

# NYC Office of Civil Justice

# 2018

ANNUAL REPORT

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## **Acknowledgments**

This report was prepared by the Office of Civil Justice, New York City Human Resources Administration.

Special thanks to Ryan Ahern and Kinsey Dinan of the Office of Evaluation and Research of the Department of Social Services; John Gergely, Marcus Angeron and Caroline Antonelli of HRA's Homelessness Prevention Administration; Rosine Ferdinand and John Brickner of DSS' Finance Office; and Jaclyn Moore, Joseph Jones, Rebecca Rothman Klein, Agne Jomantaite and Glory Rosario of the Office of Civil Justice for their invaluable assistance.

We also want to express our gratitude to the dedicated staff of the legal services community who every day provide valuable legal assistance to New Yorkers in need.

## **About the Human Resources Administration/Department of Social Services**

The New York City Human Resources Administration (HRA)/Department of Social Services (DSS) is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs, including:

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

## **Introduction**

In June 2015, with the signing of City Council Intro 736-A into law by Mayor Bill de Blasio, New York City's Office of Civil Justice (OCJ) was created as a part of the New York City Human Resources Administration (HRA)/Department of Social Services (DSS). For the first time, an office was created to oversee and monitor the City-supported civil legal services available to low-income New Yorkers and other residents in need, and to study the impact and effectiveness of the services that are available to New Yorkers as well as the need for such services. OCJ shares HRA's mission of fighting poverty, reducing income inequality, and addressing homelessness in New York City.

New York City's Fiscal Year 2018 marked OCJ's first full year of implementation for New York City's Universal Access to Counsel law. New York City is the first city in the United States to enact a law making legal assistance available to all tenants facing eviction in Housing Court and in New York City Housing Authority (NYCHA) termination of tenancy proceedings, and we are well on our way towards a full and successful rollout of this groundbreaking initiative. Expansion of legal services for low-income New York City tenants continued this fiscal year and will continue to grow in the years ahead, part of a range of OCJ's legal services for tenants, supported by Administration funding which for the first time this year exceeds \$100 million, and which is expected to total \$155 million in overall annual funding for tenant legal services with an additional \$11 million that has just been provided in this fiscal year that will be allocated to support legal services for 400,000 New Yorkers when fully implemented in FY2022.

In FY2018, \$48 million in Administration and Council funding supported an array of free immigration legal services programs in over 25,000 cases, ranging from legal screenings and advice, to assistance filing petitions for legal status, to legal representation for immigrants seeking asylum or facing deportation. At a time when immigrant New Yorkers face an escalating risk of immigration-based arrests and deportation, this programming has never been more urgent or important, and FY2018 saw gains in key areas of legal need for immigrants in New York City.

In the current fiscal year, OCJ's work also includes the launch of new and expanded initiatives providing legal assistance for low-wage workers facing violations of their rights in the workplace as well as survivors of domestic violence in need of legal help to navigate the complex landscape of divorce and related issues of family and matrimonial law. These programs, which involve partnerships among OCJ, other agencies, the City Council and nonprofit law firms, exemplify the City's commitment to increasing fairness and equity in making justice accessible for all.

This third Annual Report is respectfully submitted to provide insights into the recent work of the Office of Civil Justice in establishing, enhancing, and evaluating civil legal services in New York City.

## Main Findings

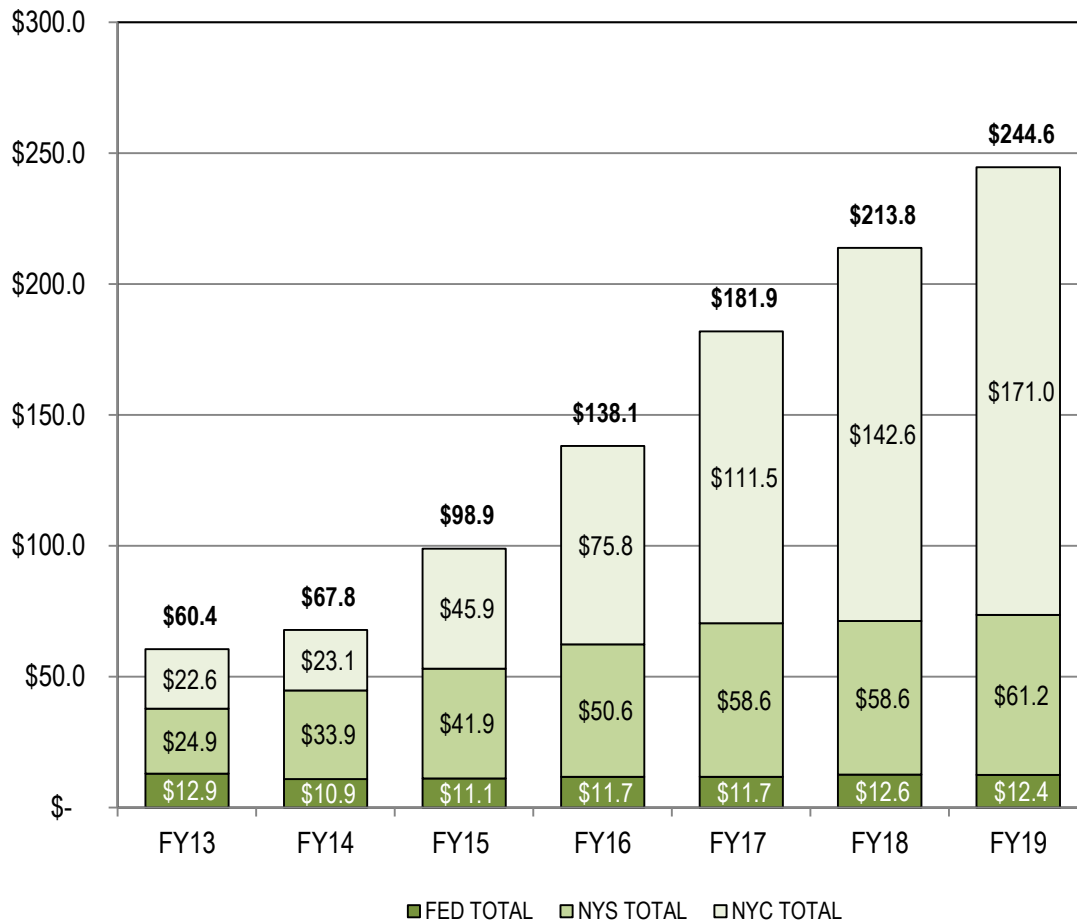
- **New York City is investing \$171 million overall for civil legal services for low-income New Yorkers in FY2019.** Mayoral funding for civil legal services programs comprises more than \$139 million of this total investment, over 80% of the City's commitment to civil legal services programs for New Yorkers. Increases in FY2019 include additional funding for expanded legal services for tenants facing eviction and harassment, for immigrant New Yorkers facing deportation and other legal challenges, for survivors of domestic violence in need of legal help, for veterans and for working New Yorkers to help protect and defend their rights in the workplace.
- **In FY2019, Mayoral funding for legal services programs for tenants administered by OCJ exceeded \$100 million for the first time.** Since 2014, City-funded legal services programs have provided free legal representation, advice or assistance in eviction and other housing-related matters to almost a quarter-million New York City residents.
- **OCJ's implementation of New York City's Universal Access to Counsel law is leveling the playing field for tenants in Housing Court.** In the last quarter of FY2018, 30% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court, a substantial increase from the representation rate for tenants of 1% in 2013. In those neighborhoods selected for targeted legal services access in the first phase of Universal Access implementation, the legal representation rate was 56%.
- **As access to legal services has increased for tenants, residential evictions by City marshals have reached historic lows.** There were approximately 18,000 marshal's evictions in 2018, a 37% decline compared to 2013 when there were nearly 29,000 evictions. As a result, approximately 100,000 New Yorkers remained in their homes who would otherwise have been evicted.
- **Increases in housing legal services continue to have an impact in the courts.** Eviction filings have declined by 12% between 2013 and 2018, and dropped by more than 5% in 2018 alone. Between 2014 and 2018, emergency orders to show cause fell by nearly 49,000 – a decline of 24% - and pretrial motions increased by 4,000, or a rise of 19%.

- **Since 2015, the Anti-Harassment Tenant Protection program has assisted close to 60,000 New Yorkers in over 23,000 cases, providing legal help to tenants facing displacement, disrepair and harassing treatment.** One-half of AHTP cases involved legal representation in eviction cases in Housing Court, and more than one-third involved legal assistance in courts and administrative proceedings on behalf of groups or individuals to assert their rights as tenants. The vast majority of AHTP clients live in rent-regulated homes.
- **Foreclosure cases against New York City homeowners have substantially declined, but rates of legal representation for homeowners show mixed trends.** Citywide, the number of foreclosure cases filed in the five boroughs fell by 42% from 2013 to 2017 while the proportion of homeowners represented by counsel in court has declined in some boroughs and increased in others during the same period.
- **City-funded legal programs served immigrant New Yorkers in over 25,000 cases in FY2018.** Administration-funded legal services programs including ActionNYC, the Immigrant Opportunity Initiative, and federal Community Service Block Grant (CSBG)–funded services administered by OCJ provided legal representation, advice and other assistance in approximately 18,000 cases in FY2018, a 22% increase compared to FY2017, and City Council-funded programs including the New York Immigrant Family Unification Project (NYIFUP) and the Immigrant Child Advocates’ Relief Effort (ICARE) provided legal representation to thousands of immigrants facing deportation.
- **There are increased numbers of immigrant New Yorkers facing deportation.** In New York City, the majority of immigrants facing deportation in immigration court are now represented by counsel, but there is a growing need for representationl for immigrant New Yorkers in the wake of dramatic escalation in immigration enforcement against New Yorkers, which has required OCJ to allocate increased funding in this fiscal year.

## Funding for Civil Legal Services for Low-Income New Yorkers

Civil legal services in New York City are supported by a diverse mix of funding streams including both public and private sources. Local and state governmental support for these services has grown substantially in recent years, while federal funding has declined. Although overlapping fiscal years<sup>1</sup> for different levels of government make it challenging to calculate total funding by calendar year, it is clear that New York City funding for civil legal services has increased substantially in the past several years (see Figure 1).

**Figure 1: Public Funding for Civil Legal Services Providers in New York City (in millions), FY2013–FY2019\***



<sup>1</sup> Unless otherwise noted, “fiscal year” in this Report refers to the New York City fiscal year, which runs from July 1 to June 30 (e.g., Fiscal Year 2019 runs from July 1, 2018 to June 30, 2019).



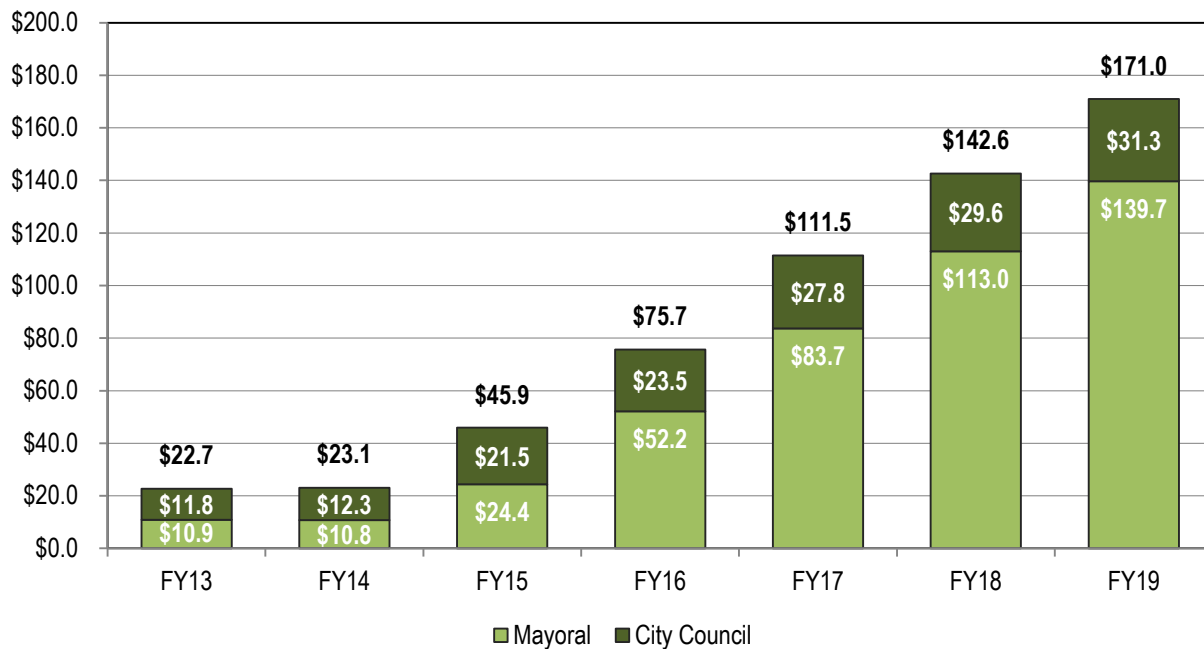
\* Amounts reflect the fiscal year for the relevant government entity: Federal Fiscal Year starts October 1; State Fiscal Year starts April 1; and City Fiscal Year starts July 1.

Sources: Data on NYC funding compiled by HRA Office of Civil Justice. NY State funding compiled from data supplied by Office of Court Administration and published data on the NY State Interest on Lawyers Account (IOLA) Fund: (2012, 2014 Annual Reports, 2015–17 grant schedule; 2018–19 grant schedule), at [www.iola.org](http://www.iola.org). Federal funding data taken from Legal Services Corporation Grantee Data, retrieved from <http://www.lsc.gov/grants-grantee-resources/grantee-data>.

## New York City Funding

City governmental funding for civil legal services is primarily allocated through contracts currently administered by OCJ, encompassing baselined programs supported through the Mayoral budget as well as discretionary grants provided to nonprofit organizations by members of the City Council, as discussed further below. As shown in Figure 2, New York City invested more than \$142 million in civil legal services in FY2018, and in FY2019, increased total City funding for civil legal programs to \$171 million, representing historical high points for both Mayoral and City Council discretionary funding for civil legal programs.

**Figure 2: New York City Funding for Civil Legal Services (in millions), FY2013–FY2019**



Source: HRA Office of Civil Justice

City funding increases in FY2019 for civil legal services at OCJ were driven by growth in legal services for tenants, including the continued implementation of the City’s Universal Access program providing legal services for tenants facing eviction in New York City Housing Court and New York City Housing Authority (NYCHA) administrative termination

of tenancy hearings. Administration funding in FY2019 for anti-eviction legal services is \$54.8 million. Together with increased investments in anti-harassment legal services in neighborhoods across the City and in fair housing legal education and legal assistance in the Broadway Triangle neighborhood of Brooklyn, the overall funding for tenant legal services grew to over \$104 million in FY2019.

