

Community Board 12, Manhattan
Housing and Human Services Committee
Minutes
March 5th, 2015 – Main Meeting Space
530 West 166th Street – 6th Floor
New York, NY 10032

Housing and Human Services Committee Members Present (3): Chair Richard Lewis, Ayisha Oglivie, and Felipe Wityk Sanchez.

Housing and Human Services Committee Members Absent (5): Asst. Chair Yahaira Alonzo, Jay Mazur, Lorena Jimenez-Castro, Alyce Smith, and Christina Burgess.

Board Members (2): Osi Kaminer and Kelley Boyd.

Guest Speakers List (2): Mark D. Levine (NYC Councilmember - CD 7) and Trevor Alexander Jr. (Community Outreach Specialist - HRA/OCSE, Outreach & Paternity Services).

Public (4): Natalie Espino (Community and Education Liaison - Office of Council Member Mark Levine), Martin Collins, Sara Fisher, Edwin Fernandez, and Eddie Cuesta.

Staff: Deborah Blow.

Welcome, Opening Remarks, and the Agenda. Richard Lewis as Chair called the meeting to order at 7:14pm. Meeting was set to record to a digital audio file (OLYMPUS). Board Members of the committee introduced themselves as did members of the public present. No quorum was present during the entire meeting. There was a snow storm during the day, but a weather storm warning had been lifted as the snow had stopped prior to the meeting time and most sidewalks cleared. Topics for tonight's agenda were outlined.

Source Documents Released at the Meeting.

The following source documents were distributed or made available at the meeting by presenters:

- **The Father Absence Crisis in America - Infographic and The Father Absence Crisis in America [Text] -**
<http://www.fatherhood.org/bid/190202/The-Father-Absence-Crisis-in-America-Infographic>
- **Legislative Text and NYC Council Intro 214 - Right to Legal Counsel Bill at Housing Court. See NYC Council Calendar or obtain Available Office Copies on Request.**
- **FACT SHEET: Residents & allies demand NYCHA funding to restore decent living conditions - Office Copies Available on Request.**
- **2015 State Legislative Priorities - The Real Rent Reform and the Alliance for Tenant Power** <http://www.ijonestest.org/wp-content/uploads/2014/12/ATP2015LegPlatform.pdf>
- **City Rent Laws to be renewed in March**
http://metcouncilonhousing.org/news_and_issues/tenant_newspaper/2015/february/city_rent_laws_to_be_renewed_in_march
- **Numerous Handouts from HRA/OCSE – Office Copies Available on Request, PDF or in the Office on Display.**
 - ❖ **“In Family Court? No Lawyer We Can Help” LEGAL INFORMATION FOR FAMILIES TODAY (LIFT) Program Flyer (1-212-343-1122)**
 - ❖ **“ABCs of Family Court” – LIFT**
 - ❖ **“Child Support” – LIFT**
 - ❖ **“How to File an Objection or Rebuttal to a Child Support Order” – LIFT**
 - ❖ **“Fathers in Family Court – Paternity and More” - LIFT**
 - ❖ **“Limited Waiver of Confidentiality Form”**
 - ❖ **“Manage Your Child Support” for Non- Custodial Parents**
 - ❖ **“Manage Your Child Support” for Custodial Parents**
 - ❖ **“Meeting Sign In Sheet”**
 - ❖ **“NCP HANDBOOK 2014”**
 - ❖ **“OCSE Annual Report 2013”**
 - ❖ **“ONLINE CHILD SUPPORT PAYMENTS”**
 - ❖ **“DNA Testing”**
 - ❖ **“Get Information on Your Child Support Account”**
 - ❖ **“Mediation Services” HRA Outside Referrals List**
 - ❖ **PARENT HELP – Non Profit Organization (1-800-716-3468)**

Introduction to Custodial and Non-Custodial Parenting Issues.

The world of Custodial Parent and Non-Custodial Parent (parent not living with your child) and support for families is complex and ever-changing. With the law and Family court involved with child support, custody, and visitation rights, co-parenting and sometimes abandonment can be overwhelming challenges. Nationwide enforcement of child support payments, location tracing and debt/arrears collection procedures can be very severe on the Non-Custodial Parent. New tools and less punitive approaches are available today.

