

Testimony Of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committee on the Justice System
HRA’s Fiscal Year 2020 Preliminary Budget
March 19, 2019

Good afternoon, Chairman Lancman. Thank you for inviting me to appear before the Committee on the Justice System today to discuss the work of the New York City Human Resources Administration’s (HRA) Office of Civil Justice (OCJ). My name is Jordan Dressler and I am the Civil Justice Coordinator and in that capacity I oversee the Office of Civil Justice. I am joined by Rosine Ferdinand, Deputy Commissioner for DSS’s Office of Budget Administration, and OCJ’s Executive Director, Jaclyn Moore.

OCJ is part of New York City’s Human Resources Administration (HRA)/Department of Social Services (DSS), the nation’s largest social services agency assisting more than three million New Yorkers annually through the Administration of twelve public assistance programs. Every day, in all five boroughs, HRA provides essential programs and supports to low-income New Yorkers. We work to ensure that our services and benefits provide low-income New Yorkers the assistance they need, through a wide range of supports, including Cash Assistance and employment services, the Supplemental Nutrition Assistance Program (SNAP/food stamps), Medicaid, eviction prevention and rental assistance.

In administering these programs, HRA is at the forefront of this Administration’s efforts to combat poverty and address homelessness. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical element in our “prevention-first” strategy to address homelessness and promote housing and neighborhood stability for tenants. The investments we have made in these important services are already having an impact: between 2014 and 2018, over 250,000 New Yorkers received legal assistance through the City’s legal services programs for tenants facing eviction, harassment and displacement. In Fiscal Year 2018 – the first full year of implementation of New York City’s groundbreaking Universal Access to Counsel legislation, which made New York City the first city in the nation to commit to providing access to free legal services for every tenant facing eviction in court – over 87,000 New Yorkers in over 33,000 households received legal assistance in eviction and other housing legal matters, a 40% increase over the fiscal year before.

As access to legal assistance has increased, residential evictions by city marshals – which once numbered almost 29,000 per year – have declined by 37% since 2013. In 2018, there were roughly 18,000 residential evictions by marshals, a decline of 14% compared to the year before. In all, an estimated 100,000 New Yorkers have been able to remain in their homes due to the decline in residential evictions since 2013.

Today in my testimony I will update you on the implementation of Universal Access, as well as provide updates on other key programs overseen by OCJ. This year will mark the fourth anniversary of the establishment of the Office of Civil Justice, which was created when Mayor de Blasio and the New York City Council amended the City Charter to create OCJ as a permanent office to establish, manage, oversee and monitor the City's civil legal services programs for low-income and other vulnerable New Yorkers facing legal issues involving the basic necessities such as housing, immigration status and government benefits. Today we have issued our latest Annual Report, in which we describe notable achievements and developments in OCJ's work making legal services more widely accessible for New Yorkers in need. In testifying today about the work at OCJ providing legal services to low-income New Yorkers, I am happy to report that New York City continues to be a national leader in providing access to justice and fighting for a fair and equitable civil legal system for all.

Civil Legal Services at OCJ

In previous testimony, I have reported to this Committee about many of the City's historic achievements expanding legal assistance for New Yorkers. In Fiscal Year 2017, for the first time, New York City's overall investment of Mayoral and Council resources in civil legal services for City residents exceeded \$100 million. Fiscal Year 2018 marked the first time that Mayoral investment in programs providing free civil legal services exceeded \$100 million, including funding for the first phase of implementation of our Universal Access initiative. And in Fiscal Year 2019, with further Administration investments in legal assistance for tenants in need, OCJ reached another historic milestone when for the first time, City funding for legal services programs for tenants alone exceeded \$100 million.

The total legal services budget at OCJ for FY20 includes funding totaling \$159.4 million, which breaks down as follows:

- \$128.3 million for legal services programs for tenants, which includes \$82.1 million for eviction defense legal services for low-income tenants in Housing Court – including further implementation of Universal Access - and \$46.2 million for legal services to protect tenants and combat harassment, which includes an additional \$11 million baseline investment in expanded legal services to keep New Yorkers in their homes, which OCJ is allocating that altogether will bring the Administration's total investment in legal services for tenants to \$166 million when Universal Access is fully implemented in FY22; and
- \$31.1 million for legal assistance programs for immigrant New Yorkers, which includes \$20.1 million in Administration funding for the Immigrant Opportunities Initiative (IOI) and \$2.3 million in immigration legal programs supported by Community Service Block Grant (CSBG) and City Tax Levy (CTL) funding, as well as \$8.7 million for legal and

navigation services and outreach through the ActionNYC program operated in partnership with MOIA and CUNY.

