaudible). We need the money for the lawyers that represent in the Casa and the other coalitions that are here tonight to help the Bronx. Thank you very much. Go to the Bronx and (inaudible). You'll see what's going on over the country.

[Applause]

MR. DRESSLER: Thank you. Orlando Berra.

MR. ORLANDO BERRA (THROUGH INTERPRETER): Good evening. My name is Orlando Berra. And I live in the Bronx, 344 East 148th Street, from 2006 till now.

MR. BERRA (WITHOUT INTERPRETER): The new owners, (inaudible) because they said (inaudible) buy out, and I'm willing to sell. My wife and I not willing to sell. So (inaudible) address it. Oh, I'm sorry. I say that whenever see those. I'm sorry.

FEMALE VOICE: They have been very aggressive.

MR. BERRA (THROUGH INTERPRETER): Yeah, but (inaudible) waiting for us to sell our apartments. Yeah, the right. That's the right for the--that's what the
contract says. This is the fourth time I'm going to
court, this coming Thursday. Casa, last week, they're the
lawyers, they told me and make me understand what it is I
have to do. I have all my records, rent, all my receipts
of my rent that has been paid. But last time in court,
they were ready to send marshals to me. Because God is
good, I've been praying for them. Yes. And I will thank
you for you guys as well, for the effort that you guys are
putting to defend all of us. And a blessing to you guys
and knowledge and strength for you guys, for you guys.
And I know the Lord will help me with this. Thank you.

Andrew Scherer. And I'll call out four more names to be
ready. Ignacio Juareguilorda, Regina--I apologize, I
can't read this name--Shaney [phonetic], Catholic
Migration Services. Regina? Oh, she's--okay. She knows
who she is. Okay, sit tight. Sean Willis, I believe.

MR. ANDREW SCHERER: My name's Andrew Scherer.
I'm a professor at New York Law School. I am also the co-
chair of the City Bar Task Force on the Civil Right to
Counsel. And tonight I'm testifying on behalf of the New
York City Bar Association. The task force was established
by the New York City Bar Association in 2018 to work
toward the most effective implementation of the right to
counsel in housing in New York City, to work towards the expansion of the right to counsel to other areas of law, and to work towards the expansion of the right to counsel on housing to other parts of the state and the country. Since we first convened we've been meeting with stakeholders, visiting the Housing Court, and working on a variety of different issues having to do with the implementation of the law in New York City. Tonight, I'm just going to speak about a few of the issues that we've targeted for this testimony. The first is language access. The fact that the--I mean, tonight, it was remarkable sitting here at the beginning of the hearing, how well organized this was about making sure that people have access to the information being presented tonight in a wide range of languages. That's not true in the New York City Housing Court. And the fact that they're aren't adequate interpreters and that they're not available when people need them really slows down the process, makes it very difficult for the advocates and the providers to represent and for the process to move in a way that actually adequately protects the interest of the tenants. Another issue that I want to briefly address is the lack of sufficient information, the lack of adequate signage in the courts, the lack of consistent--and some of the parts where the right-to-counsel cases are being heard will
announce the availability of counsel in some boroughs that happens. In some courthouses it doesn't happen. That should be made uniform across the board. The providers are not being given advance lists of--except for in Staten Island--the cases that are going to be eligible for the right-to-counsel the following day. That should be uniform throughout the boroughs. There's a real problem that persists in landlords' attorneys reaching out to unrepresented litigants before court starts or at the beginning of the day, when these are folks who might very well be eligible for counsel. That's a matter that needs to be addressed. And then there's an enormous problem with space in the courthouses. The courthouses were built with the expectation that one side would be represented and the other wouldn't. And the courts are just not designed to accommodate the needs of this new era where there's a right to counsel. There's not enough private spaces for attorneys to interview clients and speak with clients. The fact that the people have to try to scream out their client's names and interview them in the Bronx in the hallway, and in the other boroughs as well, also really impedes the progress and the effectiveness of the program. Those are the points that are made in our written testimony. Just a couple of other additional points. One is that the City Bar strongly supports HR's
1529 and 1104 and will be submitting memos on that. And then I just want to make one more personal point, which is that--let's call it the "right-to-counsel." It is the right-to-counsel. It's not simply, "Universal access," which is something that is sort of a meaningless phrase. Three other jurisdictions have now adopted the right-to-counsel. They call it the right-to-counsel. The mayor, when you hear him talking on the radio, refers to it as the right-to-counsel. The city's new Office to Protect Tenants has been putting up posters referring to it as a right-to-counsel. And frankly, it's most important because this administration won't be here forever and people will understand something that's a right. Unless you extend the term limits again, like Bloomberg did, you're not going to be here forever. And people understand that they have a right and people will fight for that right if some subsequent administration starts to threaten it in some way, legislatively or in some other way. So anyway, we really should all be referring to this as a right-to-counsel, 'cause that's what it is. And that's what's going to enable us to protect it in the long run. Thank you.

[Applause]

MR. DRESSLER: While I still have a job, I will call up the next name: Ignacio Juareguilord. Thank you.
MR. IGNACIO JUAREGUIORDA: Thank you, good evening. My name is Ignacio Juareguiorda. I just want to see that on the screen. No? All right. Thank you for the opportunity to provide testimony today. I will try to keep my--I will try my best to keep my comments to the allotted time limit, so I refer you to our written testimony for greater detail. The Center for Court and Innovation works to create a more effective and humane justice system by launching operating programs to test new ideas and solve problems, performing original research and providing expert assistance to justice reformers around the world. We operate programs in all five boroughs, ranging from community-based violence prevention programs to re-entry initiatives, civil access to justice programs, and court-based programs that reduce the use of unnecessary incarceration, just to name a few. In all of our work we start with understanding a full range of needs of our communities. I oversee Legal Hand [phonetic] and the Jonathan Lippman Access to Justice fellowships, two projects at the Center. What do we do? Well, one of the things we do is eviction prevention. As in the case in Housing Courts everywhere in both Harlem and Red Hook, two of our community courts, eviction proceedings initiated by landlords in the forms of non-payment cases represent the majority of our cases. In 2018, Harlem handled 2,578 non-
payment cases and Red Hook handled 822. In all of our work we take a problem-solving, individualized approach to cases, meeting the human and not just legal needs of the litigant. We don't just ask the "what," but the "why."