In addition, a \$2 million Administration allocation and \$500,000 in Council discretionary grants support the provision of free legal advice and representation for workers in employment-related cases ranging from advocacy regarding employee rights and worker exploitation to lawsuits to recover unpaid wages and overtime pay, unemployment insurance, and family and medical leave, unlawful discrimination and employer retaliation, as well as outreach and legal education programs designed to provide information to educate workers about their rights and the availability of legal assistance. This funding commitment followed OCJ's analysis of the availability of such services in the 2017 OCJ Annual Report and Strategic Plan which identified legal services for low-wage workers to protect and defend their rights in the workplace. Implementation of this funding began during FY2019; nine nonprofit legal services and workers advocacy organizations were contracted to provide legal assistance for approximately 1,900 working New Yorkers as well as to conduct outreach and education for workers about their legal rights as workers in New York City. A list of participating organizations in this initiative is included at Appendix 1.

FY2019 also saw increased investment by the City Council in the Citizenship NOW! naturalization assistance program at the City University of New York and in the City Council's Immigrant Children Advocates' Relief Effort/Unaccompanied Minors and Families Initiative (ICARE/UMFI) and Immigrant Opportunities Initiative (IOI) programs. Also in FY2019, the Council more than doubled its funding for the Supportive Alternatives to Violent Encounters (SAVE) program at OCJ to \$850,000 to provide survivors of domestic violence with legal representation and advice in civil matters in Family Court as well as matrimonial disputes in Supreme Court, and discretionary grants for legal services programs serving veterans and in Legal Services for Low-Income New Yorkers and Legal Services for the Working Poor programs were also increased.

## New York State Funding for Civil Legal Services

New York State funds for civil legal services are primarily allocated through two grant programs: Judiciary Civil Legal Services (JCLS) awards administered by the State Office of Court Administration (OCA), and the Interest on Lawyer Account (IOLA) Fund of the State of New York.

Total annual Judiciary and IOLA funds for civil legal services granted to providers in New York City more than doubled in the past six years, from \$24.9 million in FY2013 to \$61.2 million in both FY2018 and FY2019 (see Table 1). This is a result of increased civil legal services funds in the Judiciary budget allocated by Chief Judge Janet DiFiore and former Chief Judge Jonathan Lippman.

**Table 1: New York State Judiciary Funding Awarded to Civil Legal Service Providers in New York City, FY2013–FY2019 (in millions)**

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
<b>JCLS</b>	\$14.1	\$21.3	\$29.3	\$37.3	\$47.4	\$47.4	\$47.4
<b>IOLA*</b>	\$10.8	\$12.5	\$12.5	\$13.2	\$13.2	\$13.8	\$13.8
<b>Total**</b>	<b>\$24.9</b>	<b>\$33.9</b>	<b>\$41.9</b>	<b>\$50.6</b>	<b>\$60.6</b>	<b>\$61.2</b>	<b>\$61.2</b>

\* IOLA awarded 15-month grants for the period January 1, 2012 through March 31, 2013; amount reported for FY2013 has been prorated to reflect 12 months. For the period FY2014 through FY2019, IOLA funds were distributed through two-year contracts. Annual amounts reported here represent 50 percent of the total contract value.

\*\* Amounts may not add up to totals due to rounding.

Sources: New York State funding compiled from data supplied by Office of Court Administration, and published data from the Permanent Commission on Access to Justice and the NY IOLA Fund: (2012, 2014, 2015, 2017, 2018 IOLA Annual Reports, 2016 and 2017 Access to Justice Annual Reports). Retrieved from [www.iola.org](http://www.iola.org), <http://ww2.nycourts.gov>.

### *OCA’s Judiciary Civil Legal Services (JCLS) Grants*

JCLS grants to nonprofit legal services organizations fund assistance for low-income residents with civil legal matters involving four so-called “essentials of life” categories: housing, family matters, subsistence income, and access to health care and education. These grants constitute the majority of the Judiciary’s commitment to address civil legal needs of low-income New York State residents. JCLS funding for New York City–based legal services providers more than tripled between FY2013 and FY2017, from \$14.1 million to \$47.4 million. The Judiciary has maintained this funding level through FY2019 and is expected to continue through FY2021 (see Table 1).

JCLS grantees in New York City include a diverse group of legal providers and community-based organizations, with some supporting a broad range of legal services and others targeting specific domains or populations. A list of JCLS grantee organizations for 2017 through 2021 is included at Appendix 2.

### *Interest on Lawyer Account (IOLA) Fund*

The Interest on Lawyer Account (IOLA) Fund supports nonprofit organizations that provide legal assistance to low-income people throughout New York State. The IOLA Fund receives money through interest earned on a statewide escrow account. Attorneys in private practice routinely receive funds from clients to be used for future representation. If these funds are substantial, or are intended to be kept for long periods of time, they are customarily deposited in an attorney trust account. However, small or short-term funds are typically held in a statewide, centralized escrow account. Interest income generated by the statewide account is then competitively awarded to civil legal services providers throughout the state via the IOLA Fund. IOLA grantees serve clients in a range of civil legal areas, including housing, immigration, public benefit advocacy, family, education, and consumer law. These organizations provide direct representation, as well as brief advice and pro bono administration.

The revenue generated by the IOLA account may vary year to year as a result of fluctuations in interest rates and economic conditions. Due to increased interest rates on IOLA accounts, IOLA funding for New York City-based legal services organizations will increase to \$19.9 million in State Fiscal Year 2020 (beginning April 1, 2019), compared to \$13.8 million allocations in NYS Fiscal Years 2018 and 2019. A list of NYC-based IOLA grantees for FY2018–19 is included at Appendix 3.

### *Other State Initiatives*

The New York State Budget for State FY2018 provided \$16.4 million statewide to assist New York State residents with immigration concerns, including \$10 million allocated to the Liberty Defense Project (LDP) annually in both State FY2018 and FY2019.<sup>2</sup> In March 2019, the launch of a new State-funded regional rapid response program was announced,

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<sup>2</sup> At the time of reporting it was unclear what amount of LDP funding is specifically allocated to providers or programs within New York City. LDP is not included in NYC-based funding attributed to New York State in Table 1.

intended to provide immigration legal assistance and direct representation in response to emergent situations involving ICE raids and arrests, including within New York City.<sup>3</sup> The Liberty Defense Project is administered by the State's Office for New Americans (ONA) and is run in partnership with law firms, legal associations, advocacy organizations, major colleges and universities and bar associations.

ONA has also announced that it will be supporting several community-based Opportunity Centers across New York State including in New York City to provide services, including legal consultation, naturalization assistance, community workshops, and civics education statewide.

### **Federal Funding for Civil Legal Services**

Federal funding for civil legal services is distributed through the Legal Services Corporation (LSC), which was established by Congress in 1974 as a mechanism for federal funding of civil legal services for low-income families and individuals. LSC awards several categories of grants supporting access to justice in areas such as housing, health, income maintenance, employment, education, and consumer finance. To be eligible for LSC funding, providers must offer a full range of legal aid in a specified service area; the five counties of New York City constitute one service area. Grantees must serve clients whose household income is at or below 125 percent of the Federal Poverty Guidelines.

Consistent with national trends, LSC funding awarded in the New York City service area through its Basic Field Grant program has declined over the past two decades. Projected funding in Federal Fiscal Year 2019 is \$12.4 million, down from \$17.6 million in 2010. The sole recipient of such funding in New York City is the legal services provider Legal Services NYC.

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<sup>3</sup> Office of the Governor, (March 14, 2019). Press Release: *Governor Cuomo Announces New Measures to Assist Immigrants and Protect Them from ICE*. Retrieved from <https://www.governor.ny.gov/news/governor-cuomo-announces-new-measures-assist-immigrants-and-protect-them-ice>.

## Legal Services for New York City Tenants

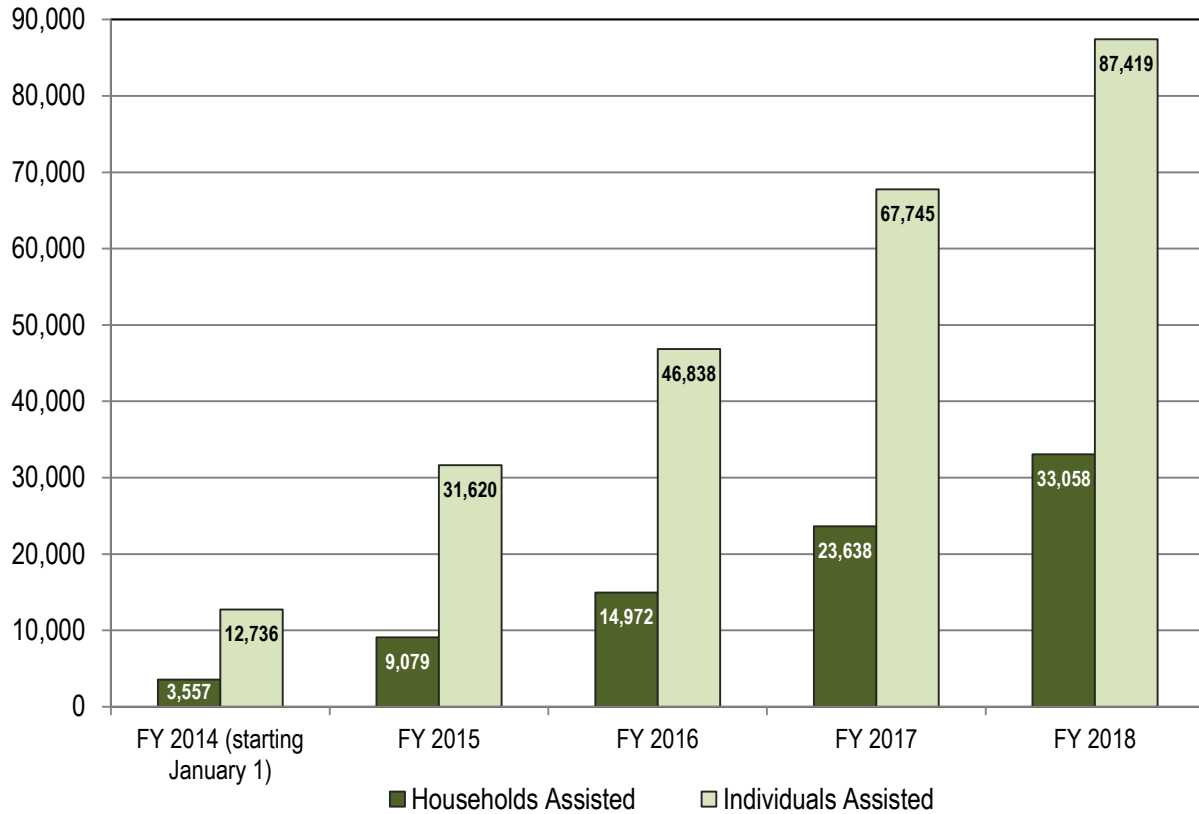
Since 2014, the de Blasio Administration has created and expanded initiatives that provide access to free legal assistance to tenants facing eviction and other housing-related legal issues a core element of a prevention-first approach to combatting poverty, reducing income inequality, and addressing homelessness. A critical component of the City's *Turning the Tide* plan<sup>4</sup> to address homelessness is preventing homelessness before it occurs. This cost-effective and commonsense response to the 115 percent increase in the number of homeless New Yorkers between 1994 and 2014 promotes a fair and equitable justice system. This is particularly true in the City's Housing Courts, a historically uneven playing field for tenants facing eviction where the majority of landlords have usually been represented by legal counsel but the majority of tenants have not.

This commitment has yielded real results. For example, as detailed in Figure 3 below, by the close of FY2018, nearly a quarter-million New Yorkers 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, with over 87,000 New Yorkers served in FY2018 alone, a 29 percent increase over the previous fiscal year.

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<sup>4</sup> *Turning the Tide on Homelessness in New York City*. (2017) Retrieved from [http://www1.nyc.gov/assets/hra/downloads/pdf/news/publications/Turning\\_the\\_Tide\\_on\\_Homelessness.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/news/publications/Turning_the_Tide_on_Homelessness.pdf).

**Figure 3: New York City Households and Individuals Receiving Administration-Funded Housing Legal Assistance, FY2014–FY208**



Source: OCJ Administrative Data

In FY2018, HRA’s baseline budget included \$77 million in funding for tenant legal services programs, which included the Administration’s \$15 million investment in the first phase of Universal Access implementation and \$33 million for anti-harassment/displacement legal services. In FY2019, funding for tenant legal services has increased to more than \$104 million. These investments support legal services programs for tenants that include eviction defense legal services, legal services targeting harassment and displacement of low-income tenants by unscrupulous landlords and New York City’s innovative Universal Access to Counsel program.

In August of 2017, Mayor Bill de Blasio signed into law Intro 214-b, legislation passed by the New York City Council that made the City of New York the first city in the United States to commit to make legal services available to all tenants facing eviction in housing court and public housing authority termination of tenancy proceedings. This groundbreaking legislation - Local Law 136 of 2017, also known as the Universal Access law, tasks OCJ with implementing a program that would achieve this historic milestone by 2022.

In FY2018, OCJ’s legal services programs for tenants provided legal representation, advice, and assistance to 33,000 households across New York City. As detailed in Table 2 below, this includes approximately 26,000 households facing eviction proceedings in New York City Housing Court and termination of tenancy proceedings conducted by the New York City Housing Authority (NYCHA). In total, more than one dozen nonprofit organizations, ranging from large citywide legal services providers to smaller borough- and community-based groups, provided free legal services in FY2018, benefiting more than 87,000 New Yorkers in total. A list of providers is included at Appendix 4.

**Table 2: New York City Households Receiving Administration-Funded Housing Legal Services in FY2018**

	Eviction Proceedings (Housing Court and NYCHA Admin Proceedings)		Other Housing Legal Matters		Borough Total	
	Households	Individuals	Households	Individuals	Households	Individuals
<b>NYC</b>	<b>25,687</b>	<b>68,947</b>	<b>7,371</b>	<b>18,472</b>	<b>33,058</b>	<b>87,419</b>
Bronx	8,787	24,345	2,475	6,173	11,262	30,518
Brooklyn	8,424	22,189	2,441	6,131	10,865	28,320
Manhattan	3,786	8,566	1,672	4,025	5,458	12,591
Queens	3,483	10,339	572	1,648	4,055	11,987
Staten Island	1,207	3,508	211	495	1,418	4,003

Source: OCJ Administrative Data

### Legal Representation for Tenants Facing Eviction in Housing Court

FY2018 marked the first year of the phased-in implementation of Universal Access<sup>5</sup> a year which saw notable increases in the proportion of tenants who face eviction in New York City Housing Court with the assistance of a lawyer. In 2013, roughly 1 percent of tenants facing eviction in Housing Court had legal representation.<sup>6</sup> In contrast, OCJ’s analysis found that in 2016 more than one in four tenants facing an eviction case in court in New York City - 27

<sup>5</sup> *Universal Access to Legal Services: A Report on Year One of Implementation in New York City*. Retrieved from <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>.