In addition to the Administration's commitment to supporting civil legal services, I want to acknowledge the ongoing commitment of the City Council to expanding access to justice by funding legal services. In FY19, HRA is overseeing nearly \$25 million in discretionary funding added by the City Council for legal and educational services for low-wage workers; immigration legal defense services for detained individuals, unaccompanied minors, and families with children facing deportation; assistance for survivors of domestic violence and veterans; and general support for civil legal services providers.

Legal Services for Tenants

Providing quality representation and counsel for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services programs, and the cornerstone of our tenant legal services is the Universal Access anti-eviction legal services initiative. In August of 2017, the Mayor signed historic legislation passed by the City Council that created the Universal Access program and that tasked OCJ with working in partnership with legal services provider organizations to ensure that every tenant facing eviction in Housing Court and NYCHA administrative termination of tenancy hearings would have access to legal services by Fiscal Year 2022. This is a bold and unprecedented effort.

We are grateful for the support of this Council, particularly for the leadership of Chair Lancman and Councilmembers Levine and Gibson – and for the partnership and dedication of our colleagues at legal services providers across the five boroughs that enable us to help tenants in need:

- Brooklyn Defender Services
- Brooklyn Legal Services Corporation A
- CAMBA Legal Services, Inc.
- Catholic Migration Services, Inc.
- Goddard Riverside Community Center
- Housing Conservation Coordinators
- Jewish Association for Services for the Aged
- Legal Services NYC
- Lenox Hill Neighborhood House
- Make the Road New York
- Mobilization for Justice, Inc.
- Neighborhood Association for Intercultural Affairs, Inc.
- New York Legal Assistance Group, Inc.
- Northern Manhattan Improvement Corporation

- RiseBoro Community Partnership, Inc.
- The Bronx Defenders
- The Legal Aid Society
- Neighborhood Defender Services of Harlem
- Urban Justice Center

As members of this Committee know, Universal Access provides for free legal representation in eviction cases to New Yorkers with household incomes at or below 200% of the federal poverty level (roughly \$50,000 for a family of four) and brief legal assistance for those making more. We have been implementing Universal Access in phases, with FY18 marking the first phase of Universal Access implementation. At full implementation, in FY22, we estimate that 400,000 New Yorkers in 125,000 households will be served under the program annually, at a projected cost of \$166 million per year.

Last fiscal year, OCJ-funded legal organizations provided legal services to approximately 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings – 69,000 New York City tenants who were able to face the threat of eviction with the protection of a legal defender by their side. When lawyers have represented tenants in court, they have been successful in preserving the homes of thousands; in Housing Court eviction cases resolved by OCJ's legal services providers, 84% of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability.

Legal services like these that help tenants avoid unfair eviction is a cost-effective and commonsense response to address homelessness, and it promotes a fair and equitable justice system, particularly in the City's Housing Courts where tenants facing eviction have long faced an uneven playing field where the majority of landlords are represented by legal counsel but the majority of tenants are not. But that dynamic is changing; OCJ's implementation of Universal Access is leveling that playing field for tenants in Housing Court. In the last quarter of FY18, 30% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1% in 2013 as reported by the State Office of Court Administration. In the neighborhoods targeted to receive increased availability of legal services during the first phase of Universal Access, the results have been even more striking; looking at the first 15 ZIP codes included in Universal Access, lawyers represented 56% of tenants appearing in Housing Court in their eviction proceedings in the last quarter of FY18.

We are also seeing that increases in housing legal services are having an impact in the courts. In the Housing Court, the number of eviction cases filed continues to fall, with approximately 29,000 fewer eviction proceedings filed in 2018 than in 2013, a decline of 12%. At the same time, court statistics provided by the Housing Court reflect increased substantive litigation: the

number of pretrial motions filed in 2018 was 19% higher than in 2014, while emergency orders to show cause – requests by tenants for eviction cases to be returned to the court calendar after a judgment of eviction, to seek more time to pay outstanding rent or to raise new legal arguments newly identified – declined by 24% over the same period.

To implement the Universal Access program, OCJ has increased funding to over a dozen nonprofit legal services provider organizations. We have recently renewed our contracts with these providers to continue to provide these services citywide through Fiscal Year 2021, and these contracts include substantial increases in funding to enable additional professional hiring and program development in FY20 and beyond. At the same time, we are currently engaged in ongoing discussions with our providers about their longer-term needs for capacity growth and to maintain a high-quality level of service for an expanding group of New Yorkers, and we expect that there will be an opportunity for additional provider allocations from our baseline funding for these contracts in the coming months.

OCJ is working with legal provider partners and the New York City Housing Authority (NYCHA) to start providing on-site access for legal services for senior heads of household facing termination of their tenancies in administrative proceedings. This first phase, which will begin later this year, will serve as a model for the implementation of subsequent expansion of Universal Access in all NYCHA proceedings.