To respond to their needs, we have transformed our Red Hook and Harlem Housing Courts into not just a forum for adjudicating their cases, but a true resource hub. Another all too common reason families face evictions is due to default judgments. In Red Hook, we have launched several Housing Court attendance strategies that have contributed to our low rate of default judgments. In 2018, only one in ten warrants in Red Hook were issued by default, compared to one in four citywide. All of our work is animated by the principals of procedural justice, which is, at its essence, is treating people with dignity and respect. Tenants in Red Hook have increasingly come to come to court to file HP actions on housing maintenance issues, including health hazards of lead paint, mold and chronic leaks. Citywide, in 2018, tenant-initiated HP actions accounted for less than 30% of total housing filings, while in Red Hook, 18% were initiated by tenants. Our Legal Hand project has become a model in the city for increasing access to justice for tenants outside of the courts by bringing justice to the neighborhoods they live in. Legal Hand empowers community residents to support
their neighbors with free legal information. Our trained local volunteers at storefront centers directly support eviction prevention, addressing habitability issues and assistance finding housing. There's a substantial need for this kind of non-court-based prelitigation service. Legal Hand, through our five sites, have worked on 4,545 matters with our visitors in 2019, year-to-date. That is up from last year when we saw 4,273 for the whole year. Without stable housing and protected-tenant rights, a returning citizen faces the likelihood of returning to incarceration. The re-entry programming at the Harlem Community Justice Center operates on the immediacy of providing preventive support to individuals reentering the community. Yet 30% of Harlem's clients returning to community list a homeless shelter as their address. Secure and stable housing is the foundation on which successful reentry is built. However, returning citizens seeking housing faces a shortage of available supportive or transitional housing, which is often exacerbated by restrictive criminal background policies. The promise of universal access is incredible. As a former legal services attorney specializing in Housing Court, I consistently observe better outcomes when tenants have legal counsel, even in cases where the tenant does not retain their apartment. Unfortunately, universal access
is not at this point yet universal and is not the only necessary service. We strongly support the inclusion of public housing residents within universal access, because access to legal services makes a difference for public housing residents in both L and T [phonetic] Court and in NYCHA Administrative Termination of Tenancy Hearings. Tenants of all housing types benefit from legal services when facing evictions and is needed for public housing residence now more than ever. Additionally, we strongly encourage the city to consider ancillary services, including pre-court information that could prevent the need for Housing Court litigation and clinical services, that can ensure that clients are served in a wholistic matter. Thank you for the time.

[Applause]

MR. DRESSLER: Regina--and I'm not going to attempt the last name because I can't read it. And I apologize. That's my fault.

AUDIENCE: Go Regina.

MR. DRESSLER: One name's all it takes. Thank you.

MS. REGINA SHANGLEE: Good evening. My name is Regina Shanglee [phonetic]. I want to thank you for allowing me to present the Catholic Migration Services, tenant leaders team testimony and right to counsel
implementation. Tenant leadership team is very pride and excited to have fought alongside our families, neighbors and allies, and won the right-to-counsel for tenants facing eviction in Housing Court. We believe this is a very important step towards changing the culture and increasing our chances of finding justice in Housing Court, and ultimately shifting power so the courts are no longer controlled by landlords. Even though we still have a long way to go, we are so excited about the success right-to-counsel has already shown. We know that many more tenants are getting representation. Landlords are suing fewer people. Evictions across the city have decreased. And the most exciting part is that tenants are organizing and taking stronger actions to assert their rights and defend their homes. However, there is still a lot to do to improve the implementation and to increase the success of the right-to-counsel. Many tenants who are already covered by the right still don't know that they have it or how to use it. The majority of tenants learn about it when they get taken to court. That's too late, because many of the tenants are afraid to appear in court so they don't go. Others go but decline representation because they only have time enough to appear and get back to work or pick up their kids. We need the city to implement a robust, public-awareness campaign now so
everyone who qualifies for the right-to-counsel knows about it and can assert it. We're happy to have the support of attorneys from legal service organizations. They have worked with our communities for many years and are skilled around the housing laws. Many of us are in need of assistance around other areas to be able to defend our cases and to stay in our homes. Therefore, we call on the city to fund right-to-counsel at a level that supports a wholistic model so organizations can have social workers, public benefits--public specialists, paralegals, et cetera, and attorneys, to (inaudible), feel more supportive. This next piece I'm going to address a question to the audience. Who attended the tribunal on evictions last week?

[Audience]

MS. SHANGLEE: We had a lot of people and brave tenants who got to publicly call on the worst evictors [phonetic] they stopped. You're not allowed to keep using court as a weapon in a business tactic. And the city should join us by investigating the worst evictors. According to the data, these landlords are responsible for a big percentage of the evictions that happen in the city and are suing everyone who is housed by them. They're suing tenants over and over again. But the worst part is that the city allows for this horrible behavior to happen
and it needs to stop. So again, we call on the city to 
investigate these worst evictors. And while the 
investigation goes on they shouldn't be allowed to bring 
cases to Housing Court. Lastly, but equally as important, 
is that we need to pass bills HR 1004 and HR 1529, if you 
want right-to-counsel to really give most New Yorkers an 
opportunity to defend their homes. Many hardworking 
tenants who earn minimum wage currently do not qualify for 
the right-to-counsel, but they also don't earn enough 
money to hire a private attorney. So, the passing of 1104 
would increase the income threshold to 400% of the federal 
poverty line and allow for those families to be covered by 
the right-to-counsel law. Housing Court's not the only 
space where eviction cases are brought. There are tenants 
who are taken to Supreme Court or have administrative 
hearings. But if right-to-counsel only applies to Housing 
Court, many of the other tenants, again, will be left out 
of that fighting chance. HR 1104 will cover all types of 
cases where an eviction is possible and will cover 
appeals, which right now it doesn't do. And with more 
tenants winning their cases, the right needs to be 
expanded to cover appeals so we don't end up at square one 
again. HR 1529 also needs to be passed so that trusted 
community organizations can reach community members about 
the right-to-counsel. In this way, tenants can get
connected to attorneys before going to court, and because community organizations already known and trusted for their work, as community members we feel more comfortable letting them into our buildings and learning about our rights through them. And again, if we don't know about our rights we're going to continue to be pushed out and harassed by our landlords. We hope your office and the city hears our suggestions and asks and continues to include us in the process of implementing the right-to-counsel so we can continue the work of making New York City eviction free. Thank you.

[Applause]

MR. DRESSLER: Next up is Sean Wims, and then I'll start calling out the following names: first one of the next four is actually a special (inaudible) council member, Vanessa Gibson, we're lucky enough to have here. You heard me mention her name earlier as one of the prime sponsors of the Right-to-Counsel Coalitions, so Councilmember Gibson, we're happy to have you here. We look forward to hearing from you. Following Councilmember Gibson will be Nakeeb Siddique, then Gwen Black, and then Meaghan Whyte. Mr. Wims, take it.

MR. SEAN WIMS: Good evening. My name is Sean Wims. I've been a long-time resident of the Bronx, 10453 zip code, [redacted]. I'd like to thank the Office
of Justice for the Tenant's Rights project that they initiated. Okay. However, I've run into the issue of I have now been locked out of a tenant's referral unit for HRA. None of the organizations at this point want to actually represent on my case, where there has been a 20-year issue of noncompliance from the landlord for getting repairs done. I've gone to various organizations up in the Bronx that have taken monies for the project, for the Tenant's Right project. However, I'm at the point now where most of the agencies say that they don't have the resources to help me in my particular instance. I'm dealing with an issue now with non-repair with something that's referring to a new local law, 55 [phonetic] of 2018, which no one seems to be very versed in. However, I'm trapped with trying to maintain and deal with the landlord's issues in court on my own, now that I'm unrepresented once again. The two organizations that I picked up wouldn't continue with it. So, I'm now self-representing again. I'm on disability now and my income is not at the level where I can pay for an attorney. However, the issues within this apartment aren't something that I can deal with my own because there's underlying issues that have affected my health at this point. And I just wanted to bring to attention to your office, the Office of Civil Justice, that some of the agencies are
getting the monies for the program, however, they're not
continuing with these cases on an ongoing basis because
they say they don't have the resources to do it, and I
understand that. However, the tenants who are left in
this predicament are still facing eviction, such as I am.
And once again, I'm not here to nag or complain about the
tenant's organization, Tenant's Right Council. I'm just
here to let them know there are still tenants in the
situation that cannot afford counsel who can't be serviced
fully to the full extent that they need because they just
don't have the resources to do so. But I'd like to thank
you for allowing me to speak. Thank you for your
(inaudible). Thank you.