<sup>6</sup> Chief Judge Janet DiFiore. (Feb. 26, 2019). *The State of Our Judiciary 2019*. Retrieved from [http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/19\\_SOJ-Speech.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/19_SOJ-Speech.pdf). The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 6, 2014 (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, at 6, Exhibit B at 3). Permanent Commission on Access to Justice. (Nov. 2014). *Appendices to The Task Force to Expand Access to Civil Legal Services in New York Report to the Chief Judge of the State of New York*, at 609. Retrieved from [http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/2014%20CLS%20Report\\_Appendices\\_Vol%202.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2018-05/2014%20CLS%20Report_Appendices_Vol%202.pdf).



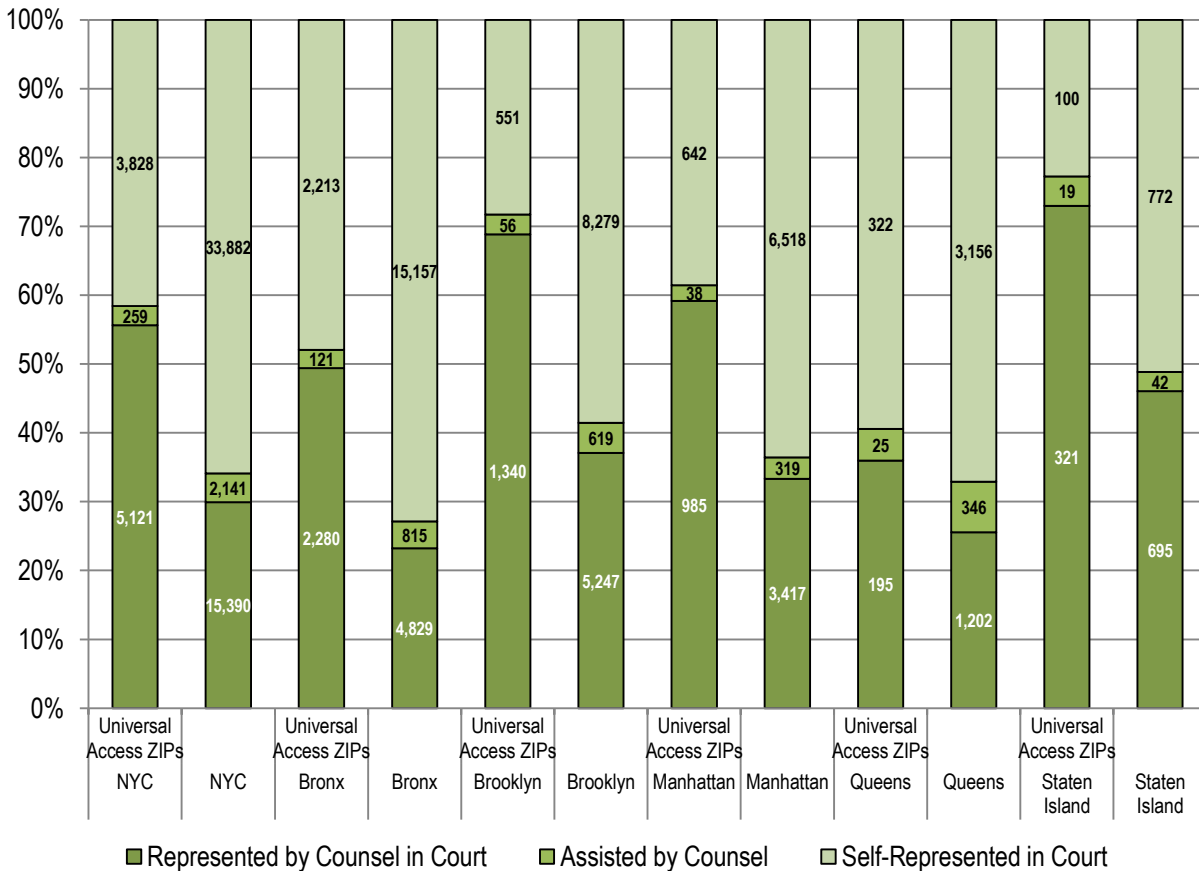
percent - was represented by a lawyer.<sup>7</sup> In the last quarter of FY2018, 30 percent of tenants who appeared in eviction cases in Housing Court citywide were represented by counsel, and an additional 4 percent of such tenants received legal advice or other assistance through OCJ's tenant legal services programs, meaning that, citywide, an estimated 34 percent of tenants appearing Housing Court for eviction cases – *more than one in three* – received legal services.

In the neighborhoods targeted to receive increased availability of legal services during the first phase of Universal Access, the findings are even more striking; looking at the first fifteen ZIP codes included in Universal Access, lawyers represented 56 percent of tenants appearing in Housing Court in their eviction proceedings in the last quarter of FY2018, and an additional 2 percent of tenants received free legal advice or brief assistance through OCJ programs, meaning that 58 percent of tenants appearing in eviction cases in Housing Court in these targeted neighborhoods received legal services. A list of the 20 Universal Access ZIP Codes for FY2019 is included in Appendix 5.

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<sup>7</sup> *NYC Office of Civil Justice 2016 Annual Report*. Retrieved from <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report.pdf>.

**Figure 4: Legal Representation<sup>8</sup> and Assistance Rates for Tenants Appearing in Housing Court in Eviction Proceedings, April 1, 2018 – June 30, 2018**



Sources: NYS Office of Court Administration data as analyzed by OCJ; OCJ Administrative Data

### Impact of Eviction Defense Legal Services in Housing Court

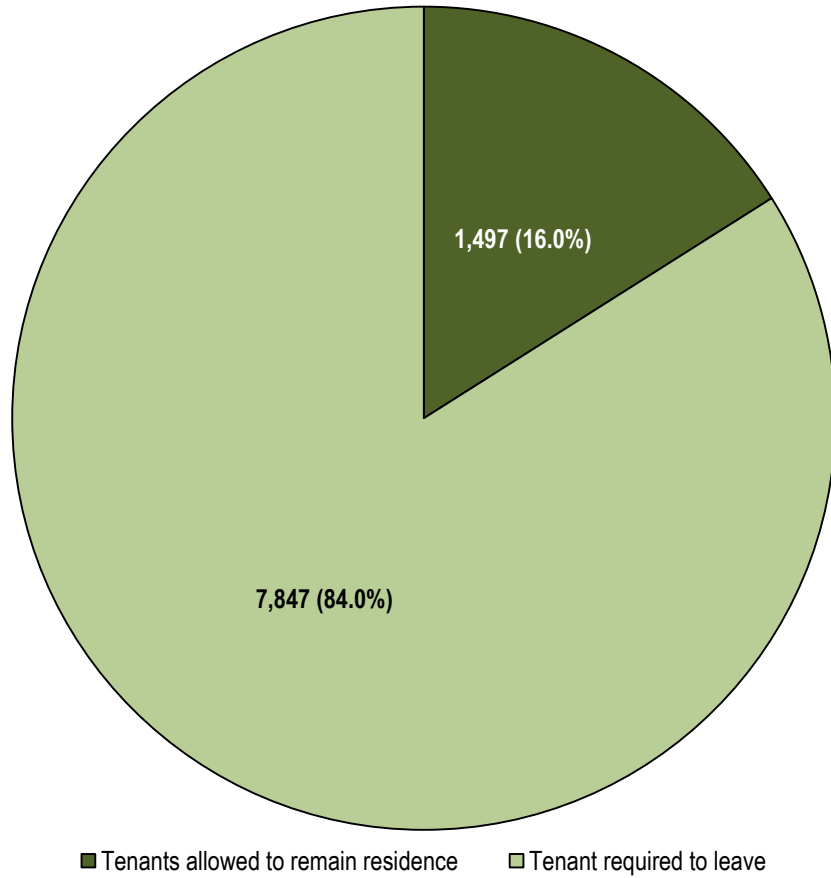
#### Outcomes Achieved

In the overwhelming majority of cases resolved in FY2018, OCJ legal services providers obtained outcomes that enabled their clients to remain in their residence. Specifically, tenants were allowed to remain in their homes in 84.0 percent of cases citywide, and were legally required to leave in 16.0 percent of cases. A legal requirement that a tenant leave a residence following an eviction proceeding does not typically require the tenant to vacate the

<sup>8</sup> Legal representation rates were determined by combining data from the NYS Office of Court Administration regarding eviction proceedings in New York City Housing Court for which legal representation was indicated in such data and OCJ administrative data indicating that full legal representation was provided by OCJ legal services providers in cases marked as “self-represented” in court data.

residence immediately; tenants may be permitted to remain for several weeks or months to allow them to obtain new housing.

**Figure 5: Legal Representation for Households Facing Eviction in New York City Housing Court and NYCHA Termination of Tenancy Proceedings: Outcomes Achieved, FY2018**



Source: OCJ Administrative Data

## Residential Evictions

Since 2013, as the City has substantially increased its commitment to anti-eviction and other tenant legal services, and as the rate of legal representation for tenants in eviction cases has substantially increased, New York City has seen a substantial reduction in a key indicator of housing stability and displacement: residential evictions by city marshals. In 2018, there were 18,512 such evictions, a 37.1 percent decrease compared to 2013, when there were 28,849 such evictions. Every borough in the City has experienced significant declines in the number of residential evictions by marshals. In Manhattan, the number of evictions has fallen by nearly half between 2013 and 2018 (from 4,525 to 2,386, a decrease of 47.3 percent), while the other boroughs have also seen dramatic drops in evictions (the Bronx, by 43.9 percent; Brooklyn, by 33.0 percent; Staten Island, by 29.7 percent; Queens, by 21.6 percent). In all, since 2013, an estimated 100,000 New Yorkers remained in their homes as a result of decreased evictions.

**Table 3: Residential Evictions Conducted by New York City Marshals, 2013–2018**

	2013	2014	2015	2016	2017	2018	% change 2013-18	% change 2017-18
<b>NYC</b>	<b>28,849</b>	<b>26,857</b>	<b>21,988</b>	<b>22,089</b>	<b>21,074</b>	<b>18,152</b>	<b>-37.1</b>	<b>-13.9</b>
Bronx	10,194	9,580	7,401	7,667	7,438	5,714	-43.9	-23.2
Brooklyn	8,313	7,908	7,033	6,476	5,984	5,567	-33.0	-7.0
Manhattan	4,525	3,933	2,898	2,907	2,843	2,386	-47.3	-16.1
Queens	4,862	4,542	3,939	4,290	4,105	3,814	-21.6	-7.1
Staten Island	955	894	717	749	704	671	-29.7	-4.7

Source: NYC Department of Investigation, retrieved from New York City Housing Court at <https://www.nycourts.gov/COURTS/nyc/housing/statistics.shtml>.

## Eviction Cases Filed

In addition, data provided by the New York City Housing Court show trends across a range of indicators, as reflected in Tables 4 through 8 below. As of the end of 2018, eviction cases filed in New York City declined by 11.8 percent compared to 2013, and by 5.4 percent compared to the year before. There were 29,000 fewer eviction petitions filed in 2018 than five years before, and the number of filings has declined citywide every year since 2013. The scale of these decreases has varied across the five boroughs; whereas Manhattan and Queens saw decreases of over 16 percent over this period, eviction filings in the Bronx fell by 5.8 percent, and filings in Staten Island stayed relatively constant with a 1.3 percent decrease. In addition, although declines were seen in every borough and citywide in *nonpayment*

eviction petitions, which comprise the overwhelming majority of eviction proceedings filed in Housing Court, *holdover* eviction petitions increased slightly over the same period. Citywide, nonpayment cases fell by 13.7 percent (from 218,400 to 188,435), while holdover cases increased by 2.9 percent (from 28,464 to 29,279). Here too there was variation across the boroughs, with holdover cases declining in Brooklyn and Manhattan (by 9.4 percent and 15.9 percent, respectively) and increasing in the Bronx, Queens and Staten Island (by 36.7 percent, 5.9 percent and 44.5 percent, respectively).

### *Activity in Housing Court*

OCJ also reviewed and analyzed aggregate data provided by the Housing Court reflecting changes over time in indicators of court activity and litigation. As reflected in Tables 7 and 8 below, between 2014 and 2018, the Housing Court has seen a substantial increase in the number of pretrial motions filed. According to Housing Court data there were approximately 25,000 such motions filed in 2018, compared to roughly 21,000 in 2013, an increase of approximately 4,000 motions filed, or 18.6 percent. At the same time, there has been a substantial *decrease* in the number of emergency orders to show cause filed with the Housing Court; in 2018 there were approximately 157,000 Emergency Orders to Show Cause filed in Housing Court citywide, almost 49,000 fewer than in 2014, a decline of 23.7 percent. Taken together, these trends suggest that in the last two years, more substantive litigation has occurred in the earlier, pre-judgment stage of eviction case processing, while there have been far fewer instances in which tenants have asked the court to bring their cases back to the Housing Court calendar on an emergency basis to dispute the terms of a judgment, to request additional time to meet conditions contained in a stipulated agreement with a landlord or raise issues of law that were missed when the case was first heard by the court, resulting in a fairer and more efficient process for tenants and landlords alike.