There is also no escape for fathers in prison or jail (unrelated crimes) for child support upon release -- that debt accrues. Today, the NYC Office of Child Support Enforcement (OCSE) has several programs to better manage child support: Modify DSS Orders, Arrears Cap Initiatives, and the Arrears Credit Program. Many of these situations are geared to low income populations. The goals of many of these newer programs are to allow for the potential for better parenting and child support agreements. Both sides can engage in outsourced non-profit mediation/referral services to work out a better plan or co-parenting formula. Both sides also need to understand that sharing the responsibilities and joys of child rearing might lead to a more secure family future.

Presentation by Trevor Alexander Jr. – Human Resources Administration.

Trevor Alexander, Jr. appeared before the committee and gave a lengthy workshop on the fine points surrounding child support with both the Custodial and Non Custodial parents and legal enforcement that has lifelong challenges and consequences to co-parenting and the responsibilities of raising a child or children.

Most of his discussion until the end was to cite case histories related to debt collection on Non Custodial parents and the need to be vigorous in avoiding arrears. He emphasized the new look and help available today at the Human Resources Administration (HRA) that will try to lessen the punitive effects and promote better co-parenting. But he cautioned against a few of the risks and consequences for payment arrears:

- Debt Collections and wage garnishment and property seizure or liens for arrears;
- Non-eligibility for a Driver's License;
- Company cars seized when driven by a Non Custodial Parent in arrears;
- Seizing of Bank account funds;
- Seizing Income Tax Refunds;
- Credit reports with derogatory remarks that stay even when arrears is satisfied;
- Assignments to 'friends' or relatives or third parties makes them liable for the debt as well;
- A passport application can be denied if the non-custodial parent currently owes, or had previously owed, past-due child support of \$2,500 or more;
- Family Court appearance without financial documents can result in an automatic default judgment (willful noncompliance by the non custodial parent);
- A non custodial parent's spouse typically does not have a duty to pay support for the noncustodial parent's child from another relationship (DNA Testing may be involved, if contested).

The National Directory of New Hires (NDNH) interacts with the Federal Case Registry (FCR), which contains information about persons in all child support cases being handled by State CSE agencies. These two databases compare their data and, when a match occurs, the NDNH provides the appropriate State information concerning the noncustodial parent. That information can be used by the State to initiate an income withholding notice to the noncustodial parent's employer.

In many instances, the State will learn that a noncustodial parent is living or working in another State. With this information, a State can take appropriate action regarding direct or interstate income withholding.

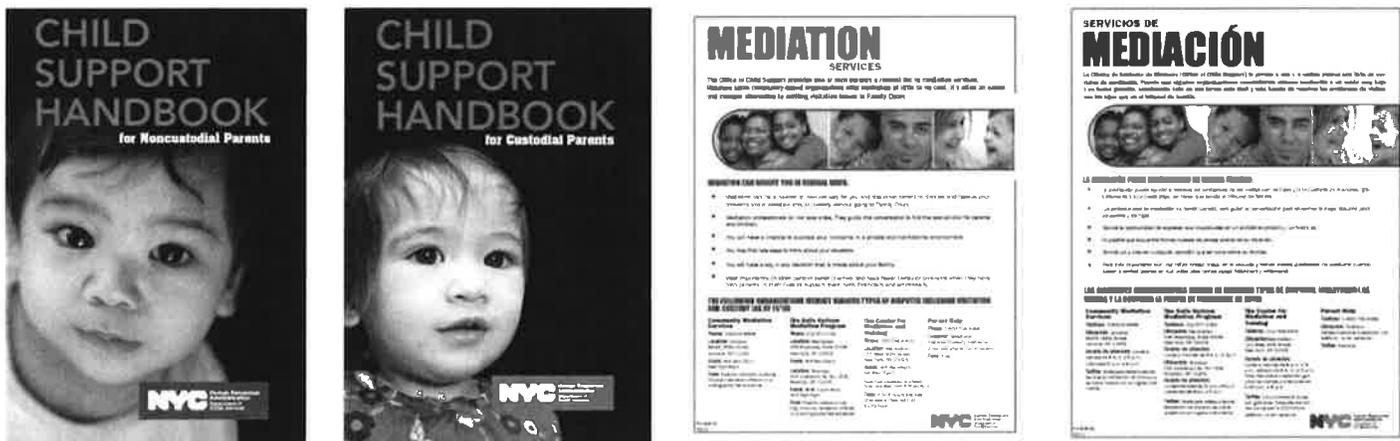
He cited a case of an incarcerated non custodial father who was \$300,000 in arrears in child support payments and was required upon release to pay \$2,500 a month at 9% interest. This case had all the problems and more mentioned above.