[Applause]

MR. DRESSLER: Nakeeb?

MR. NAKEEB SIDDIQUE: Yes.

MR. DRESSLER: Oh, sorry. Go ahead.

Councilmember? You're up if you're ready. Sorry.

COUNCILMEMBER GIBSON: Hey, everyone. Good
evening. Thank you so much to everyone for coming out
from the Bronx and the Board. Thank you, thank you for
coming out really tonight to this very important hearing
as we continue to talk about universal access, a/k/a
right-to-counsel. Thank you, Andy Scherer for saying
that, 'cause I've been struggling with the correct term
because I've always known it to be right-to-counsel. So, I want to thank you to the Office of Civil Justice. Thank you to our coordinator, Jordan Dressler and your team, really, for allowing us (inaudible). So, I'll talk to you about right-to-counsel and the two-year implementation where we are. And I appreciate all of the advocates and organizations that are representing on behalf of so many tenants across New York City. This was something that was led by tenants way back in 2014, due to the fundamental belief that housing should always be a right and not a luxury. And I am so thankful for this journey. I am thankful for walking with so many tenants that struggled themselves, that endured so much from their own landlords, that took their pain and turned it into a real plan and purpose. And so here we are, years later, talking about the implementation of right-to-counsel and the local law and just a couple of particulars that I got from the report. And I definitely did look at it and really tried to further understand some of the things that we talked about. And the legal organizations that we have provided funding to have really served over 100,000 New Yorkers in approximately 41,000 households across New York City, many dealing with eviction cases, but also lack of repairs, landlord harassment and many other threats to their tenancy. And we know that this is about a 24% increase in
households compared to the prior year and a 74% increase compared to FY '17, before the implementation of right-to-counsel. And so, fast-forward to where we are today. And as of June 2019, as we ended the fiscal year, more than 350,000 New Yorkers have received free legal representation, consultation, advice and assistance in eviction cases and other housing-related matters since 2014. Residential evictions are at historic lows in 2018 and the majority of tenants were represented in court through universal access right-to-counsel. So, we have shown through data, through real-life experiences, that right-to-counsel is working and it is successful, and I am grateful for that. And in a number of cases in FY 2019, 94% of households that were served in housing court or eviction proceedings were income eligible as defined under our law, but I also want (inaudible) that we recognize that there were about 477 households in the Bronx that exceeded the 200% income. And so that is another reason why we are at the city council. Mark Levine and myself, are looking at right-to-counsel 2.0, because we know that if we change the threshold from 200% to 400% of the federal poverty level, we're going to reach even more households that are equally as important. These are working families and we want to recognize that as we raise the minimum wage and we raise income wages in our
household, we also want to make sure we recognize that families are still struggling today. And so, moving forward, I wanted to offer up a series of recommendations that I believe that the Office of Civil Justice should be looking at as we continue to implement right-to-counsel. So first, we need your support HR 1109 and HR 529--1104, I'm sorry. We need your support on both of those pieces of legislation, not just to change the threshold, but also to focus on tenant organizing and organizing on the ground. And that is something that has been done successfully by the Right-to-Counsel Coalition and many organizations. Too many to call, but certainly on behalf of the Bronx, I have to recognize Casa Bronx and Northwest Bronx Community (inaudible) Coalition. Those two organizations have been the foundation by which we've done this work in the Bronx. And so, expanding outreach, I want to see public service campaigns, just like we have Thrive NYC and its billboards everywhere on subways and bus ads. I want to see us focus on universal access and talking about it. The NYC kiosks that we have all across the city--we should be talking about the eligibility and encourage tenants to come forward, because it's unfortunate that tenants only find out about right-to-counsel when they go to Housing Court. And so, we have to do better in expanding our outreach, our promotion,
education and empowerment. Number two, as it was
mentioned, we have a space issue in our Housing Courts,
and I reference the Bronx. You have a capacity issue.
You have attorneys meeting with their clients in the
hallway, in the bathroom. It is a zoo if you go to Bronx
Housing Court on any given day of the week. And I know
they're working very closely with OCA, and as we continue
to do that I want to make sure we recognize we have to
provide privacy space, confidentiality space so that
clients can meet with their attorneys. Language access
was brought up, so I just want to emphasize the importance
of that. Expanding right-to-counsel to fully be eligible
for NYCHA residents. And I know right now it's focused on
seniors, head of households 62 and older, for non-
administrative cases. And that's a good start, but it's
not the end. And I want to make sure we do focus on all
tenants that live in New York City public housing. I want
the Office of Civil Justice to play close attention to the
rent regulation laws that were passed by the legislature
this June. The Tenant Protection and Housing Stability
Act of 2019. I want you to pay very close attention and
look at trends that you may see as landlords and owners
have to comply with this new law. We've heard some, you
know, information, and things on the ground about
landlords wanting to try to circumvent the law and do
everything they can to get around it. And so, I want us to be ahead of the game and see what is happening on the ground as it relates to the new regulation laws. I mentioned that some legislation items to talk about and I also want to say that this has been a journey and a movement for many of the tenants and the organizations. But we, in New York City, are leading the way and other localities are looking at New York City in terms of how to follow. And looking at best practices that we have implemented here. So, we see places like San Francisco, (inaudible), that have already implemented similar messages. And most recently, shout out to Cleveland, Ohio, because their Cleveland City Council successfully passed right-to-counsel in Cleveland. And so, this is something to me that's getting national attention for all of the right reasons. And what better place to lead the effort than New York City. And I know our transition was a challenge at first. We learned a lot of the lessons of the past, things that we didn't do, things that we can do better. And now that we are looking at expanding and further going to more zip codes, I again want you to look at the promotion, the outreach, government regulation, look at what's happening inside Housing Court, also what's happening outside of Housing Court, and really make sure that this continues to be successful. I think we
appreciate the progress that has been made, the members
that are showing that when you provide legal
representation to tenants facing eviction, it saves their
home. It provides the stability that they deserve. And
that is something that speaks volumes to this
administration and to all of the advocates that are here.
And so, once again as we continue to move forward, in my
two final years in the city council, I look forward to
working with you on passing both of our pieces of
legislation because we want to make sure that more people
can be covered and are covered and are protected, and we
reduce the likelihood of families living in shelters and
being on the street, and we provide the one thing that we
know is a fundamental part of our democracy, and that is
access to affordable and quality and stable housing. And
if we do that, it has a domino effect on their education,
their livelihood, their quality of life, where they live,
how they live. It has an incredible impact on the lives
of our tenants and their families and their children. And
so, I urge you to continue to listen to the residents who
are coming before you tonight, but also more importantly,
continue as you have been in your commitment in working
with the Right-to-Counsel Coalition and with all of the
advocacy groups as we continue to expand our universal
access a/k/a right-to-counsel. I thank you for your time.
I look forward to working with you. Thank you all for coming out tonight. Thank you.

[Applause]

MR. DRESSLER: Thank you very much. Next, we'll have here from Nakeeb Siddique.