Indeed, administrative judges for the New York City court system at the New York State Chief Judge's Statewide Civil Legal Services Hearing in September of 2018 emphasized that the increased legal services in New York City through OCJ's programs including Universal Access have led to *improvements in efficiency* of the Court, and have not resulted in issues with backlogs. For example, case settlements can be reached faster when two attorneys are present to work out the details of a resolution, and when a tenant is represented, the presiding judge can play a more neutral role. As the Honorable Justice Anthony Cannataro, the Administrative Judge for New York City Civil Court, stated, “[s]ome [judges] may have felt they needed to act as an advocate for tenants who appear without representation against a landlord with counsel... That’s now changed in some cases... When both sides are represented by

counsel, judges tell us they feel less pressured to take on the role of advocate.”<sup>9</sup> In February of 2019, the Honorable New York State Chief Judge Janet DiFiore echoed these observations in the 2019 State of Our Judiciary address. Chief Judge DiFiore said:

*The judges and lawyers who sit and practice in Housing Court report that having counsel on both sides of a case is creating a fairer court process leading to more equitable outcomes, increasing the level of civility and professionalism in a court until recently known for its chaotic culture and hallway negotiations, and making housing litigation more efficient in general.*<sup>10</sup>

**Table 4: Eviction Petitions Filed in New York City Housing Court, 2013–2018**

	2013	2014	2015	2016	2017	2018	% change 2013-18	% change 2017-18
<b>NYC</b>	<b>246,864</b>	<b>237,639</b>	<b>234,270</b>	<b>233,884</b>	<b>230,071</b>	<b>217,714</b>	<b>-11.8</b>	<b>-5.4</b>
Bronx	3,006	84,670	85,503	85,957	86,035	78,183	-5.8	-9.1
Brooklyn	69,812	67,659	63,037	62,488	61,048	59,519	-14.7	-2.5
Manhattan*	46,960	40,893	40,333	42,039	40,645	39,332	-16.2	-3.2
Queens	37,441	35,924	35,918	33,930	32,692	31,207	-16.7	-4.5
Staten Island	5,159	5,029	4,907	4,845	4,845	5,092	-1.3	5.1

\*Excludes Harlem

**Table 5: Non-Payment Petitions Filed in New York City Housing Court, 2013–2018**

	2013	2014	2015	2016	2017	2018	% change 2013-18	% change 2017-18
<b>NYC</b>	<b>218,400</b>	<b>208,158</b>	<b>203,119</b>	<b>202,300</b>	<b>201,441</b>	<b>188,435</b>	<b>-13.7</b>	<b>-6.5</b>
Bronx	78,111	79,694	79,778	79,464	80,637	71,491	-8.5	-11.3
Brooklyn	59,323	56,254	51,709	51,623	50,983	50,016	-15.7	-1.9
Manhattan*	42,189	36,488	35,919	37,287	36,525	35,321	-16.3	-3.3
Queens	30,285	28,322	27,498	25,836	24,908	23,627	-22.0	-5.1
Staten Island	4,275	4,141	3,864	3,731	3,716	3,815	-10.8	2.7

\*Excludes Harlem

<sup>9</sup> Clark, D.M. (Sept. 24, 2018). *Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say*. New York Law Journal. Retrieved from <https://www.law.com/newyorklawjournal/2018/09/24/increasing-tenants-access-to-counsel-has-raised-court-efficiency-fairness-judges-say/?slreturn=20190008145708>.

<sup>10</sup> Chief Judge Janet DiFiore. (Feb. 29, 2019). *The State of Our Judiciary 2019*. New York State Unified Court System. Retrieved from [http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/19\\_SOJ-Speech.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2019-02/19_SOJ-Speech.pdf).

**Table 6: Holdover Petitions Filed in New York City Housing Court, 2013–2018**

	2013	2014	2015	2016	2017	2018	% change 2013-18	% change 2017-18
<b>NYC</b>	<b>28,464</b>	<b>29,481</b>	<b>31,151</b>	<b>31,584</b>	<b>28,630</b>	<b>29,279</b>	<b>2.9</b>	<b>2.3</b>
Bronx	4,895	4,976	5,725	6,493	5,398	6,692	36.7	24
Brooklyn	10,489	11,405	11,328	10,865	10,065	9,503	-9.4	-5.6
Manhattan*	4,771	4,405	4,414	4,752	4,120	4,011	-15.9	-2.6
Queens	7,156	7,602	8,420	8,094	7,784	7,580	5.9	-2.6
Staten Island	884	888	1,043	1,114	1,060	1,277	44.5	20.5

\*Excludes Harlem

**Table 7: Pretrial Motions Filed in New York City Housing Court, 2014–2018**

	2014	2015	2016	2017	2018	% change 2014-18	% change 2017-18
<b>NYC</b>	<b>21,263</b>	<b>21,973</b>	<b>25,247</b>	<b>24,678</b>	<b>25,225</b>	<b>18.6</b>	<b>2.2</b>
Bronx	5,528	5,959	7,885	7,156	7,712	39.5	7.8
Brooklyn	6,668	6,929	7,244	7,246	7,818	17.2	7.9
Manhattan*	6,142	6,139	6,815	6,793	6,279	2.2	-7.6
Queens	2,704	2,540	2,859	3,017	2,830	4.7	-6.2
Staten Island	221	406	444	466	586	165.2	25.8

\*Includes Harlem

**Table 8: Emergency Orders to Show Cause Filed in New York City Housing Court, 2014–2018**

	2014	2015	2016	2017	2018	% change 2014-18	% change 2017-18
<b>NYC</b>	<b>205,398</b>	<b>173,023</b>	<b>169,775</b>	<b>171,356</b>	<b>156,792</b>	<b>-23.7</b>	<b>-8.5</b>
Bronx	95,834	79,287	81,011	81,326	71,410	-25.5	-12.2
Brooklyn	52,089	44,398	40,395	40,728	38,696	-25.7	-5.0
Manhattan*	30,906	25,909	25,253	25,694	24,322	-21.3	-5.3
Queens	21,187	19,416	18,873	15,284	18,428	-13.0	-4.4
Staten Island	5,382	4,013	4,243	4,324	3,936	-26.9	-9.0

\*Includes Harlem

Sources: Data reported by New York City Civil Court, *Statistical Reports of Activity of L & T Clerk's Office, ST30*; New York City Housing Court.

## **Anti-Harassment and Tenant Protection (AHTP) Legal Services**

In addition to anti-eviction legal services, in early 2015 the de Blasio Administration launched the Anti-Harassment and Tenant Protection (AHTP) legal services program at HRA. In addition to providing eviction defense legal representation for tenants in Housing Court, legal provider organizations contracted under AHTP have offered tenants counsel to represent them in proactive litigation against unscrupulous landlords causing unsafe or unlivable conditions, as well as legal advice and advocacy strategies intended to avoid litigation on behalf of individual tenants and tenant groups facing harassment. Since its launch in FY2016, AHTP has provided legal services to approximately 60,000 New Yorkers in 23,000 cases, as detailed in Table 9. A list of AHTP legal services providers is included at Appendix 6.

For this year's report, OCJ examined thousands of case-level reports on the AHTP program, reviewing reports on households enrolled and the legal services provided by participating non-profit law firms since the launch of the program in October 2015.

As detailed in Table 10 below, half of the roughly 23,000 cases handled between FY2016 and FY2018 were for eviction defense legal representation in Housing Court. Citywide, the number of Housing Court eviction cases handled under the AHTP program has grown over time, increasing from just fewer than 900 in FY2016, to over 7,000 in FY2018.



**Table 9: Anti-Harassment and Tenant Protection: New York City Households and Individuals Served, FY2016-FY2018**

	Households	Individuals
<b>NYC</b>	<b>23,281</b>	<b>59,479</b>
Bronx	7,355	18,438
Brooklyn	8,096	21,133
Manhattan	4,369	10,515
Queens	2,095	5,772
Staten Island	1,366	3,621

Source: OCJ Administrative Data

**Table 10: Anti-Harassment and Tenant Protection: Types of Legal Matters Handled, FY2016-FY2018**

Proceeding Type	FY2016		FY2017		FY2018		FY2016 – FY2018	
	#	%	#	%	#	%	#	%
Eviction Proceedings	892	37.8	3,647	45.6	7,033	54.4	11,572	49.7
Affirmative Litigation	312	13.2	1,479	18.5	2,109	16.3	3,900	16.8
Administrative / Other Court Proceedings	758	32.1	1,675	20.9	1,997	15.5	4,430	19.0
Other Legal Assistance	396	16.8	1,200	15.0	1,783	13.8	3,379	14.5
<b>Total</b>	<b>2,358</b>	<b>100.0</b>	<b>8,001</b>	<b>100.0</b>	<b>12,922</b>	<b>100.0</b>	<b>23,281</b>	<b>100.0</b>

Source: OCJ Administrative Data

In addition to eviction defense, 16.8 percent of the AHTP program’s cases involve affirmative litigation in which legal services providers bring cases on behalf of groups or individuals to proactively assert their rights as tenants. These include “Housing Part (HP) actions” and “Article 7A” proceedings. An HP action is a lawsuit filed in New York City Housing Court, in which a tenant seeks to force their landlord to provide services or make repairs that are necessary to ensure that a rental property is habitable. In an Article 7A proceeding, a group of tenants sue a landlord who has not provided critical services such as heat, running water, or electricity; has failed to correct unsafe conditions in the building; or has engaged in a pattern of harassment or illegal eviction.<sup>11</sup> In Article 7A proceedings, the presiding court has the authority to appoint an outside administrator to run the day-to-day operations of a building in place of its owner.

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<sup>11</sup> Article 7A of the Real Property Actions and Proceedings Law (RPAPL), RPAPL sec. 770(1). The New York State Senate. Retrieved from <https://www.nysenate.gov/legislation/laws/RPA/770>.

Nineteen percent of AHTP legal services providers' caseload consists of other types of tenant rights litigation comprising a third category of AHTP cases. These have included administrative actions at the Division of Housing and Community Renewal (DHCR),<sup>12</sup> the New York State agency with administrative authority over rent regulation laws. In such actions tenants may ask DHCR to determine whether an apartment is subject to rent regulation, whether it has been deregulated illegally or whether a landlord is charging a legal rent. DHCR also handles cases related to landlord harassment intended to provoke tenants to vacate a rent regulated unit so that the landlord can rent to a new tenant, and increase the rent.

In other litigation, AHTP attorneys have represented clients by intervening in state court foreclosure proceedings in order to enforce their rights as tenants living in properties subject to foreclosure, including the right to have the landlord continue to maintain the property. They have also brought actions charging discrimination on the basis of a protected class - which may include race, ethnicity, nationality, sexual orientation, gender, or source of income against a tenant - which could result in the loss of the tenant's housing. Such actions can be brought as an administrative proceeding before the New York City Commission on Human Rights, the New York State Division of Human Rights, of the United States Department of Housing and Urban Development or as a lawsuit in state or federal court.

Finally, in addition to eviction defense, affirmative litigation, and other litigation, 14.5 percent of all AHTP enrollments involved the provision of legal advice or counsel in pre-litigation strategies.

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<sup>12</sup> DHCR is a division of the New York State Homes and Community Renewal (HCR) agency.

## Characteristics of Households Assisted by AHTP

### Rent Regulated Status

The majority of housing in the city are rental units, and almost half of these are subject to some form of rent regulation. The most recent census bureau analysis of the rent regulation status of rental housing in New York City is derived from the 2017 Housing and Vacancy Survey (HVS). The NYCHVS estimated that approximately 62.9 percent of housing in New York City is comprised of rental units, 45.0 percent of which is rent stabilized, and another 1.0 percent rent controlled. Both types of rent regulation set limits on how much a landlord may increase rents, and provide other forms of tenant protections that prevent dramatic rent increases year to year, and otherwise ensure housing stability.<sup>13</sup>

In FY2017 and FY2018, 84.0 percent of AHTP cases citywide involved representation of tenants living in rent regulated homes. Tables 11 to 15 below provide a breakdown of AHTP clients by rent regulated status, age of the head of household, length of tenancy, household size and composition, and income. Together they provide a portrait of the New Yorkers served by the AHTP program.

**Table 11: Anti-Harassment and Tenant Protection: Rent-Regulated Status of Tenants Served, FY2017 – FY2018\***

	Rent-Regulated		Unregulated		Total
	#	%	#	%	#
<b>New York City</b>	<b>15,602</b>	<b>84.0</b>	<b>2,974</b>	<b>16.0</b>	<b>18,576</b>
Bronx	5,229	92.0	457	8.0	5,686
Brooklyn	5,444	81.1	1,269	18.9	6,713
Manhattan	3,403	93.3	246	6.7	3,649
Queens	924	65.8	480	34.2	1,404
Staten Island	602	53.6	522	46.4	1,124

\* Administrative data on this characteristic is not available for cases in FY2016.

Source: OCJ Administrative Data

### Age of Head of Household

The table below provides a breakdown by the age of the head of household for tenant households through AHTP, as reported by such tenants to their legal services provider. The average age of the head of household was 50 years old, with more than one-third aged 55

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<sup>13</sup> Waickman, C. R., Jerome, J. B. R., Place, R. (2018). *Sociodemographics of Rent Stabilized Tenants: An Analysis Based on the 2017 New York City Housing and Vacancy Survey (NYCHVS)*. NYC Department of Housing Preservation and Development. Retrieved from <https://www1.nyc.gov/assets/hpd/downloads/pdf/about/rent-regulation-memo-1.pdf>.

years or older. Citywide, in 16.7 percent of households served the head of household was aged 65 or older.

**Table 12: Anti-Harassment and Tenant Protection: Age of Head of Household, FY2016 – FY2018\***

Age	# of Heads of Household	% of total Heads of Household
18 or younger	28	0.1
19 - 24	357	1.6
25 - 34	3,339	14.6
35 - 44	5,040	22.1
45 - 54	5,477	24.0
55 - 64	4,803	21.0
65+	3,810	16.7

\* Excludes cases for which OCJ does not have relevant data.

Source: OCJ Administrative Data

### Household Size and Composition

The tables below provide a breakdown by household size of tenant households represented through AHTP, as well as whether or not children resided in represented households, as reported by such tenants to their legal services provider. The average household size was 2.6 people, with 42.9 percent consisting of 2 or 3 people. Thirty-two percent consisted of one person living alone; and 25.1 percent had 4 or more members. 56.8 percent of households included children.

**Table 13a: Anti-Harassment and Tenant Protection: Household Size, FY2016 – FY2018\***

Household size	# of households	% of total households
1 person	7,459	32.1
2 people	5,728	24.7
3 people	4,256	18.3
4 people	3,020	13.0
5 or more people	2,765	11.9

\* Excludes cases for which OCJ does not have relevant data.

Source: OCJ Administrative Data

**Table 13b: Anti-Harassment and Tenant Protection: Households with Children, FY2016 – FY2018\***

Household with children	13,212	56.8
Adult-only household	10,069	43.2

\* Excludes cases for which OCJ does not have relevant data.

Source: OCJ Administrative Data

**Annual Household Income**

The table below provides a breakdown by annual household income of tenant households represented by AHTP providers, reported by such tenants to their legal services provider. Citywide, the average household income for households served through AHTP was slightly above \$22,000 per year, with more than half (53.1 percent) earning \$20,000 or less.

**Table 14: Anti-Harassment and Tenant Protection: Annual Household Income, FY2016- FY2018\***

	#	%
\$0 to \$10,000	5,869	25.2
\$10,001 to \$20,000	6,496	27.9
\$20,001 to \$30,000	4,284	18.4
\$30,001 to \$40,000	2,116	9.1
\$40,001 to \$50,000	1,136	4.9
\$50,001+	1,347	5.8

\* Excludes cases for which OCJ does not have relevant data.

Source: OCJ Administrative Data

**Estimated Length of Tenancy**

The table below provides a breakdown by estimated length of tenancy of households represented by AHTP legal services providers between FY2016 and FY2018, as reported by such tenants to their legal services provider. Citywide, the average length of tenancy for a tenant represented in the AHTP program was nearly 14 years. Roughly half (49.7 percent) of all households served lived in their homes for ten or more years at the time they were assisted.

**Table 15: Anti-Harassment and Tenant Protection: Estimated Length of Tenancy, FY2016-FY2018\***

Length of tenancy	#	%
< 3 years	3,433	16.3
3 - 5+ years	3,959	18.8
6 - 9+ years	3,209	15.2
10+ years	10,459	49.7

\* Excludes cases for which OCJ does not have relevant data.