He stated that custodial rights and hearing are decided by NYC Magistrate appointed by Administrative Judges in Family Court.

He described how HRA realizes the difference between “deadbeats and those who are dead broke” and systems now in place to create better equity and responsibility for co-parenting. Some of the discussion that followed centered on questions several attendees had about their personal experiences with the enforcement system.

It was suggested that there be better outreach to the schools and the HHS Committee would be happy to make referrals. We also gave an extended invitation for his agency to participate in our future Human Resources Festival.

He started his initial presentation that the worst thing a child could experience was to grow up and not to have any knowledge who their father was or where he is. He ended his discussion with providing a treasure trove of literature and flyers that offer constructive advice, agency contacts and pathways to better and smoother co-parenting formulas. (See the documents listed on page one). The community board office will keep his contact information on file for those who need it



Some of the HRA/OCSE latest publications available at the offices of Community Board 12, Manhattan

Introduction on the Right to Housing Court Appointed Legal Counsel.

NYC has consistent trend of high eviction rates for the past eight years from 24,000 in 2006 to 29,000 in 2013. It is not surprising that these numbers corresponds to an increase in a significant number of luxury high market rate units. There are many reports and agreements by attorneys and their bar associations, court judges, including Judge Jonathan Lippman (Chief Justice, NYS Court of Appeals), electeds and community Based Organizations, and Tenant Advocacy and legal service groups that many of these evictions are unjust and could be cut in half with attorney/client representation. Today, over 90 percent of tenants in New York City Housing Court do not have legal representation, while nearly 98 percent of landlords do. Tenants without legal representation reportedly receive warrants of eviction over four times more often than tenants with legal representation.

It is difficult for tenants to engage in *per se* litigation (representing themselves). Many of these tenants lost their housing mainly because they could not navigate the maze of housing laws and regulations, or court proceedings or afford legal counsel.

Although the U.S. Supreme Court’s landmark decision in *Gideon v. Wainwright* only requires state and local governments to provide effective legal representation in criminal cases, many activists believe there is a need to act for a “civil,” or the right to counsel in noncriminal but high-stakes legal proceedings, such as housing eviction proceedings, child custody hearings, and civil domestic violence disputes. So many in the NYC Council are trying with Intro 214 to level the playing field in Housing Court and if enacted would be the first in the nation to fix this problem.

Presentation by Councilmember Mark D. Levine (CD 7).

Councilmember appeared and presented his rationale for the bill "Intro 214" that he and Councilmember Vanessa Gibson have co-sponsored on the right to legal counsel in housing court. About 150,000 cases in Housing Court do not have attorneys. Their eviction, sometimes unjust is feeding the homeless shelter systems. The simple news is that a significant number of them are families and two thirds of them and some 25,000 cases end up in the shelter system. This is not a solution for raising children.

The right to counsel would not only have an impact on affordable housing and homelessness or public welfare and the administration of justice; it would also pay for itself with savings from other governmental social services costs. The city's Human Resources Administration (HRA) currently can only handle about ten percent of its cases in Housing Court due to insufficient funding, legal staff, and legal service organizations. The Coalition for the Homeless claims that the city spends \$38,000 per year to shelter a homeless family and it could spend a fraction of that cost by providing full legal services to prevent the onset of evictions and homelessness in the first place.

Given the need to solve these problems and provide court-appointed counsel in Housing Court Intro 214 seeks "to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income tenants who are subject to eviction, ejection or foreclosure proceedings". Intro 214 would create a position of civil justice coordinator under the Commissioner of Housing Preservation and Development (HPD) who would organize both public and private pro bono counsel to represent low-income tenants in eviction proceedings based on an individual's gross income not in excess of 200% of the federal income poverty guidelines. Near the end of his remarks the Councilmember Levine responded to a question on how the board could facilitate passage of this historic initiative. He suggested that it would be helpful if our community board passed a resolution on this initiative. Many organizations have supported this bill.

Presentation by Osi Kaminer (CB12, M Board Member).