MR. SADIQ: Good evening, everybody. And thank you to Mr. Dressler [phonetic] and your team at the Office of Civil Justice for not just listening to us this evening, for everything that you all have done and that you do every single day, on behalf of the Legal Aid Society and on behalf of our mutual clients. My name is Nakeeb Siddique. I'm the director of our housing unit at the Brooklyn Neighborhood Office of the Legal Aid Society, and I'm also a proud immigrant son of Brooklyn and very, very happy to be with you all to speak briefly about year two, going into year three, of the right-to-counsel. And I've submitted my testimony here for the Office of Civil Justice, so I won't necessarily go into the background. But just very briefly, the Legal Aid Society, we are the largest and oldest legal service provider in the country and providing increased access to justice is something that the Legal Aid Society has done for a very long time, longer than any of us in this room have been alive, and certainly representing low-income tenants in Housing Court has been a part of our bread-and-butter, something that we
have done for decades and decades. And in the course of that, one of the things the Legal Aid Society has been at the forefront of is to expand access to justice in Housing Court, as well as in other areas, for all low-income New Yorkers. That is sort of the spirit and principle by which we operate. We believe that our organization, the Legal Aid Society, exists for one simple reason, to ensure that no New Yorker is denied their right to equal justice on account of poverty. Now, the Legal Aid Society is very proud to be part of the right-to-counsel NYC coalition which has won this incredible right-to-counsel here in the city of New York. And now that we are at sort of the midway point of the five-year rollout, right? The law, the right-to-counsel law provides that by July 31, 2022, in all five boroughs anybody who is under the poverty guideline and is a tenant is entitled to free legal representation. We're going into year three. And so one thing I also want to say here is, and I feel very strongly about this and I, you know, I think I got the sense of the room over here is that, you know, now that we're going into year three, we should really, I think, collectively work towards making the right a natural thing, you know, a kind of a part of the infrastructure of the city, part of our social justice/social services infrastructure, like no different from subway, right? We didn't have that 200-
and—some years ago; now we take it for granted. Wouldn't that be amazing if a few years from now the right-to-counsel is not something that we really think that much about. Like you walk over to Criminal Court, of course you expect that there's going to be a lawyer who will represent you for free if you can't afford representation. Well, that is something how it should be in Housing Court and perhaps in other areas of law. And so, I think that is one thing I would sort of say, is that we are at a very exciting moment here for tenants' rights, but not just tenant's, any kind of poor New Yorkers who are struggling to make ends meet in New York City. We have had this Housing Stability and Tenant Protection Act passed by Albany in June. That is the anvil for tenants and many low-income New Yorkers. The hammer is, if you will, the right-to-counsel law. It gives the ways—you know, there's the means and—there's the ways and there's the means. Right? So, we can bring the two of them together. We have an incredible opportunity here and I would encourage all of us to work across all the stakeholders, certainly the Office of Civil Justice, but also with the court system and HRA, the part of HRA that provides, you know, public services to our clients. And also, community-based organizations, to make the most of this moment in history. So, the recommendations I've sort of
had that the society is putting forward are in the
testimony. Every single recommendation I've heard this
evening, 100%, absolutely can agree with. I'll just say
sort of three main things. One if which is that HRA--I
think we would like HRA to work with our clients, tenants
or whoever they are, in Housing Court to provide sort of a
one-stop-shop for public benefits where they can get
assistance from the city, 'cause frankly, a lot of the
cases are about people needing assistance for non-payment
proceedings, so some infrastructure where you can get that
at court, where you're there anyway where you don't
necessarily have to take another day off to go halfway
across town. Second thing I think is that to work with
the courts. The Office of Civil Justice certainly works
with the courts. We, as legal services providers do. But
the courts are hearing what is going on. They're making
incredible reforms that I never thought we would ever see.
It may not be so obvious to tenants, but we need to sort
of push that and make sure that we have language access,
make sure that we have the space to do this right, make
sure that people are treated with dignity and don't leave
because it's just a hard, terrible place to be in. And,
you know, the third thing I will say is that, you know,
again, certainly I think it should be expanded to other
forms of tenant advocacy and tenant representation--the
right-to-counsel, that is. But one thing I would
courage to all of us to maybe take a look at is perhaps
all the stakeholders, jointly, could work together on a
series of continuing education programs centered around
the right-to-counsel to really reinforce that this is
happening; it's not going away. Right? I mean, I feel
like when our adversaries and the court, when everybody
thinks, "Of course, of course you have a right to a
lawyer." That's when we know that we will have one. And
we're not quite there, but I think as we go into year
three, I hope that we all think in those terms. Thank you
all.

[Applause]

MR. DRESSLER: Next up, Gwen Black.

MS. GWEN BLACK: Good evening. Hi. My name is
Gwen Black. And unfortunately, the right-to-counsel did
not exist back in 2016 when I was facing eviction and
ultimately evicted from my rent-controlled apartment on
Riverside Drive an 144th Street. When I sought the help
from several service providers, I was turned away with
many excuses, such as they did not have enough lawyers,
and some of them didn't fully understand succession
rights. The rule was you had to live in the apartment for
two years, but not many of them were aware of the law that
if you have a person with disability it was only one year.
So here I was in the court facing the judge by myself and no legal representation. I could not defend myself. When I tried to defend myself, the judge said to me, "Ms. Black, put your hand down because we're not in college." How unfair was that? Very sad. And so, I was pressured into a settlement that was one-sided. And although I couldn't keep the whole part of the settlement, neither did the landlord. They did nothing according to settlement. So, I eventually had to go to the appeal process. I was given a stay twice. But because, again, I didn't have a lawyer at that time, I didn't get a third stay. So, my recommendation is that it should be mandatory by law to prevent any judges from moving forward in the case if a tenant does not have legal representation. You cannot defend yourself. We don't understand the law and you cannot understand everything that the judge is saying. So, if there's some kind of law in place that would say, "Judges, you cannot allow a tenant to sit here in the courtroom without any representation," I think that will help prevent more evictions. Also, I think it should be more transparent what these service providers are doing. How many cases are they winning? How many cases are they losing? And if they cannot take a person's case, who can they turn to? Is there a hotline or is there going to be someone in the
courtroom? I mean, my case was in 2016, so I don't know if some of those things are now in place. And lastly, it is my hope that OCJ will take a look at past evictions prior to 2017 and see how unfair some of those evictions were and what can be done to right the wrong of some of those cases, cases whether (inaudible) in appeals or with the Supreme Court or whatever. We still need an office that can help us to say, "This case was unfair." Lawyers looked at my case just last week and they said, "This was wrong. This was wrong and this was wrong." But here I was without any legal representation. So that caused the (inaudible) for me to be evicted. But I'm happy to see the Office of Civil Justice, but I really hope that you can go backwards, before 2017, and see what can be done to right some of the evictions. Thank you.

[Applause]

MR. DRESSLER: Next up with have Meaghan Whyte. And I will call out for more names following Ms. White. Kim Statuto, Marika Dias, Dian Hawkins and Judith Bernard. Apologies if I misread them. Thank you.