Source: OCJ Administrative Data

### *Group Representation*

In addition to individual households facing eviction or fighting disrepair or harassment, AHTP legal services providers represent groups of households to address neglect or harassment by unscrupulous landlords. These groups can be formal tenant associations or more informal groups of neighbors facing a common pattern of disrepairs, harassment or other harm. As detailed in Table 16 below, AHTP legal providers have represented approximately 8,700 households in group representations like these; the overwhelming majority of affirmative litigation cases and representation in other courts and administrative proceedings have been part of these group litigation efforts through AHTP.

**Table 16: Anti-Harassment and Tenant Protection: Group Representation, FY2016-FY2018**

	# Group Representations	# All Cases	% Group Representations
Eviction Proceedings	576	11,572	5.0
Affirmative Litigation	3,425	3,900	87.8
Administrative/Other Court Proceeding	3,297	4,430	74.4
Other Legal Assistance	1,373	3,379	40.6
<b>Total</b>	<b>8,671</b>	<b>23,281</b>	<b>37.2</b>

Source: OCJ Administrative Data

## Legal Services for New York City Homeowners Facing Foreclosure

Foreclosure is the legal process used by lenders to recoup overdue balances on property loans, by forcing the sale of the property used as loan collateral.<sup>14</sup> Foreclosure filings across New York City have been on the decline in New York City since 2013. According to reporting by the State Office of Court Administration, between 2013 and 2017, filings against homeowners for foreclosure have decreased by 42.4 percent and from 2016 to 2017, by 21.6 percent, as detailed in Table 17 below. Along with the decrease in new filings, the number of pending foreclosure cases in court at the end of each calendar year has been on a similar decline, decreasing by 47.2 percent between 2013 and 2017, as detailed in Table 18.

**Table 17: Foreclosure Filings in New York City, 2013-2017**

	2013	2014	2015	2016	2017	% change 2013-2017	% change 2016-17
<b>NYC</b>	<b>10,643</b>	<b>11,409</b>	<b>9,618</b>	<b>7,819</b>	<b>6,128</b>	<b>-42.4</b>	<b>-21.6</b>
Bronx	1,882	1,651	1,384	1,155	888	-52.8	-23.1
Brooklyn	2,792	3,749	3,175	2,560	2,153	-22.9	-15.9
Manhattan	374	380	314	229	229	-38.8	0.0
Queens	4,043	4,041	3,428	2,849	2,006	-50.4	-29.6
Staten Island	1,552	1,588	1,317	1,026	852	-45.1	-17.0

**Table 18: Foreclosure Cases Pending\* in New York City, 2013-2017**

	2013	2014	2015	2016	2017	% change 2013-2017	% change 2016-17
<b>NYC</b>	<b>31,016</b>	<b>28,914</b>	<b>28,215</b>	<b>22,355</b>	<b>16,379</b>	<b>-47.2</b>	<b>-26.7</b>
Bronx	4,515	4,925	4,724	4,112	2,453	-45.7	-40.3
Brooklyn	11,554	11,110	11,622	9,570	7,184	-37.8	-24.9
Manhattan	907	807	727	470	438	-51.7	-6.8
Queens	12,454	10,692	10,011	7,460	5,571	-55.3	-25.3
Staten Island	1,586	1,380	1,131	743	733	-53.8	-1.3

Source: New York State Office of Court Administration

<sup>14</sup> For a more detailed explanation of foreclosure trends and practice in New York City, see *NYC Office of Civil Justice 2017 Annual Report and Strategic Plan*. Retrieved from [www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_Annual\\_Report\\_2017.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2017.pdf).

## Civil Legal Services for Homeowners Facing Foreclosure

In New York State, the majority of the funding support for foreclosure legal services has come from the State Attorney General's Homeowner Protection Program (HOPP), which provides housing counseling and legal assistance to New York State homeowners at risk of foreclosure.<sup>15</sup> In New York City, HOPP is administered by the Center for NYC Neighborhoods (CNYCN), a nonprofit organization. CNYCN distributes HOPP, philanthropic, and other public funds to community-based organizations to provide housing counseling for homeowners in jeopardy of foreclosure and legal assistance to homeowners already in foreclosure proceedings. HOPP is the main source of legal assistance for homeowners in the city.

The New York State Office of Court Administration reports that during 2017, for the second year in a row, 62 percent of homeowners statewide appearing for statutorily mandated foreclosure settlement conferences appeared with legal representation, an increase over the 33 percent of homeowners who appeared with counsel in 2011.<sup>16</sup> At the state level, legal representation appears to be on the rise; following the establishment of the New York State Attorney General's Homeowner Protection Program (HOPP), the statewide representation rate increased to 54 percent in 2013, 58 percent in 2014 and then 61 percent in 2015.

While New York State's representation rate has continued to grow, in New York City the landscape is more mixed. Legal representation rates for foreclosure cases in New York City have been lower than statewide rates between 2013 and 2017, although such rates in Queens have generally matched or exceeded the statewide average. 2017 saw modest declines in representation rate compared to the year before in every borough except for the Bronx, where representation rates grew from 44.6 percent in 2016 to 47.7 percent in 2017. Overall, the legal representation rate for homeowners facing foreclosure has fallen slightly in New York City, with 48.4 percent of homeowners represented in 2017, down from 50.8 percent in 2013 and from 53.4 percent in 2016.

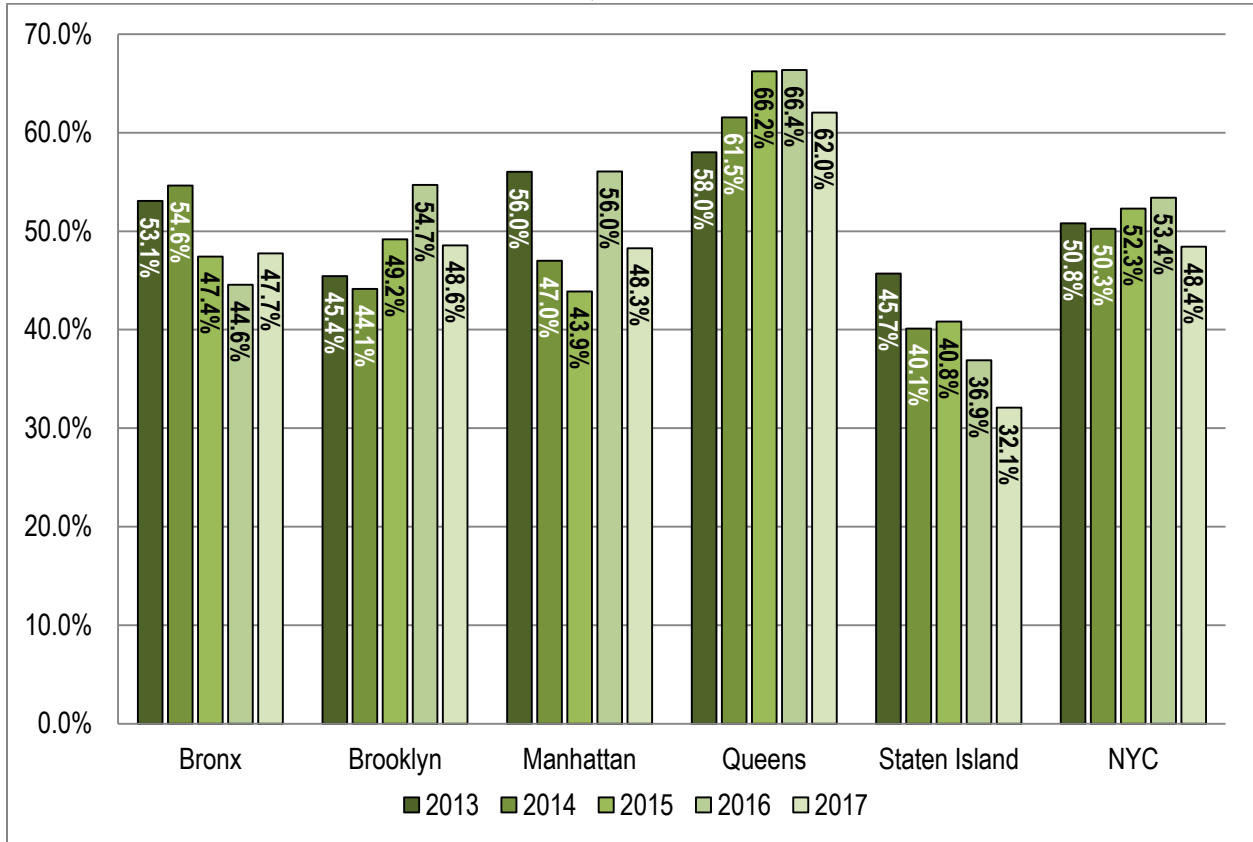
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<sup>15</sup> For a more detailed explanation of HOPP funding, see *NYC Office of Civil Justice 2017 Annual Report and Strategic Plan*. Retrieved from [www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_Annual\\_Report\\_2017.pdf](http://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2017.pdf).

<sup>16</sup> Chief Administrative Judge Lawrence K. Marks. (2017). *2017 Report of the Chief Administrator of the Courts Pursuant to Chapter 507 of the Laws of 2009*. State of New York Unified Court System. Retrieved from <http://ww2.nycourts.gov/sites/default/files/document/files/2018-07/ForeclosureAnnualReport2017.pdf>.



**Figure 6: Foreclosure Settlement Conferences Appearances in New York City: Representation Rates, 2013–2017**



Source: New York State Office of Court Administration

HOPP funding is set to expire when the new State fiscal Year begins on April 1, 2019 without new funding in the New York State budget<sup>17</sup> which could signal significant impacts on the availability of foreclosure prevention programming across New York State including in New York City. A coalition of service providers, advocacy organizations, businesses and labor unions that includes over two dozen legal and housing services providers in New York City have advocated for \$20 million in New York State funding to support these foreclosure prevention services.<sup>18</sup> OCJ will continue to closely monitor developments related to foreclosure legal services funding in New York City.

<sup>17</sup> Center for NYC Neighborhoods. (Dec. 20, 2018). *Testimony Before the Assembly Standing Committee on Housing: Oversight of the State Fiscal Year 2018-2019 State Budget for New York State Homes & Community Renewal*. Retrieved from <https://s28299.pcdn.co/wp-content/uploads/2018/12/hcr-budget-hearing-12.2018.pdf>.

<sup>18</sup> Center for NYC Neighborhoods. (Feb. 4, 2019). *Testimony Before the New York State Senate Finance Committee and New York State Assembly Committee on Ways and Means: Regarding the New York State Executive Budget for Housing, Fiscal Year 2019-2020*. Retrieved from <https://s28299.pcdn.co/wp-content/uploads/2019/02/housing-budget-hearing-2.2019-1.pdf>.

## Legal Services for Immigrant New Yorkers

Providing immigrant New Yorkers with access to legal assistance has been a critical part of OCJ's mission since its establishment in 2015. OCJ administers a range of City-funded legal services programs legal advice, comprehensive screenings and risk assessments and full legal representation for immigrants both in the courts and before government immigration agencies. These programs have seen substantial investment and growth by both the Administration and the City Council, making New York City a national leader in the fight for the rights of immigrant Americans and access to justice.

In FY2019 New York City is investing approximately \$48 million in a continuum of free legal services programs for immigrant New Yorkers facing issues ranging from a need for clear and reliable information about their rights to legal representation to defend against deportation in immigration court. This commitment, a sevenfold increase compared to FY2013, comes at a time when providing access to immigration-related legal services has never been more important. Since 2017, the Trump Administration has implemented policies that increase immigrants' need for legal assistance, including explosive growth in the arrests of immigrants by federal immigration authorities, particularly arrests of immigrants with no criminal convictions – a national trend that has been disproportionately higher in the New York City area. The Trump Administration has also implemented or introduced an array of policies aimed at many of the most vulnerable immigrants. These include the widely-condemned family separation policy at the border; proposals to expand family detention; restrictions on who can claim asylum in the U.S.; stripping protections from immigrants in the Deferred Action for Childhood Arrivals (DACA) program and Temporary Protected Status (TPS).

In New York City, immigrants are served by a number of City-funded and supported immigration legal services programs. Taken together, these programs cover a spectrum of services addressing a broad range of legal needs, from brief advice and screening to more complex representation in court, including a growing emphasis on and commitment to increasing access for immigrant New Yorkers facing deportation. The City's programs feature multiple and accessible entrypoints for immigrant New Yorkers to access these services, and they have the ability to be flexible and responsive to emergent needs. Key City-funded programs include:

***ActionNYC*** - since its launch in 2016, ActionNYC, a citywide community-based immigration legal services program operated jointly by MOIA, HRA and the City University of New York (CUNY), has provided free, safe and high-quality immigration legal services across the five boroughs. Through its citywide hotline, centralized appointment making

system and accessible service locations at community-based organizations, at schools and at NYC Health+Hospitals (H+H) locations, ActionNYC serves as New York City’s entry point for New Yorkers seeking immigration legal services, including comprehensive immigration legal screenings and legal advice; legal representation in both straightforward immigration matters such as citizenship, LPR renewals and TPS as well as in more complex cases such as SIJS and U visas, and referrals to relevant social services, educational services, and healthcare enrollment. ActionNYC providers also offer referrals to other OCJ-managed immigration legal programs to handle more complex immigration legal matters, including deportation and asylum. ActionNYC provided immigration legal assistance in over 9,800 cases in FY2018, and is funded at \$8.7 million in FY2019 including grants, administration and outreach. A list of ActionNYC providers is included at Appendix 7.

***CUNY Citizenship NOW!*** - the Citizenship NOW! program administered by the City University of New York (CUNY) provides free immigration assistance at centers located throughout New York City. Through the project, attorneys and paralegals offer one-on-one consultations to assess participants’ eligibility for legal status and assist them in applying when qualified. The program operates at CUNY sites across the city as well as at City Council district offices.

***NYCitizenship*** - NYCitizenship is a citywide program funded as a public-private partnership and administered by MOIA and HRA/DSS. NYCitizenship provides citizenship legal services and financial counseling at twelve public library branches alongside services available at select HRA sites. In this program, New Yorkers receive free services that include appointments with an attorney for help with citizenship applications, information sessions about the citizenship process and its benefits and free and confidential financial counseling. Additionally, as part of the NYCitizenship initiative, MOIA and HRA have partnered on a pilot program to provide citizenship legal assistance to a targeted subset of recipients of public assistance. NYCitizenship is supported by the City and philanthropic partners the Robin Hood Foundation, Citi Community Development, the Charles H. Revson Foundation and the Carnegie Corporation as well as the Mayor’s Fund to Advance New York City.