OCJ's tenant legal services initiatives also include the Anti-Harassment and Tenant Protection (AHTP) legal services program. AHTP was launched at HRA by the de Blasio Administration in 2015. AHTP funding has provided support for thousands of tenants to receive eviction defense legal services in Housing Court citywide, as well as resources for tenant-led litigation to prevent displacement. AHTP contracts for legal services for tenants were renewed for FY2019 for a three- year period through FY2021 and increased funding to provide these services in additional neighborhoods across the City. In addition, funding through the AHTP program also provides crucial support for housing and tenant legal services at the City's Family Justice Centers in accordance with the recommendations of the New York City Task Force on Domestic Violence.

We recently conducted an analysis of the AHTP program's achievements to date, and found that from October 2015 until June 2018, the AHTP program provided legal services to over 23,000 New York City households, including 60,000 New Yorkers. In about 50% of cases, households were represented in eviction proceedings in Housing Court, and in another 17% of cases, lawyers represented tenants in lawsuits in Housing Court to compel their landlords to make necessary repairs or petitioned the Court to appoint a building-wide administrator to ensure that critical repairs were made. We also found that in 84% of cases, lawyers assisted tenants living in rent regulated housing. In all, HRA's FY20 funding for civil legal services for City tenants facing eviction and displacement is approximately \$128 million, a *more than twentyfold* increase over the 2013 budgeted funding level for tenant legal aid.

Legal Services for Immigrant New Yorkers

OCJ also administers an array of legal services programs for immigrant New Yorkers in need of assistance. We work in close partnership with our colleagues at the Mayor's Office of Immigrant Affairs (MOIA) and with the legal services providers and community-based organizations (CBOs) to understand the legal needs experienced by immigrant New Yorkers, an immigration legal landscape that is changing rapidly, and often suddenly, in a climate in which the rights of immigrants are under constant attack by the Trump Administration.

In FY18, Administration-funded legal services programs including ActionNYC, the City's community-based immigration legal assistance program and entry point for New Yorkers seeking immigration legal services operated jointly by MOIA, HRA, and the City University of New York, the Administration's Immigrant Opportunity Initiative (IOI) program, and federal Community Services Block Grant-funded services provided legal representation, advice and assistance in approximately 18,000 cases, a substantial increase over the year before, including comprehensive legal screenings and providing legal advice; citizenship and permanent residency applications; Deferred Action for Childhood Arrivals (DACA) and Special Immigrant Juvenile Status (SIJS) applications; as well as asylum applications and removal actions. In FY18, the Administration increased its baseline funding commitment for immigration-related legal services programs to \$31.1 million, and with the Council's investment in legal services programs for immigrants facing removal and other legal needs, the City's total investment in legal assistance programs for immigrants stands at \$48 million in FY19, up from \$2.1 million in Fiscal Year 2013.

The ActionNYC program provides free, safe and high-quality immigration legal services to immigrant New Yorkers in need, including free comprehensive legal screenings for possible forms of relief at locations across the City as well as Know Your Rights forums and other outreach efforts designed to widely disseminate accurate and reliable information about the immigration legal system, to reduce fraud, misinformation and confusion in the community. Including grants, administration and outreach, ActionNYC is funded at \$8.7 million.

At OCJ, the largest and most expansive of our immigration legal services programs is IOI. Through this program, which was first established through the award of discretionary funding by the City Council, networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to primarily low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters including asylum applications and removal defense work.

Starting in Fiscal Year 2017, following an RFP and a competitive bidding process for multi-year contracts, the Administration increased our funding for immigration legal services through IOI. IOI was first funded by the Administration at \$3.2 million annually. Then, in recognition of the

need for additional quality legal representation for immigrant New Yorkers facing more complicated legal cases, through an agreement with the Council, IOI providers received supplemental Mayoral funding of \$2.7 million in FY17 to provide representation in 1,000 complex immigration cases, including asylum applications, Special Immigrant Juvenile Status (SIJS) proceedings, and U and T visa applications.

Baseline Mayoral funding for immigration legal services programs was dramatically increased for Fiscal Year 2018 and the outyears to include \$16.4 million in additional baseline funding to respond to the pressing need for representation in removal proceedings, support assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as to meet the increasing challenges posed by a shifting landscape for federal immigration law and policy. With this investment, the Administration has been able to continue our support for legal representation in complex cases as well as increase the availability of free legal representation in removal proceedings, and we expect that this expanded support will be felt in the court and in the community as more and more immigrant New Yorkers are able to access these important services.