MS. MEAGHAN WHYTE: Thank you to OCJ for hosting this hearing and the Right-to-Counsel Coalition for mobilizing folks to highlight the improvements that can be made to the right-to-counsel initiative, as it rolls out to the goal of full representation in 2022. I'm just
going to read my highlights, 'cause I know I'm going to go
over. My name is Meaghan Whyte and I'm a staff attorney
at Mobilization for Justice. As my colleague, Mr. Darcy,
said earlier, MFJ is a right-to-counsel provider in the
Bronx. We also serve tenants in Kings County and New York
County as well. However, tonight I'm speaking on behalf
of the legal workers, paralegals, social workers, process
servers, support staff and attorneys who make up Legal
Services Staff Association 2320, staff at Mobilization for
Justice and Legal Services NYC. We provide right-to-
counsel representation in every borough of New York City.
Our members, some of whom have been doing housing work for
decades and others who are brand new to Housing Court have
recognized a number of issues that the implementation of
right-to-counsel has raised. Of primary concern to our
membership, for right-to-counsel to work properly the city
must make funding available for people other than lawyers.
Right now, I'm a lawyer, a social worker, a financial
counselor, a real estate broker and a benefit specialist.
However, I'm only trained and qualified to be one of those
things. The legal services providers who provide right-
to-counsel have a history of providing wholistic
representation. But the funding that our organizations
receive has created a great imbalance of lawyers versus
other essential staff at our organization. Though the
city has provided millions of dollars in right-to-counsel funding, this funding still only covers roughly half of what it would cost to properly and fully staff the work and provide the full level of quality services that tenants in this city deserve. The city's partial funding of the workforces or organizations to cut corners and not hire staff other than lawyers and forces the lawyers to spend less time on each case than the time it deserves. Social workers, paralegals, organizers, benefit specialists and process servers are vital to our practice. I cannot stress enough how much these folks are needed. To throw money at lawyers without hiring other staff creates a system in which cases are settled without support for the tenant. A system in which actual systemic issues of rent overcharges are unaddressed, tenants are left on their own to navigate social services bureaucracies, are not screened for additional needed benefits or are not given the attention they may need because of their attorney's caseload is a system that does not put the tenant first. To that end, I say that case caps should be lowered. In order to provide full representation, numbers must be lowered. Our members recognize that quality representation can only be provided to our clients when our caseload is under a certain number. We are not a factory. Our organizations want to
provide meaningful, quality representation to our clients, representation that includes defense in Housing Court, but also sometimes affirmative litigation, full litigation of counterclaims and defenses, and may take more time than just a few court appearances to settle a case. It is not just for our clients to agree to pay in exchange for repairs and for us to close their cases before their repairs are fully made or the relief to which they're entitled is not realized. Reducing case counts would allow us to help our clients exercise their rights fully. In addition, there's a real need for the city to address issues with the landlords' bar. It is patently unjust that landlords' attorneys are able to speak with unrepresented folks in the hallway of Housing Court before the doors to the courtrooms open, if the landlords' attorneys even deign to arrive before 11 a.m. to harass tenants or encourage them to settle their cases without being able to assert their right to an attorney. Especially in the Bronx, the landlords' bar exhibits racist misogynistic and transphobic attitudes openly and without consequence. Civility issues abound in the Bronx and there has been little-to-nothing done to deal with them. Oh, just one thing. The Right-to-Counsel Coalition recommends raising the income limit to 400% of the federal poverty level. Right now, New York City law mandates a
15-hour [sic] minimum wage, however, a single person working full-time on that salary is ineligible for right-to-counsel rep. As I mentioned earlier, our membership represents folks who do right-to-counsel citywide, and we're very concerned about the physical state of Housing Court itself. Often times, the first time a tenant meets their lawyers in the hallway of Housing Court and there are insufficient facilities for lawyers or legal workers to do intake in private. Many intakes are conducted in the hallways of Housing Court, where there are real concerns about confidentiality and unintentional waiver of privilege. Further, our members have real concerns over the way the tenants are treated by court staff. Tenants often wait in lines that stretch around the block of the courthouse. They are not allowed to bring in food or drink into the courthouse, though they are often there for hours. There is often insufficient seating in the hallways of the courthouse, as well as the courtrooms themselves. In fact, Kings County recently removed all seating in the hallway of the courthouse. Many courtrooms do not allow folks to have their cell phones out, even if they're on silent. And tenants who bring children to court are often yelled at by court personnel if their children get fussy or start to speak in the courtroom. It is a rare occasion that the court treats tenants like
humans. And this is an institutional practice that must change. And I would refer everyone to my written comments, as I see that my time is up. Thank you very much.

[Applause]

MR. DRESSLER: Kim Statuto?

MS. KIM STATUTO: That's me.

MR. DRESSLER: Thank you.

MS. STATUTO: Good evening. My name is Kim Statuto. I'm attended at [redacted], Bronx, New York. First and foremost, we have been without gas for 14 months. No cooking facility. Yet Housing Court lets the landlord continue to get continuations and access for more days to fix nothing. How does that make me feel? How does that make 46 other tenants in my building feel? I wait. We don't have a voice in the courtroom. Right-to-counsel helped give us that voice. Okay? It's not only about evictions, 'cause we're not facing eviction. We're facing no gas, 14 months, not able to cook; with a $10 hotplate that if it burns out you are on your own to replace it. Ms. Gibson can speak to it. Okay? So, when we talk about right-to-counsel, it's not only about eviction. It's about representing tenants that have no repairs being done in their apartment--okay? My building had over 500 violations. That ain't right, but he still
gets a right to collect his rent and take his tenants to
court. But we don't. We stand there and we try to figure
out, "Well, why didn't I pay my rent? 'Cause I can't use
my bathroom, 'cause I can't use my kitchen." And what
does the judge say? "Well, you need to come up with some
money," or, "You need to find an agency to help you come
up with money." Not right. We've been fighting or
they've been fighting--we've all been fighting for the
passing of HR 1529 to give more community organizers,
community organizations more money to help fund the work,
letting other people know that you have a right. Housing
is a human right. It is not a luxury. I was evicted 26
years ago and I think I heard somebody speak in here
because I didn't know the law, standing in the street with
four children. Okay? I didn't know the law. And my
landlord (inaudible) my rent checks and evicted me 26
years ago. Now I'm standing in an apartment, 26 years
later, with no gas and the court is allowing him to treat
me inhumane. Unacceptable. We have to get these bills
passed. We have to understand that tenants have rights
also, not just landlords. I have a right to live
decently. This young lady right here is my granddaughter.
I cannot bring her to my home and cook for her. I have to
go to her house and visit her. She can't come spend the
night at my house, 'cause I don't have the proper cooking
facility to feed her. And anybody in this room who knows me, you see me, you see her. Okay? It's not fair. We have to get these bills passed. We have to do something about allowing landlords to railroad tenants and put them in positions that they don't need to be in. I am almost homeless because I have Section 8, and guess what Section 8 tells me? "Oh, we can't pay them rent because you have no gas. That's against our rules and policy." Is it my fault? No. I urge everybody or Office of Civil Justice, look at these bills. Pass them. Give money to—so that we can go out here and educate people and educate the court system on what is happening to the tenants. Thank you.

[Applause]

MR. DRESSLER: Marika Dias. And thank you, Ms. Statuto. Thank you.