***Legal Services for Immigrant Survivors of Domestic Violence*** – as part of the work of the NYC Domestic Violence Task Force led by the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV) and the Mayor’s Office of Criminal Justice (MOCJ), the Administration supports direct domestic violence-specific legal services for immigrant survivors, administered by HRA’s Office of Emergency Intervention Services (EIS) in partnership with OCJ, MOIA and ENDGBV. Through this initiative, legal organizations with expertise in domestic violence (DV) and experience providing immigration legal services are partnering with local community-based groups serving immigrant populations to

enhance access to these services in communities and build capacity within community-based groups, providing them with tools to identify and respond appropriately to these issues. A list of participating providers is included at Appendix 8.

***Immigrant Opportunity Initiative (IOI)*** - since FY2017, the Administration and the City Council have jointly funded the Immigrant Opportunity Initiative (IOI) program, through which networks of nonprofit legal providers and community-based organizations conduct outreach across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application, to more complex immigration matters, including a growing number of asylum applications and removal defense work. A critical element of the IOI program has been its flexibility and responsiveness to emergent needs. OCJ's contracts with the IOI service provider consortia funded by the Administration allow for rapid deployment of staff and resources to address legal needs of the immigrant community across the continuum of service, from brief legal counseling sessions to full legal representation in removal and asylum matters. Administration and Council funding for IOI provided legal assistance to immigrant New Yorkers in over 10,000 cases in FY2018, and IOI is funded by the Administration and the Council at \$22.1 million in FY2019. A list of IOI providers is included at Appendix 9.

***CSBG-Funded Legal Services*** - in addition to IOI, OCJ oversees immigration legal services programs funded through federal Community Service Block Grants, administered in partnership with the Department of Youth and Community Development (DYCD). In FY2019, these federal grants total approximately \$2.1 million, and fund direct legal services for low-income immigrant New Yorkers, including legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers at risk of exploitation and violations of their employment rights, and immigrant youth in foster care. CSBG funding provided immigration legal assistance in approximately 2,200 cases in FY2018, and these grants totaled \$2.1 million in FY2019. A list of CSBG-funded legal providers is included at Appendix 10.

***Deportation Defense: IOI, NYIFUP and ICARE*** – City-funded programs for immigrant New Yorkers facing deportation proceedings have been a crucial and growing component of the City's immigration legal services. Administration funding for legal representation in deportation proceedings through the **Immigrant Opportunity Initiative (IOI)** saw substantial baseline increases in FY2018 and in the outyears to respond to the pressing need for representation in removal proceedings, and most recently included an earmark of \$4.1 million in annual Administration funding to rapidly increase legal providers' capacity to meet the urgent legal needs of children forcibly separated from their parents at the southern border, who were then placed in federal facilities under the Office of Refugee Resettlement (ORR) in

New York City. The investment further increased capacity in the field to provide access to legal defense in deportation proceedings to separated and unaccompanied immigrant youth; increase the availability of social work and case management resources to address the acute needs of these children; and to address legal screening and risk assessment needs of family members seeking to be sponsors of separated children in order to facilitate their release from ORR facilities in New York City. In all, Administration funding for IOI has grown from an initial annual commitment of \$3.2 million in FY2017 to \$19.5 million in FY2019 and is expected to support legal representation for immigrant New Yorkers facing removal in approximately 1,400 cases this year. As noted above, Administration and Council funding for IOI totals \$22.1 million in FY2019, which includes the Administration's substantial investment in legal representation for immigrant New Yorkers facing removal currently being implemented.

In addition to IOI, the City Council supports two key deportation defense legal services programs also administered by OCJ. Launched in 2013 as a pilot program, the **New York Immigrant Family Unity Project (NYIFUP)** is the first publicly-funded legal representation program specifically for detained immigrants in the United States. Through NYIFUP, immigration attorneys at three legal service providers provide legal representation to low-income immigrants who are in detention and face removal cases at the Varick Street Immigration Court. NYIFUP uses a "public defender" model in which low-income immigrants are identified and screened at their first appearance in court. NYIFUP provided legal representation to approximately 1,300 immigrants facing removal in FY2018, and is funded at \$10.0 million in FY2019. A list of participating providers in the NYIFUP program is included at Appendix 11.

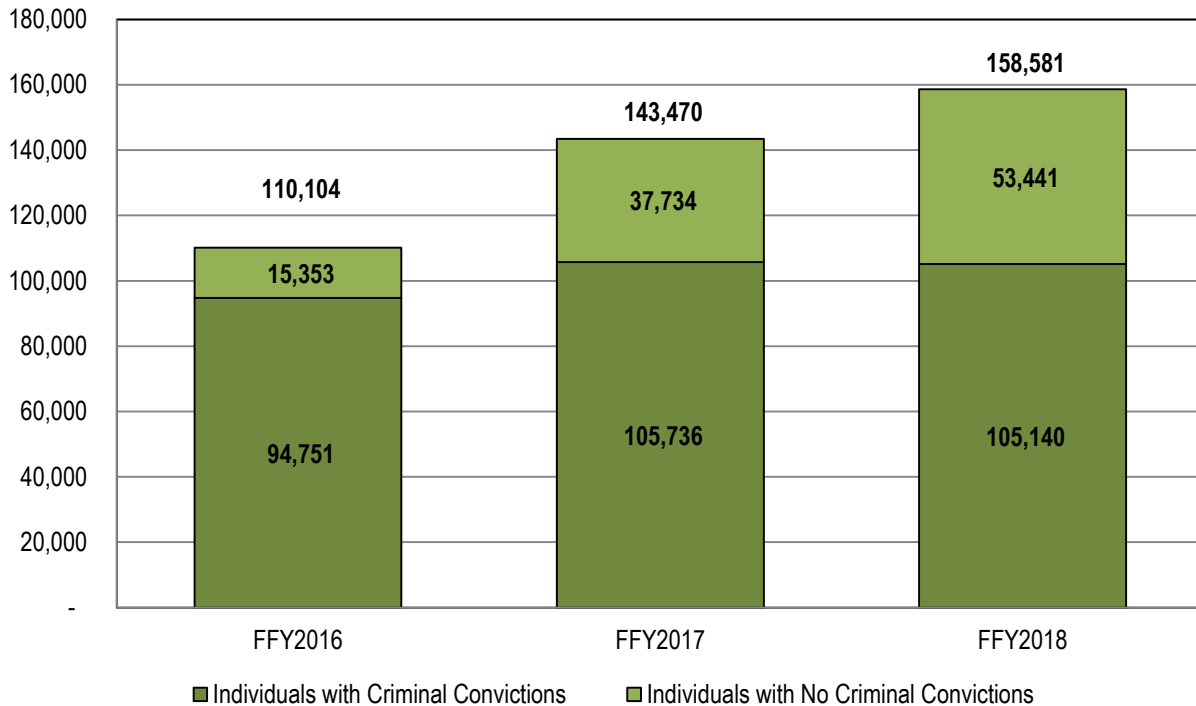
The **Immigrant Child Advocates' Relief Effort (ICARE) / Unaccompanied Minors and Families Initiative (UMFI)** was established in 2014 through a public-private partnership of the City Council, the New York Community Trust, and the Robin Hood Foundation to provide legal and social services to unaccompanied immigrant children entering and living in New York City. The ICARE project was developed to provide legal advice and representation to this vulnerable population, including immigration legal screening, as well as attorneys experienced in seeking relief from removal through more complex processes available to immigrant youth such as Special Immigrant Juvenile Status (SIJS) applications. This program provided legal representation to 1,700 immigrants facing removal in FY2018, and is funded at approximately \$2.0 million in FY2019. A list of participating providers in the ICARE program is included at Appendix 12.

## Removal Defense for Immigrants in New York City: Legal Representation

The range of deportation defense legal services supported by the Administration and the City Council described above have provided legal defense to thousands of immigrant New Yorkers facing deportation. In FY2018 alone, legal providers in these programs collectively provided removal defense legal representation in over 3,400 cases, a number that is expected to rise substantially in FY2019 and beyond as City investments in these services allow legal providers to increase their capacity to represent more New Yorkers facing removal.

However, the Trump Administration continues to increase immigration-based arrests of non-citizens living in the United States, especially those without criminal convictions. As detailed in Figure 7 below, arrests by Immigration and Customs Enforcement (ICE) of individuals grew from 110,104 in Federal Fiscal Year 2016 (FFY2016) to 158,581 in FFY2018 two years later, an increase of 44.0 percent. Immigration arrests of individuals without a criminal conviction history, moreover, exponentially increased over the same period, rising by 248.1 percent from 15,353 in FFY2016 to 53,441 in FFY18.

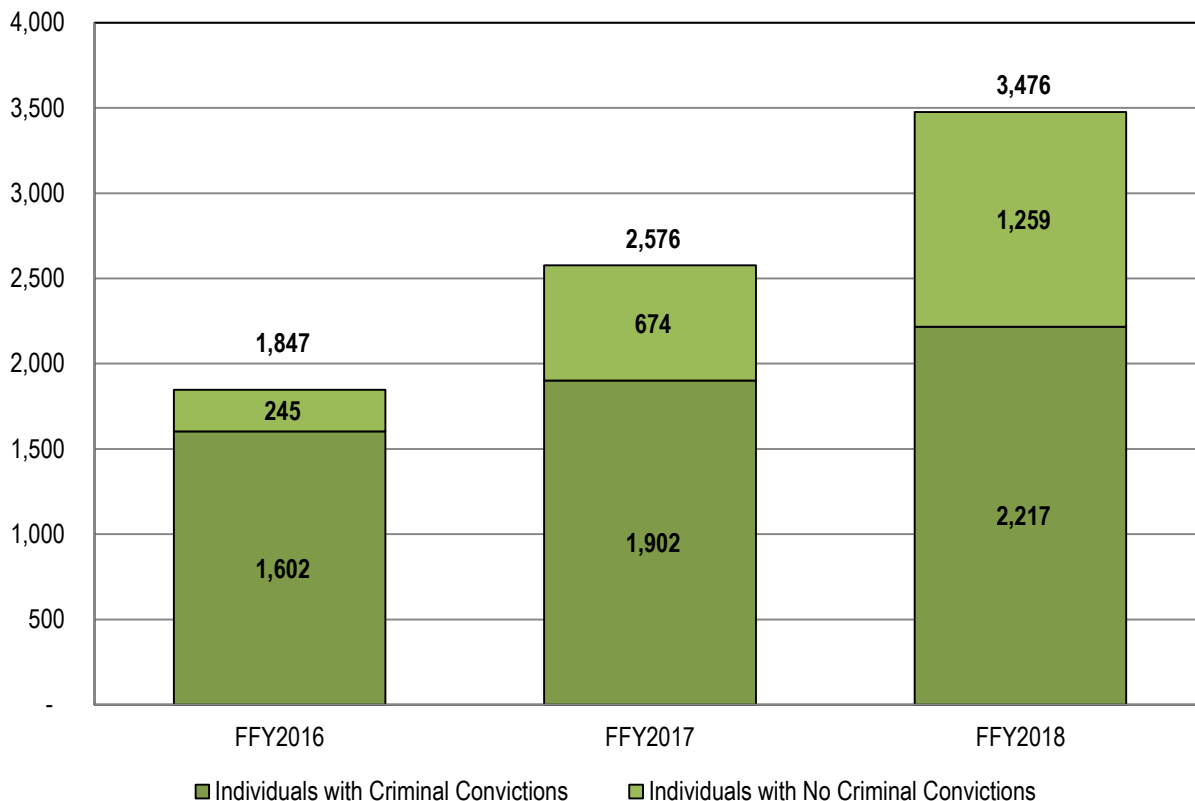
**Figure 7: ICE Arrests in the United States, FFY2016-FFY2018**



Sources: MOIA, Fact Sheet: ICE Enforcement in New York City (Updated January 2019). Retrieved from [https://www1.nyc.gov/assets/immigrants/downloads/pdf/2019\\_01\\_moia\\_ice\\_enforcement\\_nyc\\_aor.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/2019_01_moia_ice_enforcement_nyc_aor.pdf) (presenting analysis of ICE enforcement data). Retrieved from <https://www.ice.gov/sites/default/files/documents/Report/2018/ero-fy18-localstatistics.pdf> and <https://www.ice.gov/statistics>.

For immigrants living in and near New York City, the threat of immigration arrest has been even more intensified. Overall, arrests by ICE in the New York City “area of responsibility” have increased by 88.2 percent, from 1,847 in FFY2016 to 3,476 in FFY2018, substantially driven by ICE arrests of individuals without criminal conviction history, which *more than quintupled*, from 245 in FFY2016 to 1,259 in FFY2018, as detailed in Figure 8.

**Figure 8: ICE Arrests in the New York City Area of Responsibility, FFY2016-FFY2018**



Sources: MOIA, Fact Sheet: ICE Enforcement in New York City (Updated January 2019), retrieved from [https://www1.nyc.gov/assets/immigrants/downloads/pdf/2019\\_01\\_moia\\_ice\\_enforcement\\_nyc\\_aor.pdf](https://www1.nyc.gov/assets/immigrants/downloads/pdf/2019_01_moia_ice_enforcement_nyc_aor.pdf) (presenting analysis of ICE enforcement data). Retrieved from <https://www.ice.gov/sites/default/files/documents/Report/2018/ero-fy18-localstatistics.pdf> and <https://www.ice.gov/statistics>.

To be sure, enforcement activity like these have been accelerating dramatically since the start of the Trump Administration, but previously there was no concurrent rise in the number of deportation cases being processed and heard in immigration court.<sup>19</sup> Now,

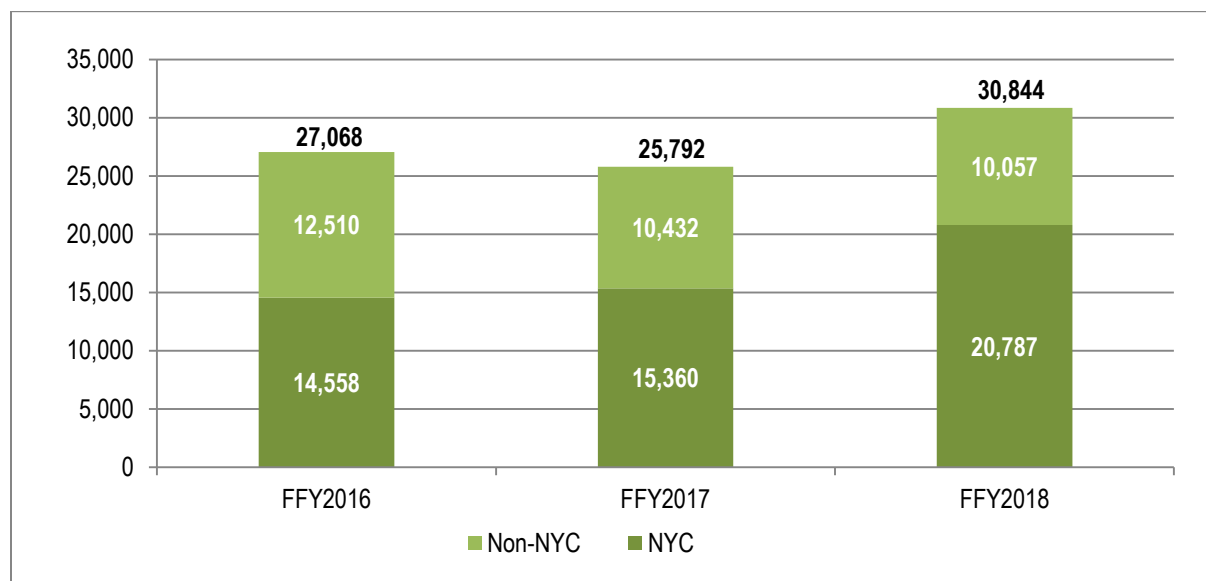
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<sup>19</sup> The number of ICE arrests in the New York City area grew by 39.5 percent between FFY2016 and FFY2017, but removal proceedings brought in the New York City immigration courts actually *declined* by 4.7 percent over the same period.

however, the number of deportation cases being filed in New York City is rising, and are being disproportionately felt by New York City residents.