The flexibility of the IOI program has enabled the City to provide additional funding to a variety of legal services providers including community- and borough-based nonprofit law offices and groups. These partners specialize in providing legal services to vulnerable populations such as children and domestic violence survivors, as well as citywide legal services organizations, allowing for a rapid increase in much-needed service capacity. Particularly in light of the ever-changing federal immigration policy landscape, it is more important than ever to have a nimble structure that allows us to stand up legal services programs where they are most needed. The contracts with the IOI service provider consortia that HRA administers through OCJ allow for rapid deployment of funding, staff and resources to assist the immigrant community across the continuum of service, from brief legal counseling to full legal representation in cases like removal and asylum matters.

The IOI program's flexible funding structure is advantageous in that it allows us to respond to emerging and imminent needs in the community. For example, in FY19 through IOI, we were able to quickly distribute and implement through our network of legal providers partners \$16.4 million in Administration funding for legal assistance in removal cases and other complex legal matters like asylum and SIJS. This includes a dedicated \$4.1 million in Mayoral funding to help address the legal needs of unaccompanied youth here in New York City facing the threat of removal, including legal help for those children separated from their parents or loved ones at the southern border by the Trump Administration. This component of funding was finalized this fall following the rapid response to the border crisis and it has allowed us to partner with legal services providers to:

- Further increase capacity for legal defense in deportation proceedings for over 900 separated and unaccompanied immigrant youth;
- Increase funding for social work and case management resources to address the acute needs of these children; and
- Provide resources to address legal screening and risk assessment needs of family members seeking to be sponsors of separated children in facilities in the custody of the federal Office of Refugee Resettlement (ORR) in New York City, facilitating their release from ORR facilities.

Today, OCJ is in the process of finalizing negotiations of the IOI renewal contracts with our provider partners, for three-year agreements that will provide continued support and stability for this important initiative. These discussions have enabled us and providers to review how our contracting structure needs to change to reflect the current realities of the immigration legal landscape in the era of Trump. Today, legal cases that once had predictable timelines now can drag on for literally years longer than planned, and avenues for relief change and sometimes doors to achieving or maintaining status can slam shut on immigrant New Yorkers, requiring the effort and ingenuity of the legal provider community. So, with these renewals, we have worked closely with partners and have agreed to a contract structure that places no limits on the scale or the duration of their legal representation, and which we believe acknowledges the work and dedication of the attorneys and staff of our legal provider partners in IOI.

In addition to IOI, HRA manages immigration legal services programs funded through federal Community Service Block Grants. With this CSBG funding, legal services organizations provide a range of services such as 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.

In addition to the Administration's commitment, I want to again acknowledge the ongoing commitment of the City Council, Speaker Corey Johnson and the Chair and this Committee to expanding access to justice by funding legal services. HRA also oversees immigration legal services programs funded through Council discretionary grants. This year, in addition to the Council's allocation for providers through IOI, OCJ has administered the New York Immigrant Family Unity Project (NYIFUP) providing legal representation for low-income detained immigrants facing removal at the Varick Street Immigration Court, and the Unaccompanied Minors Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) which was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust and provides unaccompanied immigrant and refugee children in New York City with counsel, the opportunity to apply for relief from removal. Many of these children

are eligible for a range of statutory protections, including asylum, for those fleeing past and future persecution; Special Immigrant Juvenile Status (SIJS) for children who have been abused, neglected, or abandoned; and U or T visas for those who have been victims of certain crimes or human trafficking.

Legal Services for Low Wage Workers

In the current fiscal year, OCJ's work also includes the launch of new initiatives providing legal assistance for low-wage workers facing violations of their rights in the workplace. In FY19, the Administration has allocated \$2 million and the Council has allocated \$500,000 in funding for outreach, education and legal services for working New Yorkers to protect and defend their rights in the workplace. Legal services organizations are assisting low-wage 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 employment discrimination, and employer retaliation. Implementation of this program began in FY2019 and nine legal services and worker advocacy organizations were contracted to provide assistance and education for approximately 1,900 working New Yorkers. The participating providers are:

- Legal Services NYC
- Make the Road New York
- Mobilization for Justice
- New Immigrant Community Empowerment
- New York Committee for Occupational Safety and Health
- New York Legal Assistance Group
- Renaissance Technical Institute
- The Legal Aid Society
- Urban Justice Center

We would like to acknowledge the Council's partnership and the leadership of Chair Lancman in this effort, and in particular for leading the charge in providing critical support to organizations to conduct outreach and legal education providing information to workers about their rights and the availability of legal services.

Conclusion

The City of New York is a national leader in supporting and championing civil legal assistance. We have made significant progress over the past few years in improving access to legal services for New Yorkers in need and we are committed to keep improving every year. Thank you for the opportunity to testify before you today and I look forward to your questions.