MS. MARIKA DIAS: Yeah, I'd like to (inaudible) that. Good evening. Good evening, everyone. I'm Marika Dias and I'm the director of the Tenants' Rights Coalition at Legal Services NYC, which is a civil services provider providing right-to-counsel representation across the city. And you know, we're really dedicated to the pursuit of social justice, so we're honored to be part of this initiative and we're excited to work with OCJ and our fellow legal services organizations and the Right-to-
Counsel Coalition and the tenant community to implement the right-to-counsel. We, through our work, are continuing to see the right-to-counsel as a powerful tool for preventing evictions, for preventing tenant displacement. And that's, you know, also reflected in the OCJ annual report. You know, we're also continuing to see an increase in the law favoring tenants. And you know, the law that's upholding tenants' rights as a result of right-to-counsel. And you know, we now also have this really large cohort of tenant attorneys who themselves are now fighting back in an organized way against the racism and the sexism that's really rife in Housing Court. I mean, all of those things are a result of right-to-counsel. You know, we're really committed to ensuring that right-to-counsel ensures and realizes the full potential for building tenant's power and making Housing Court a place where tenants can fight for their rights. And you know, so it's really in that spirit that we want to raise, you know, some of the challenges and factors that are impacting the successful implementation of right-to-counsel. And I'm going to touch on a few things. There are a whole bunch more in our written testimony that we've submitted. But you know, the first thing I want to touch on is just, you know, we appreciate the efforts that OCJ is making to work with the tenant advocacy community
to really ensure the funding levels for right-to-counsel, reflect the true cost of providing high-quality wholistic legal services. You know, we hope that we're able to continue that work and land in a place where we've got funding levels that ensure that we can have sufficient attorneys so that the caseloads are humane and so that tenants get the absolutely best possible legal services. We want funding levels that ensure adequate paralegal support, funding for public benefits advocates, social workers, all the things that tenants need to fight for their rights, and the types of resources that actually also factor in, the increased infrastructure that we need to be able to do right-to-counsel, which includes everything from IT and HR to management and space, and all of those things. You know, a bunch of people have talked about the inadequate Housing Court facilities and it really is the case that, you know, there've been some incremental improvements, but we're nowhere near where we need to be in terms of confidential intake spaces, sufficient space. There's continued overcrowding in terms of lines in the courtroom hallways. And there's quite a number of providers or other services, over in the Bronx in particular, that don't have intake space at all which is absolutely unacceptable. And so, we're really looking forward to working with OCJ to really address this issue
and get OCA on the same page in terms of what we need to make this successful.

And in particular, in light of the fact that they're now proposing to do compulsory alternative dispute resolution, allocate space to that, when they have for years now met with us and told us that there isn't enough space for right to counsel intake.

And then in addition to that, you know, there are still issues about connecting tenants with right to counsel and the legal services organizations. Some of those relate to consistency around the procedures in housing court, but, you know, with also OCJ but also, you know, in particular from the Office of Court Administration personnel. It really isn't efficient to have attorneys and advocates roaming the hallways and the courtrooms calling out tenants' names and looking for tenants when they could be meeting with the tenants that are waiting in line to see them. We really do need some sort of central coordinator role, someone from the Tenant Advocacy Community to play this role to connect tenants with legal counsel.

And it really shouldn't just be in housing court. We need to work together to work out a way where tenants can connect with lawyers in their neighborhoods. And part of then showing that connection is also all about
the messaging and making sure that we're all calling it 'right to counsel' which is what tenants in communities understand. And finally, I just want to quickly raise some issues around cooperation from the New York City Housing Authority. I'm not sure in terms of the phrasing of the right to counsel, but (inaudible) tenants and termination of tenancy proceedings, there are a lot of ways in getting this ramped up and we know that the Office of Civil Justice has worked hard to try to do that.

But, you know, we're still not seeing the kind of cooperation that we would like to see. There are NYCHA attorneys intercepting tenants in the hallways much like any other landlord attorneys and telling them they'll get 'unfavorable outcomes if they lawyer up. I'm not sure attorneys intercepting tenants who are waiting to see as--such as not informing tenants of their right to counsel in the papers the tenants receive. The new location of the administrative hearings offices is relatively prohibitive. He stalls every time I'm there. Tenants are talking about all the impediments to getting to that location and the expenses they've incurred to do that.

And, you know, we're still not--we're not able to get five copies from that, so there are a lot of things that could really make right to counsel in the admin hearings office a lot more successful than it currently
is. And so I've used up my time out and I will refer you to my written remarks.

MR. DRESSLER: Thank you. Diane Hawkins?

Deonne Hawkins; I apologize.

MS. DIAN HAWKINS: Hello and good evening, everyone. I'm from the Office of Adjusters. Our council member that spake (sic) earlier, CASA, and all the representatives. My name is Dian Hawkins. I'm from the Bronx. I reside in my residence over 35 years. And prior to--prior to--all right. Prior to right to counsel, the ordeal that I underwent with my landlord, you know, I do--it did have an impact on the left over from PTSD because we have lived there over the past years and since the rezoning and everything has happening, the landlord, they tried to get us out and they didn't repair where there was ceiling collapsing in the bathroom. And actually, the longer they tried not to do repairs, so we've been back and forth to court several times and, you know, to face eviction, even just for $35. I was very stressed. I suffered from anxiety to the point where whenever I even heard the landlord's name mentioned, you know, I just got stressed, okay? Then I came in contact with, you know, CASA which actually, you know, got an attorney, you know, through them which really helps me through the process which helps to deflate, you know, the stress and
anxieties. You know, there's a lot of tenants in my building that's (sic) have left--you know, left because of the harassment, but because of persistence and resilience I stayed there and I fight. So, actually the right to counsel--actually it would have significant impact on--you know, to keep tenants together, you know, in their homes and it also would help to deflate homelessness. And also, I think--I know that implementation of the right to counsel could be improved to achieve justice for tenants by coordinating message. We all know this right to counsel. And so they should call it that instead of 'universal access.' Better enforcement of landlord intimidation and unethical behavior by landlord attorney, and allow tenants to find attorneys outside of court before their cases begins (sic). And also, to pass ensure in leveling or allow for the increased income eligibility threshold and right to counsel could apply to more kinds of housing court cases. Also pass Intro 1529 for community based organizing groups to do outreach and education. Thank you.

MR. DRESSLER: Thank you. Next, we'll hear from Judith Bernard. And following Ms. Bernard, we'll hear from Steven Koch, Jenny Laurie, Dennis Donnelly, and Nova Lucero.

MS. LAUREN SPRINGER: Good evening. Okay. Hi.
I'm Lauren Springer.

MS. JUDITH BERNARD: I'm Judith Bernard from CMS, Catholic Mission Services, and also a proud member of your Right to Counsel Coalition.

MS. SPRINGER: Okay. So, on behalf of the Right to Counsel NYC Coalition, we commend the City for passing RTC. This is a groundbreaking legislation that made us the first in the nation to guarantee a right to counsel and put income-eligible tenants in housing court eviction proceedings. We also applaud the City as well for its creation of the hotline.

Two years' worth of data shows that RTC is working. Eighty-four percent of tenants who had RTC stayed in their homes, eviction volumes are down, evictions based on (inaudible) entries are also down. But while RTC has proven to be working, there is still more that still needs to be done to improve it, to make it stronger and more effective. Other cities are watching and we need to do more.