The jurisdiction of New York City immigration courts includes and extends beyond the five boroughs of New York City, comprising areas such as Nassau, Suffolk, and Westchester Counties. As detailed in Figure 9 below, the number of deportation cases commenced against immigrants in New York City immigration courts has risen over the last two years. There were roughly 31,000 removal cases initiated in the immigration court at 26 Federal Plaza in FFY2018, approximately 3,800 more than in FFY2016 (a 14.0 percent increase).

**Figure 9: Location of Residence of Removal Cases Initiated at 26 Federal Plaza Immigration Court, FFY2016-FFY2018**



Source: Transactional Records Access Clearinghouse (TRAC), Details on Deportation Proceedings in Immigration Court, Retrieved in March 2019 from [www.trac.syr.edu/phptools/immigration/nta/](http://www.trac.syr.edu/phptools/immigration/nta/) and analyzed by MOIA and OCJ.

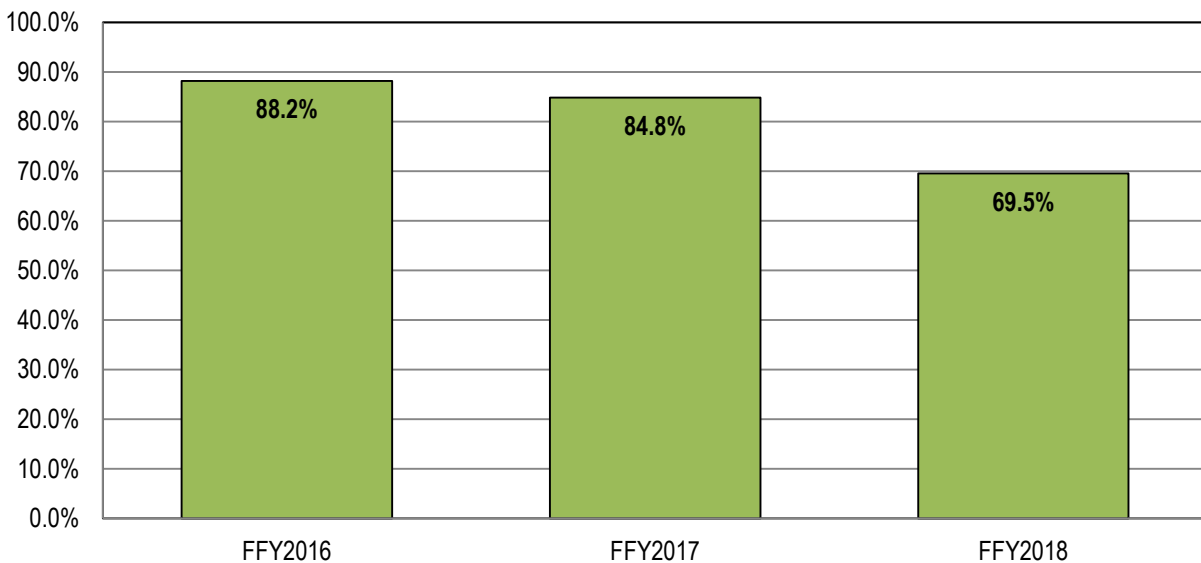
The impact on immigrants who reside in New York City has been even more dramatic. The number of removal cases brought against immigrant residents of New York City increased by 42.7 percent over the two years between FFY2016 and FFY2018, from roughly 14,600 to close to 21,000. In other words, deportation cases against immigrant New Yorkers at 26 Federal Plaza *increased by nearly half* in the last two years; whereas fewer than half of the removal cases filed in FFY2016 were against New Yorkers, now two thirds of removal cases filed at 26 Federal Plaza put an immigrant New York City resident at risk of deportation.



## Legal Representation for Immigrant New Yorkers Facing Removal

Despite these challenging trends, the number of immigrant New Yorkers who face removal with the assistance of legal counsel remains high. According to Transactional Records Access Clearinghouse (TRAC), an estimated 82.8 percent of immigrants who faced removal cases at 26 Federal Plaza in the last five fiscal years have had legal representation.<sup>20</sup> However, as detailed in Figure 10 below, before the recent increases in City funding for removal defense legal services have had a full impact, the rate of legal representation appears to have changed during the last federal fiscal year, from 88.2 percent for cases filed in FFY2016 to 69.5 percent for cases filed in FFY2018, which ended September 30, 2018, three months after the start of New York City’s FY2019 in which the City’s commitment to supporting removal defense legal representation was substantially increased.

**Figure 10: Proportion of Immigrants Facing Removal Represented by Counsel, By Year of Case Filing, FFY2016-FFY2018**



Source: Transactional Records Access Clearinghouse (TRAC), Details on Deportation Proceedings in Immigration Court, Retrieved in March 2019 from [www.trac.syr.edu/phptools/immigration/nta/](http://www.trac.syr.edu/phptools/immigration/nta/) and analyzed by MOIA and OCJ.

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<sup>20</sup> Transactional Records Access Clearinghouse (TRAC) at Syracuse University. (2019). Details on Deportation Proceedings in Immigration Court. Retrieved from <https://trac.syr.edu/phptools/immigration/nta/>. This analysis excludes removal cases initiated between October 2018 (start of FFY2019) and January 2019 (the last data available at the time of reporting) due to potential lags in the reporting of representation data on the most recently filed cases.

The combination of sharp increases in the arrests of immigrant New York City residents and the sudden rise in the number of removal cases brought against New Yorkers, coinciding with what appeared to be less availability of counsel to represent New York City residents in these cases in the last federal fiscal year, are the reasons why the Administration has allocated additional baseline immigration legal services funding to legal services providers. The recent increases in City funding for removal defense legal services described above should help to meet the increased need for legal assistance resulting from the Trump Administration's draconian immigration policies, and OCJ in partnership with MOIA will continue to monitor the impact of these investments.

### **Administration-Funded Immigration Legal Services in FY2018**

The following tables present an analysis of FY2018 case-level data provided to the City by the legal services organization engaged in the Administration-funded legal services programs discussed above: ActionNYC, the Administration's Immigrant Opportunity Initiative, and federal Community Services Block Grant-funded services administered by HRA. The data provide an overview of the reach and impact of the programs; the volume and characteristics of individuals being served; and of the cases being handled. Our analysis showed:

- City-funded legal programs served immigrant New Yorkers in over 25,000 cases in FY2018, as a result of the City's overall commitment to immigration legal assistance programs totaling \$48 million. The majority of these cases - approximately 18,000 - were served through a continuum of Administration-funded legal services programs which provide legal representation, advice, comprehensive legal screenings, and other assistance. The balance of these cases, were served through Council-funded immigration programs, including NYIFUP and ICARE/UMFI, as discussed above.
- Of the 18,000 cases served by Administration-funded legal services, lawyers provided full legal representation to immigrants in need of services in 79.7 percent of cases handled through these programs.
- Immigration-related legal representation grew by nearly half (47.7 percent) in the Administration's IOI program, with substantial increases seen in legal services for survivors of domestic violence and trafficking (up 260.9 percent); removal defense representation (up 89.8 percent); and citizenship/naturalization (up 48.5 percent).
- Over 1,000 survivors of domestic violence or sex trafficking received immigration legal services, including representation in filing for U and T visas and over 500 young immigrants received legal services specifically targeted immigrant youth such as SIJS

applications. Administration-funded legal services providers also assisted approximately 1,500 New York City residents with renewals of their Deferred Action for Childhood Arrivals (DACA) status.

- Among cases in which applications were decided, the grant rate remained high - 96.5 percent of applications for status that were decided in FY2018 were granted.
- Legal service providers assisted immigrants from over 176 countries; the largest single groups of program clients were from Mexico and the Dominican Republic. Cases involving immigrants from the Caribbean and from Central America grew substantially in FY2018 compared to the previous year (50.7 percent and 42.1 percent, respectively) and cases for immigrants from African nations also notably increased, by 24.5 percent over FY2017.

The tables below present this analysis in greater detail.

**Table 19: Legal Services Cases Handled through Mayoral Immigration Programs, FY2018<sup>21</sup>**

Program	Cases	% of FY2018 Total
ActionNYC	9,847	55%
Mayoral IOI	5,942	33%
CSBG-Funded	2,178	12%
<b>Total</b>	<b>17,967</b>	<b>100.0%</b>

**Table 20: Applications to USCIS for Immigration Status Filed through Mayoral Immigration Programs**

	FY2017	FY2018
Applications Filed with USCIS	5,967	6,482
Applications Decided by USCIS	1,435	2,482
Applications Granted by USCIS	1,375	2,395
Applications Denied/Other by USCIS	60	87

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<sup>21</sup> Cases handled include individuals who receive brief advice, comprehensive legal screenings, and those who are taken on representation

**Table 21: Borough of Residence of Legal Services Clients (Mayoral IOI and CSBG-Funded)\***

Borough	FY2017	FY2018	% of FY2018 Total
Bronx	1,131	1,798	22.1
Brooklyn	1,817	2,500	30.8
Manhattan	714	900	11.1
Queens	2,345	2,445	30.1
Staten Island	231	462	5.7

\* Excludes cases in which borough of residence is unknown.

**Table 22: Age Group of Legal Services Clients in Mayoral Immigration Programs, FY2017-FY2018\***

Age of Client	FY2017	FY2018	% of FY2018 Total
Under 21	2,228	2,582	14.4
22 to 34	3,693	3,994	22.2
35 to 44	2,844	3,222	17.9
45 to 54	2,258	2,663	14.8
55 to 64	1,525	1,919	10.7
65 +	1,118	1,517	8.4

\* Excludes cases where age is unknown.

**Table 23: Country of Origin of Legal Services Clients in Mayoral Immigration Programs, FY2018**

Country of Origin	Cases	%
Mexico	2,587	14.4
Dominican Republic	2,385	13.3
Haiti	1,334	7.4
Ecuador	1,203	6.7
Jamaica	878	4.9
Honduras	737	4.1
Colombia	736	4.1
El Salvador	502	2.8
Guatemala	429	2.4
Trinidad & Tobago	377	2.1
China	344	1.9
Guyana	341	1.9
Peru	265	1.5
Venezuela	216	1.2
Nigeria	195	1.1
Nepal	173	1.0
Bangladesh	166	0.9
Ghana	151	0.8
Guinea	146	0.8
Egypt	140	0.8
Other	4,662	25.9
<b>Total</b>	<b>17,967</b>	<b>100.0</b>

**Table 24: Region of Origin of Legal Services Clients in Mayoral Immigration Programs, FY2017-FY2018\***

Region	FY2017	FY2018	% of FY2018 Total
Africa	1,222	1,521	9.3
Asia	1,251	1,104	6.7
Caribbean Islands	3,627	5,465	33.3
Central America	1,334	1,895	11.6
Europe	492	610	3.7
Middle East	278	195	1.2
North America	2,743	2,618	16.0
Pacific	28	8	0.0
South America	2,510	2,985	18.2

\* Excludes cases where country of origin is unknown.

Sources: OCJ and MOIA Administrative Data

**Table 25a: Levels and Types of Legal Services Provided in Mayoral Immigration Programs, FY2017-FY2018**

All Mayoral Programs	FY2017	FY2018	% of Total FY2018 Cases	% of FY2018 Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance	3,075	3,655	20.3	N/A
Asylum and Refugee Issues	836	963	79.7	6.7
Citizenship	2,544	2,769		19.3
DACA	1,214	1,499		10.5
Legal Services for DV and Trafficking Survivors	650	1,036		7.2
Legal Services for Immigrant Workers	2,035	2,033		14.2
Legal Services for Immigrant Youth	487	543		3.8
Permanent Residency	2,420	3,904		27.3
Removal Defense	216	410		3.4
Other	1,221	1,155		7.5
<b>Total</b>	<b>14,698</b>	<b>17,967</b>		<b>100.0</b>

**Table 25b: Levels and Types of Legal Services Provided, ActionNYC, FY2017-FY2018**

ActionNYC	FY2017	FY2018	% of Total FY2018 Cases	% of FY2018 Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance	1,873	2,013	20.4	N/A
Asylum and Refugee Issues	216	309	79.6	3.9
Citizenship	1,937	20,72		26.4
DACA	800	1,013		12.9
Legal Services for DV and Trafficking Survivors	178	305		3.9
Legal Services for Immigrant Workers	579	704		9.0
Legal Services for Immigrant Youth	68	93		1.2
Permanent Residency	1,900	3,152		40.2
Removal Defense	-	-		1.0
Other	892	186		1.4
<b>Total</b>	<b>8,443</b>	<b>9,847</b>		<b>100.0</b>



**Table 25c: Levels and Types of Legal Services Provided, Mayoral IOI, FY2017-FY2018**

Mayoral IOI	FY2017	FY2018	% of Total FY2018 Cases	% of FY2018 Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance	1,154	1,601	26.9	N/A
Asylum and Refugee Issues	525	507	73.1	11.7
Citizenship	165	245		5.6
DACA	269	315		7.3
Legal Services for DV and Trafficking Survivors	115	415		9.6
Legal Services for Immigrant Workers	997	971		22.4
Legal Services for Immigrant Youth	192	263		6.1
Permanent Residency	370	547		12.6
Removal Defense	208	401		9.2
Other	98	677		15.6
<b>Total</b>	<b>4,093</b>	<b>5,942</b>		<b>100.0</b>

**Table 25d: Levels and Types of Legal Services Provided, CSBG-Funded Immigration Legal Services, FY2017-FY2018**

CSBG-Funded	FY2017	FY2018	% of Total FY2018 Cases	% of FY2018 Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance	48	41	1.9	N/A
Asylum and Refugee Issues	95	147	98.1	6.9
Citizenship	442	452		21.2
DACA	145	171		8.0
Legal Services for DV and Trafficking Survivors	357	316		14.8
Legal Services for Immigrant Workers	459	358		16.8
Legal Services for Immigrant Youth	227	187		8.8
Permanent Residency	150	205		9.6
Removal Defense	8	9		0.4
Other	231	292		13.7
<b>Total</b>	<b>2,162</b>	<b>2,178</b>		<b>100.0</b>

Sources: OCJ and MOIA Administrative Data

## **Other City-Funded Civil Legal Services Programs**

### **Legal Services Connecting New Yorkers with Disabilities to Federal Benefits**

The SSI Maximization project, operated by HRA's Customized Assistance Services (CAS) unit identifies and connects HRA clients with disabilities to assistance in obtaining federal disability benefits. The project targets vulnerable HRA clients who have been determined to have disabilities and assists them in receiving and maximizing their Social Security Disability Income (SSDI) and Supplemental Security Income (SSI). The program provides home-based assistance in completing the disability application process and includes assistance for program clients for whom SSDI and SSI have been denied or who obtained insufficient awards in having these determinations reviewed by the Social Security appeals court or in Federal courts. The program is intended to improve the quality for the extremely vulnerable living on fixed incomes and who have limited mobility. The SSI Maximization project is funded by HRA at approximately \$2.5 million in FY2019. A list of legal services providers participating in the SSI Maximization project is included at Appendix 13.