Osi Kaminer discussed progress on the HHS Committee's fall work on the district's vacant lot study that she and the HHS Committee chair are conducting. Most of the southern tier of the district has been photographed and data recorded. Various parts of the middle of the district and a wide swatch of the northern tier will be completed during the spring. The simple materials and methods have been to travel block by block by car, photograph vacant lots or open areas (small and large), new construction, view land used by parking lots (small and large), boarded up properties, vest pocket car repair shops, and recording addresses for later block/lot and ownership, presentation and analysis. The goal is to be as complete and detailed as possible and to publish, use and map this resource guide for future district planning and historic changes.

NOTE: The item on NYCHA was deferred to a later date as the speaker was unable to appear by car from one of the outer boroughs.

New Business:

Martin Collins appeared and briefly discussed a re-zoning proposal for Broadway corridor from West 155th Street to West 218th Street that would allow the construction of some 15,000 units of housing based on a 50:50 model (half affordable and half market rate) and twelve story buildings with no air rights transfers. He claimed that in the West 212 Street to West 218th Street/Broadway corridor there is an idea emerging to re-zone for some 3,000 units that is the same amount or greater than the proposed re-zoning of the Broadway West 125th Street to West 155th Street corridor of another re-zoning plan authored by this same group.

There are some enormous problems with such a speculated large scale development proposal, although it has not been formally presented to our Land Use Committee. Some of these problems he mentioned were neighborhood displacement, infrastructure insufficiency (gas and electricity), high density and towers, transportation issues and what would be considered affordable housing, if one considers the to the income levels of this community. It was tentatively called "the New Broadway Plan - version?" This newer Broadway Plan "was conceptualized and drafted by **The Housing Partnership**, one of the city's primary intermediaries for the development of affordable housing. While not a developer itself, the 30-year-old nonprofit partnership assists in the development, promotion and revitalization of affordable homeownership and

rental housing.” A remnant of this plan is now being considered by CB 9, M as it runs from West 125th Street to West 155th Street. (See <http://www.6sqft.com/the-new-broadway-plan-could-bring-3000-housing-units-to-west-harlem-50-will-be-affordable/>)

Board member Kelley Boyd appeared and began a discussion over the history of her problems with the Department of Housing and Community Relations (DHCR), the Tenant Protection Unit (TPU), and magistrate bias in the NYS Unified Court Systems regarding an overcharge complaint she raised against her former landlord. She stated that the tenant protection laws were severely flawed and in her opinion agency procedures should not be complaint driven but guided by a better system of audits and reviews. Upon recommendation of the committee the chair will assist her and others by working on some possible remedies in a housing agency’s administration of the law and procedures as we review the NYS Rent Regulation laws that will sunset in June, unless renewed.

Discussion and Resolutions

There was a discussion on the rent regulation laws [Emergency Tenant Protection Laws] that the Mayor is required by law to make a recommendation or not for state approval by the end of the month **if the vacancy rate is less than 5%**. [The higher the supply of units; the lesser demand and so the vacancy rate is high – the lower the supply of units; the higher the demand and so the vacancy rate is low and a housing emergency still exists]. This year’s vacancy rate, determined by the US Census Bureau is 3.45%. The mayor also promises to allow for a public hearing before he announces his recommendation. Should the board may wish to testify this might become an emergency situation since there will be no board resolution before this month’s general meeting. The committee’s approved a resolution on this matter to support renewal of the rent regulation laws without a quorum. It was determined that the resolution should be referred to the Executive Committee for advice and action if necessary. The NYC Council has already approved the extension of rent control so no action is required by the Mayor.

There was also a discussion on of Intro 214 regarding Housing Court appointed legal counsel. The committee felt there was a need for a resolution at this time to allow the board to testify at a hearing by the NYC Council’s General Welfare Committee where ACS, DHS, and HRA will be presenting and discussing their Executive Budgets for FY2016. Community Board 12, M ranked as the number one expense item this year and very high for FY2015 legal services and heavy attorney representation. Since this meeting will take place on March 17th it was felt that this resolution also should be brought to the Executive Committee for discussion and action, also since there was no quorum.

Both resolutions will be circulated to all committee members when the final draft is complete for review and comment.

Both non quorum resolutions were approved:

Voting: 3-0-0-0 (Y-N-A-P) .Board members 2-0-0-0 (Y-N-A-P) and Public 3-0-0-0 (Y-N-A-P).

Motion to adjourn was approved and the meeting ended at 10:04 pm.

Respectfully submitted by

Richard Lewis – Chair HHS Committee

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