MS. BERNARD: I'm going to speak on behalf of RTC New York Coalition. And I'm asking for the following. Increase and strengthen rights to counsel. We are (inaudible) asking for separate recommendations and I think that it could be passed on 1114 and 1529. Increased (inaudible)--we are asking for the increase of the
threshold to 400 percent of the federal poverty line.
(Inaudible) why the majority of tenant in housing courts are eligible for the right to counsel and they coming up to 200 percent this Fall. A single New York single woman $15 which per hour is not. That being--that income threshold would remove everyone's--everyone who is listening in housing court would be right--we have the right to counsel. Explaining the type of increased (inaudible) why this eviction occurred outside the New York City courts. Hundreds of aliens are held in high courts on administrative hearing in (inaudible), including the speedy administrative hearing from (inaudible) from one of residents. Supreme court ejection cases and housing development from corporation. Next covering appeals. Through the (inaudible) guarantees (inaudible) gets an attorney for the entirety of the case. It does not cover (inaudible). Push for (inaudible) than ever deal represented and really the cases (inaudible) are filing all their appeals without legal representation to the defendant, that the evictors tend to be left alone when the final bills (inaudible) decision is made.

MS. SPRINGER: The RTC and RC Coalition released a list of the worst evictors city-wide. Some landlords are suing more tenants than apartments owned. They have weaponized housing court in the last 10 years and are
driving that eviction crisis. We ask the City to actively
investigate these landlords, issue injunctions, and bar
them from bringing (inaudible) lawsuits into their case
until it's resolved. I just want to echo something that my
fellow comrades have said, and that's that we urge the
City to adopt RTC language. Universal access is an
amorphous term. It means nothing. So we all send in
materials, we want that language used, so that the tenants
clearly understand their right and claim its protection
and power. Thank you.

   MS. BERNARD: Thanks to everyone.
   MR. DRESSLER: Thank you.
   MS. BERNARD: Thanks for coming.
   MR. DRESSLER: Thank you. Thank you for coming. Steven--Steven Koch, or I hope I'm saying that
right.

   MR. STEVEN KOCH: Good evening. I'm Steven Koch
and I'm a staff attorney in civil action practice at the
Bronx Defenders. And behalf of BXD, I wish to thank the
Office of Civil Justice for the opportunity to testify	onight. The Bronx Defenders is a public defender non-
profit that aims to radically transform how low-income
people in the Bronx are represented in the legal system
and in doing so, to transform the system itself. Our
interdisciplinary teams of lawyers, social workers,
benefits specialists, and other advocates serve more than
20,000 low-income Bronx residents every year.

Within the civil action practice, our work
focuses on defending tenants from eviction, so we're proud
to be one of the legal services providers participating in
the implementation of the right to counsel. We're also
proud to participate in the Right to Counsel NYC
Coalition, and our testimony incorporates and will largely
echo that submitted by the Coalition. To briefly
summarize our written testimony which we submitted earlier
today, I'd like to address three key topics the BXD sees
as critical to implementation of the right to counsel:
continuing obstacles to early legal intervention,
expanding eligibility, and courthouse resources. First,
continuing obstacles to early legal intervention. Many
tenants are still unaware of the right to counsel and
those who are often decide to litigate their cases pro se.
We recommend that the City pass Intro 1529 to fund and
support neighborhood-based outreach and education about
the right to counsel. We also recommend that OCJ and OCA
work together to help tenants connect with lawyers as
early as possible, ideally in advance of their first court
appearance. Second, the right to counsel is still too
restrictive. Working class New Yorkers do not qualify
under the current 200 percent FPL income threshold, and
tenants who need help with affirmative litigation to
address dangerous living conditions still cannot get free
legal assistance. We recommend that the City pass Intro
1104 to increase the income threshold to 400 percent of
the FPL. We also recommend that the right to counsel be
expanded to cover additional categories of cases like HP
actions. Third, courthouse resources. The proposed move
of the Bronx Housing court to 851 Grand Concourse presents
a unique opportunity to improve upon the inadequate
facilities at 1118 Grand Concourse. We encourage close
collaboration between OCJ, OCA, legal services providers,
and the Right to Counsel Coalition NYC to ensure that the
new Bronx housing court has clear signage, is accessible
to the handicapped, and has confidential space adjacent to
courtrooms for tenants to meet with their lawyers. Thank
you very much.

MR. DRESSLER: Thank you. Jenny Laurie?

MS. JENNY LAURIE: Thanks very much and thanks
to all the tenants who came out tonight. It's freezing.
You know, if it's an OCJ hearing it's going to be horrible
weather, right? Last year it was a snowstorm. My name is
Jenny Laurie. I'm the executive director of Housing Court
Answers. We run information tables in the five county
housing courts and we currently operate a hotline. We
operate the hotline number, the City's number, that's
currently on the Notice of Petition and the postcards, is going into our hotline so we're talking to a lot of tenants who are facing eviction and who need legal counsel. I also submitted written testimony and I just want to touch on a couple of points from it. One, I think the news in your latest report is really fantastic. I think it's pretty amazing that 90 percent of the tenants in the Bronx who had legal representation avoided eviction and got to stay in their homes. I think that's really amazing. And I also think it's great that representation for NYCHA tenants has finally been implemented or started the implementation. The NYCHA tenants in housing court are clearly getting representation now, who live in the zip codes, and there's a start—or a rocky start to the representation for NYCHA tenants in termination proceedings. We have a staff person who goes to 803 Atlantic Avenue and it takes her eight minutes to walk there because she lives near there. And she says she's talked to people who literally took—one woman who took three—it took her three hours to get to her hearing case because of where she lived and I think in the Bronx, and she has to take Access-A-Ride and she had to do a bunch of different things. So, I don't think that the whole right to counsel process at 803 Atlantic Avenue is going to be--have a very smooth implementation probably because of
where it is and probably because of resistance from some
of the staff at NYCHA. Your staff is great there by the
way. So, yeah, so I think that we'll need to watch that.
Housing Court Answers supports the expansion of the right
to counsel to tenants at 400 percent of the federal
poverty level. And of course we support funding for
organizing so that more tenants understand what a right to
counsel is, so fewer tenants default on their cases.
Because right now a lot of tenants never show up in
housing court because they don't know about it. And all
the other recommendations—excuse me, in 1104 and 1529.
We'd also urge the Office of Civil Justice to work with
your friends at OCA to create better intake places
particularly, say, in Queens and in the Bronx where the
intake process is—the rooms themselves that the tenants
end up in are fine, but it's sort of the process of
calling out tenants and explaining it to them what right
to counsel is very chaotic.

And I hope that you will oppose the plan to
implement the alternative dispute resolution. I think
it's insulting of the court system, after so many tenants
have fought blood and tears to get right to counsel, that
the court is then going to implement this, you know,
increasing quality, access to justice, by bringing in
mediation. Mediation doesn't work between two parties;
one who has all the power, the landlords and their
lawyers, and an unrepresented tenant. So, I hope that
you'll oppose the proposal for ADR. Thank you very much.