### **Legal Assistance for Senior New Yorkers**

The Department for the Aging (DFTA) administers \$1.3 million in annual funding for legal services for seniors. DFTA contracts with nonprofit legal services organizations to provide legal advice and representation to senior New Yorkers in areas including income and benefits, healthcare advocacy, long-term care issues, housing, guardianship, and issues of elder abuse, neglect, exploitation, and discrimination.

In addition, the Assigned Counsel Project (ACP) provides free legal services to low-income seniors with who are facing evictions or other matters in New York City Housing Court. Clients are referred for legal representation by the Housing Court, and are eligible for legal representation if they are sixty years of age or older; have an identifiable social service need; and have a pending Housing Court case. In FY2019, ACP is supported by \$869,000 in Mayoral funding,

### **Legal Services for Small Businesses Facing Commercial Leasing Issues**

While much of the City's civil legal services programming is targeted to assist individuals or families, a NYC Department of Small Business Services (SBS) initiative seeks to help small businesses in New York City. The Commercial Lease Assistance Program, administered by SBS, launched in FY2018 to provide small business owners with free legal assistance from dedicated attorneys. Through this program, attorneys provide high quality legal assistance

to business owners on topics including negotiating or renewing leases, resolving landlord issues, and helping to settle contract disputes. This program is offered at no cost to New York City's small businesses that meet income and other eligibility requirements. Eligible businesses are connected to attorneys for pre-litigation advice and representation to help small business resolve problems before they end up in court. Attorneys will assist in drafting and sending legal correspondence to landlords, addressing issues related to tenant harassment, and helping to resolve challenges when a building changes ownership. The CLA program has provided assistance on over 450 legal matters. A list of legal services providers participating in the Commercial Lease Assistance Program is included at Appendix 14.

## **Conclusion**

Fiscal Year 2018 saw New York City reach new milestones in helping residents navigate the justice system with the legal assistance that they need, and as implementation of key programs continues, more and more New Yorkers will have access to a legal system that is fairer and more just because of these efforts. As documented in this annual report, the City of New York is a national leader in supporting and championing this work, reflecting our firm and continued commitment to increasing fairness and equity in the justice system. HRA's Office of Civil Justice is proud to continue expanding access to justice for all New Yorkers.

## **APPENDICES**

## **Appendix 1: Legal Services for Low-Wage Workers Providers**

Legal Services NYC

Make the Road New York

Mobilization for Justice, Inc.

New Immigrant Community Empowerment

New York Committee for Occupational Safety and Health

New York Legal Assistance Group, Inc.

Renaissance Technical Institute, Inc.

The Legal Aid Society

Urban Justice Center

**Appendix 2: Judiciary Civil Legal Services (JCLS) Grantee Organizations for FY2018–FY2019**

Advocates for Children of New York	Lenox Hill Neighborhood House
Asian American Legal Defense and Education Fund	Make the Road New York
Association of the Bar of the City of New York Fund Inc.	Mobilization for Justice, Inc. (w/ Partnership for Children’s Rights)
Brooklyn Bar Association Volunteer Lawyers Project, Inc.	New York Center for Law and Justice
Brooklyn Defender Services	New York Lawyers for the Public Interest, Inc.
Brooklyn Legal Services Corporation A	New York Legal Assistance Group, Inc.
CAMBA Legal Services, Inc.	Northern Manhattan Improvement Corporation
Catholic Charities Community Services, Archdiocese of New York	Pace University
Catholic Migration Services, Inc.	Part of the Solution
Center for Family Representation	Pro Bono Net
Central American Legal Assistance	Queens Volunteer Lawyers Project
Child and Family Services	Safe Horizon, Inc.
Community Service Society of New York	Safe Passage Project Corporation
Family Center Inc.	Sanctuary for Families, Inc.
Her Justice, Inc.	The Door – A Center for Alternatives, Inc.
Housing Conservation Coordinators, Inc.	The Bronx Defenders
Jewish Association for Services for the Aged	The Legal Aid Society
Latino Justice PRLDEF	The Neighborhood Defender Service of Harlem
Legal Action Center	Touro College
Legal Information for Families Today	Urban Justice Center
Legal Services NYC	Vera Institute of Justice
	Volunteers of Legal Services, Inc.



**Appendix 3: New York City-based Interest on Lawyer Account (IOLA) Fund Grantees for  
FY2018–FY2019**

Advocates for Children of NY	Lenox Hill Neighborhood House
African Services Committee, Inc.	Lutheran Social Services of Metropolitan New York
Association of the Bar of the City of New York Fund, Inc.	Make the Road New York
Brooklyn Bar Association Volunteer Lawyers Project, Inc.	Mobilization for Justice, Inc.
Brooklyn Defender Services	National Center for Law and Economic Justice
Brooklyn Legal Services Corporation A	New Economy Project
CAMBA Legal Services, Inc.	New York County Layers Association
Catholic Charities Community Service, Archdiocese of New York	New York Immigration Coalition
Catholic Migration Services, Inc.	New York Lawyers for the Public Interest
Center for Family Representation	New York Legal Assistance Group (includes Self Help)
Central American Legal Assistance	Northern Manhattan Improvement Corporation
Community Service Society	Partnership for Children's Rights
Day One	Pro Bono Net
Her Justice, Inc.	Safe Horizon, Inc.
HIV Law Project	Safe Passage Project Corporation
Housing Conservation Coordinators, Inc.	Sanctuary for Families, Inc.
Human Rights First	The Bronx Defenders
Jewish Association for Services for the Aged	The Door – A Center for Alternatives, Inc.
LatinoJustice PRLDEF	The Family Center
Lawyers Alliance for New York	The Legal Aid Society
Legal Action Center of the City of New York, Inc.	Urban Justice Center
Legal Information for Families Today	Volunteers of Legal Services
Legal Services NYC	Youth Represent

#### **Appendix 4: Anti-Eviction Legal Services Providers**

Brooklyn Legal Services Corporation A  
CAMBA Legal Services, Inc.  
Goddard Riverside Community Center  
Housing Conservation Coordinators, Inc.  
Lenox Hill Neighborhood House  
Legal Services NYC  
Mobilization for Justice, Inc.  
Neighborhood Association for Intercultural Affairs, Inc.  
Neighborhood Defender Service of Harlem  
New York Legal Assistance Group, Inc.  
Northern Manhattan Improvement Corporation  
RiseBoro Community Partnership, Inc.  
The Bronx Defenders  
The Legal Aid Society  
Urban Justice Center

## **Appendix 5: Universal Access (UA) ZIP Codes**

**Bronx:** 10457, 10467, 10468, 10462  
**Brooklyn:** 11216, 11221, 11225, 11226  
**Manhattan:** 10025, 10026, 10027 10031  
**Queens:** 11373, 11433, 11434, 11385  
**Staten Island:** 10302, 10303, 10314, 10310

**Appendix 6: Anti-Harassment Tenant Protection (AHTP) Program Target Neighborhoods and Legal Services Providers**

<b>Geographic Area</b>			<b>Providers</b>	
<b>Borough</b>	<b>Neighborhood</b>	<b>Zip Code</b>	<b>LEAP</b>	
Brooklyn	Bushwick	11206	<b>BOOM!Health</b> <b>Brooklyn Defender Services</b> <b>Brooklyn Legal Services Corporation A</b> <b>CAMBA Legal Services, Inc.</b> <b>Catholic Migration Services, Inc.</b> <b>Goddard Riverside Community Center</b> <b>Jewish Association for Services for the Aged</b> <b>Lenox Hill Neighborhood House</b> <b>Make the Road New York</b> <b>Mobilization for Justice, Inc.</b> <b>Northern Manhattan Improvement Corporation</b> <b>The Bronx Defenders</b> <b>Urban Justice Center (lead)</b> <b>Legal Services NYC</b> <b>The Legal Aid Society</b>	
	Ridgewood/Bushwick	11237		
	Gowanus/Park Slope	11215		
	Boerum Hill	11217		
	Carroll Gardens/Red Hook	11231		
	East New York			11207
				11208
	Brownsville	11212		
Ocean Hill	11233			
Manhattan	East Harlem	10029		
		10035		
	Inwood	10034		
Queens	Long Island City	11101		
	West Flushing	11354		
	Flushing	11358		
	Far Rockaway		11691	
			11692	
Bronx	Morris Heights	10453		
	Highbridge	10452		
	Longwood	10459		
	East Tremont	10457		
	West Farms	10460		
Staten Island	Stapleton	10304		
	Bay Street	10301		

## **Appendix 7: ActionNYC Legal Services Providers**

African Communities Together	Gay Men’s Health Crisis, Inc.
Arab American Association of New York	Immigrant Justice Corps, Inc.
Association for Neighborhood and Housing Development	Jacob A. Riis Neighborhood Settlement
Atlas: DIY Corporation	Korean Community Services of Metropolitan New York
BronxWorks	LSA Family Health Service
CAMBA Legal Services, Inc.	Lutheran Social Services of New York
Caribbean Women’s Health Association, Inc.	Make the Road New York
Catholic Charities Community Services, Archdiocese of New York	Masa
Catholic Legal Immigration Network, Inc.	Mekong
Center for Family Life	Mercy Center
Center for Popular Democracy	MinKwon Center for Community Action, Inc.
Center for the Integration and Advancement of New Americans, Inc.	Mixteca Organization Inc.
Chhaya Community Development Corporation	New York Immigration Coalition
Chinese-American Planning Council, Inc.	New York Legal Assistance Group, Inc.
City University of New York	Northern Manhattan Improvement Corporation
Council of Peoples Organization, Inc.	NYC Department of Education
Damayyan Migrant Workers Association, Inc.	NYC Health+Hospitals
	Sauti Yetu Center for African Women, Inc.
	Street Vendor Project

**Appendix 8: Providers of Emergency Intervention Services (EIS) Legal Services for Survivors  
of Domestic Violence**

Barrier Free Living

Caribbean Women's Health Association

El Centro NYC

Nuevo Amanecer Dominican Women's Development Center

Puerto Rican Family Institute – Bronx Head Start

Sanctuary for Families, Inc.

Urban Justice Center

VIP Community Services

## **Appendix 9: Immigrant Opportunity Initiative (IOI) Program Legal Services Providers**

African Services Committee, Inc.	Kids in Need of Defense
Asian Americans for Equality, Inc.	Legal Services NYC
Association of the Bar of the City of New York Fund, Inc.	Make the Road New York
Atlas DIY Corporation	Mobilization for Justice, Inc.
Boro Park Jewish Community Council	New York Legal Assistance Group, Inc.
Boys & Girls Club of Metro Queens, Inc.	Northern Manhattan Coalition for Immigrant Rights
Brooklyn Chinese-American Association, Inc.	Northern Manhattan Improvement Corporation
Brooklyn Defender Services	Polish and Slavic Center, Inc.
CAMBA Legal Services, Inc.	Queens Community House, Inc.
Caribbean Women's Health Association, Inc.	Safe Horizon, Inc.
Catholic Charities Communities Services, Archdiocese of New York	Safe Passage Project Corporation
Catholic Migration Services, Inc.	Sanctuary for Families, Inc.
Central American Legal Assistance	SBH Community Service Network, Inc. (Sephardic Bikur Cholim)
Comprehensive Development, Inc.	Southside Community Mission, Inc.
Council of Jewish Organizations of Flatbush, Inc.	The Ansob Center for Refugees
Emerald Isle Immigration Center, Inc.	The Bronx Defenders
Gay Men's Health Crisis, Inc.	The Door – A Center for Alternatives, Inc.
HANAC Inc.	The Legal Aid Society
HIV Law Project, Inc.	United Jewish Organizations of Williamsburg, Inc.
Housing Conservation Coordinators, Inc.	Urban Justice Center
Immigrant Justice Corps, Inc.	West Bronx Housing and Neighborhood Resource Center, Inc.
	Youth Ministries for Peace and Justice, Inc.

## **Appendix 10: Community Service Block Grants (CSBG)-Funded Legal Services Providers**

### **Services for Victims of Domestic Violence and Trafficking**

Sanctuary for Families, Inc.

Urban Justice Center

### **Services for Immigrants**

Brooklyn Defender Services

CAMBA Legal Services, Inc.

Legal Services NYC

New York Legal Assistance Group, Inc.

Northern Manhattan Improvement Corporation

Queens Legal Services Corporation

Sauti Yetu Center for African Women, Inc.

Youth Ministries for Peace and Justice, Inc.

### **Services for Immigrant Workers**

Catholic Migration Services, Inc.

Make the Road New York

Urban Justice Center

### **Services for Immigrant Youth**

Brooklyn Defender Services

The Door – A Center for Alternatives, Inc.



**Appendix II: New York Immigrant Family Unity Project (NYIFUP) Legal Services Providers**

Brooklyn Defender Services

The Bronx Defenders

The Legal Aid Society

**Appendix 12: The Immigrant Child Advocates' Relief Effort (ICARE) / Unaccompanied Minors  
and Families Initiative (UMFI) Legal Services Providers**

Catholic Charities Community Services, Archdiocese of New York

Central American Legal Assistance

Safe Passage Project Corporation

The Door – A Center for Alternatives, Inc.

The Legal Aid Society

**Appendix 13: The Supplemental Security Income (SSI) Maximization Project Legal Services Providers**

Legal Services NYC

The Legal Aid Society

**Appendix 14: Commercial Lease Assistance Program Legal Services Providers**

Brooklyn Legal Services Corporation A

Urban Justice Center

Volunteers of Legal Services, Inc.