MR. DRESSLER: Thank you. And before we call
the next man, I just want to take this opportunity to
point out we're actually coming close to the end of the
list. We have folks who have signed up, so if you do wish
to speak and you haven't spoken yet, now would be the time
to sign up. We've still got folks available. If not,
we've got just really two names to go and then we'll wrap
up. And while I have your attention, I want to say thank
you to my staff and my team at the Office of Civil
Justice, some of whom are up here; some of whom are lining
the wall there. All of them worked together to put on, in
my opinion, a flawless hearing this evening. These
logistics are not easy, as you remember working within the
City logistics around the City are never easy, but this is
the second year in a row that so far so good, and
notwithstanding the very, very cold weather outside. So
I'd actually ask you all since we've all been clapping
tonight, if you could give them a round of applause for
the hard work that they do. Thank you. And with that,
Dennis Donnelly. Sorry. I gave you a little hard act to
follow.

MR. DENNIS DONNELLY: Good evening, everyone.
Thank you to OCJ and thank you to everyone who's come and already spoken. My name is Dennis Donnelly. I'm a staff attorney with Communities Resist, a recently founded legal services non-profit focused in North Brooklyn. Our work and our model of legal advocacy is based on group representation of tenants and community organizing. What this means for tenants is that we represent tenant associations both in individual eviction defense cases as well as in group affirmative cases for repairs and essential services, and against landlord harassment and discrimination. We're here in solidarity with New York Right to Counsel Coalition of which we're a proud member, and in enthusiastic support of both Intro 1529 and 1104. Expanding the income guidelines and the types of cases covered is absolutely necessary as you've heard much testimony about already, but providing funding and support for community organizing and local CBOs is absolutely necessary for our model of work and for right to counsel to be successfully implemented city wide. Without community organizing, tenants do not gain the full power and advantages of the right to counsel. But--and city government and the court system lose out on efficiencies and benefits for them as well. Our office is founded on the model that the law is what you can get away with, and for those of you who go to housing court you see that all
the time. As this applies to the justice that our clients receive, we understand that the neighborhoods that we serve have the best shot at preventing further displacement by being proactive and taking the fight to bad actor landlords who abuse the court system as another part of their business model. Without the community-based organizations that we partner with and the organizers that they field, I quite simply could not conduct the legal services work that I do on behalf of tenants throughout North Brooklyn. Every step of the way in a campaign to affirm the right to fair and safe and decent housing, from door knocking to the formation of a tenant association, to around-the-clock communication between attorneys and tenants, to language access and translation and court support, I could not do the work that I do unless tenant organizers and the community organizations that employ them create the path that I can then follow. This organizing work is essential to the success of right to counsel. OCJ's efforts and the efforts of organizations like Housing Court Answers have done so much to educate tenants and spread awareness, but many tenants still do not know about their right to an attorney in housing court because they don't hear about their rights from trusted community organizations that they already frequent for other needs in their communities. Often tenants don't even
go to their first court date because they can't find
coverage for child care. They can't afford to take off
from work for another day to wait around all day, to even
see a landlord's attorney before 4:30. As many people
have said already, the signage in housing court, even in
English, is often inadequate and other language support is
very inadequate. The tenants that we serve and throughout
New York City should be able to find a legal services
attorney through trusted, long-standing community benefit
organizations in their neighborhood before they even go to
court on the first or second or third court appearance
which already has caused other impacts and detriments in
their lives and families. We ask the City to also go with
many other people's suggestions to embrace the term 'right
to counsel.' It's far more concrete. Everyone
understands it, and it centers the fact that every New
York City resident should have a right to housing as well.
Thank you.

MR. DRESSLER: Thank you. Every time. Nova
Lucero?

MS. NOVA LUCERO: Hi. My name is Nova Lucero.
I'm a tenant organizer at the Northwest Bronx Community
and Clergy Coalition. Right to counsel has been really
helpful for my family, friends, and neighbors. This year
alone a number of close friends and family have faced
eviction and are still currently fighting their cases. It has been the only way to fight back and actually win and get (inaudible) line with very abusive practices. We are all know it's a really long process with HCL, with HPD, and we know that even if you win an HP action case in housing court, they're asking for more ways of enforcement of any fines or repairs and justice is rarely seen. For this reason, community groups and legal service organizations are the only resources that share tenants' rights information, but we are all underfunded so our reach is not far. And often it's only for those who have already filed their housing court cases. So we need your support to pass Intro 1529 and fund community organizing to reach more people through more organizers that will conduct more workshops, outreach, and one-on-one counseling and referrals. The right to counsel has been so important to providing tenants with a more effective way to fight injustice. But we all know that it is only effective when more people can take advantage of it. So this is why we need the right to counsel recommendations that have been shared with you about housing court to be implemented. Issues like poor signage in housing court, about right to counsel, judges not telling tenants about their rights, landlord attorneys still intimidating tenants in hallways before courtrooms are open shouldn't
still be happening.

Right to counsel attorneys should not be forced to have confidential meetings in crowded hallways. Tenants shouldn't have to spend entire days in court waiting to be seen, losing money, or getting more sick and spending entire days indoors waiting anxiously. Landlords should have to start the paperwork again if they're going to play these games with tenants. Every week my team and I do door knocking on buildings owned by some of the worst evictors like Steven Finkelstein and the Morgan Group. We are currently seeing tenants in Bronx Housing court and week after week we find that these buildings have recently just become homeless shelters or co-ops or that they're recently vacant due to evictions both informally and through intimidation, construction, harassment, rent increases, or formally through housing court evictions.

If the City is unable or unwilling to do an MTA ad campaign or some other like wide--widely reached campaign, then we can at least do like a (inaudible) campaign about the right to counsel to tenants because we all have, you know, the addresses of these buildings owned by some of the worst evictors and these are the places that we have information about from people who are, like, currently being sued in housing court. People who have right to counsel and people in general, tenants in general, need to
have this information about their rights to be able to at least get resources from their local tenants' rights organization. We also need your help to pass Intro 1104 so other neighbors and longtime friends who have SSI, SSD, and who make a little bit more than $15 an hour can have an attorney. A majority of tenants that I work with are people who just barely make $15 an hour working two jobs or who receive a disability benefit through SSI. And if you are having (inaudible) a growing number of people living in shelters who are doubled up or--or street homeless who come from the service industry or who are elderly or disabled. And this expansion of right to counsel is important to ensure that a growing number of this homeless population stops growing. The vulnerability and health risks of these specific neighbors of ours increases when they are housing insecure or homeless. I'd also like to share that CASA in Northwest Bronx have recently published a report about recommendations for housing court, and if you haven't already done so, you should read it alongside of the right to counsel recommendations. We plan on engaging both of your Offices of Civil Justice and Court Administration to use the power of influence of your offices to ensure impactful changes are done immediately for tenants with right to counsel and for all tenants across New York City. All of these
tenants are fighting for their homes in and out of housing court so we should too. Thank you.

MR. DRESSLER: Thank you. We have one name on the list left. Monica Grijalva? Grijalva. Monica G?
No? Okay. Is there anyone else who would like to speak? You can just step right up. Okay. It is seven--sorry. Eight--about 8:38 and I think we'll call this hearing completed and adjourned. Thank you all very, very much for coming out tonight.

(Proceeding Concluded)
CERTIFICATE

I, Nathalie Moore, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: [Signature]

Date: November 14, 2019
CERTIFICATE

I, Charlene G. Gologuch, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: Charlene G. Gologuch

Date: November 14, 2019
CERTIFICATE

I, Karen Schiff, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature:  

Date: November 14, 2019