



**Testimony of Jordan Dressler, Civil Justice Coordinator,**  
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**Social Services**  
**Before the New York City Council’s Committees on**  
**the Justice System and Housing & Buildings**

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Good morning, Chairs Lancman and Cornegy and the other members of the Committees on the Justice System and on Housing & Buildings. My name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I oversee the City's Office of Civil Justice (OCJ), a unit of the New York City Human Resources Administration/Department of Social Services (HRA/DSS). I am joined today by Jaclyn Moore, Executive Director of the Office of Civil Justice and Erin Drinkwater, Deputy Commissioner of Intergovernmental and Legislative Affairs for the Department of Social Services.

To start, I would like to thank the City Council for its leadership and its partnership in the area of improving access to justice in our city, exemplified by the Council’s championing of and support for New York City’s historic “tenant’s right to counsel” law and for OCJ’s implementation of the law through our Universal Access to Legal Services initiative, the main focus of my testimony today. This initiative is a key component of OCJ’s efforts to close the “justice gap” for New Yorkers facing eviction and housing instability and is the United States’ first and largest program to provide legal services to all tenants facing eviction. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical part of HRA’s efforts to advance our priorities of combatting income inequality and poverty, addressing homelessness and making New York City the fairest city in America. Expanding access to legal services for tenants facing potential eviction is not only a cost-effective and commonsense response to New York City’s homelessness challenge, it promotes a fair and equitable justice system, particularly in the City’s Housing Courts where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords have been represented by legal counsel, but most tenants have not.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. Mayoral funding for tenant legal services programs including Universal Access is approximately \$128 million for Fiscal Year 2020. By comparison, mayoral funding was only \$6 million in Fiscal Year 2013. Looking ahead to Fiscal Year 2022, when Universal Access is expected to be fully implemented, a projected \$166 million in mayoral funding annually is expected to provide free legal services in approximately 125,000 cases per year to

400,000 New Yorkers, with access to free legal services for all tenants in eviction proceedings in Housing Court and in NYCHA termination cases.

I want to emphasize the historic and unprecedented nature of New York City's support for tenant legal services. In August of 2017 New York City made a commitment to every tenant facing eviction in housing court and public housing administrative proceedings that they would face this potentially life-changing legal challenge with the legal help and guidance they need – and today other cities are following our lead. Council Intro 214-a, now Local Law 136 of 2017, mandates that the City provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority (NYCHA), with full legal representation available to households at or below 200% of Federal Poverty Guidelines– approximately \$25,500 annually for a single person and approximately \$52,000 for a family of four - .

More than two years later, the landscape for access to justice for tenants, in New York City and elsewhere, has been transformed, and for the better. Since New York City's enactment of Universal Access, Newark, New Jersey and San Francisco, California and most recently Philadelphia, Pennsylvania and Cleveland, Ohio have enacted “tenants’ right to counsel” legislation that resemble New York City's, and other cities including Boston, Massachusetts, Los Angeles, California and Washington, DC are exploring their own tenant legal services initiatives.

Here in New York City, we have made substantial progress in bridging the “justice gap” for tenants facing potential eviction from their homes and neighborhoods, and these efforts – in which OCJ has partnered with over a dozen nonprofit legal services organizations – have already delivered positive and promising results.

In FY2019, 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings received legal services in their cases in FY2019 – 69,000 New York City tenants who were able to face the threat of eviction with the assistance of a legal defender. OCJ-funded legal organizations provided legal assistance to over 32,000 households across New York City facing housing challenges, comprising over 105,000 tenants and their household members. This reflected a 24% increase in households served compared to the prior year and a 74% increase compared to FY2017, before the formal launch of Universal Access.

FY2019 marked a milestone, the first time in which our legal services programs served over 100,000 New Yorkers. In fact, as of June 30, 2019, over 350,000 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 in 2014 through tenant legal services programs administered by the Human Resources Administration.

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. As New York City dramatically increased its investment in legal services for tenants, today we announced residential evictions by marshals declined more than 40 percent since 2013, with approximately 17,000 evictions in 2019 compared to nearly 29,000 evictions in 2013. In 2019 alone, evictions decreased 15 percent - the largest single-year decline since Mayor de Blasio signed the first-in-the-nation Universal Access program into law - with more than 40,000 households across the five boroughs estimated since 2013 that were able to remain in their homes as a result of decreased evictions.

In Housing Court, the uneven and unfair dynamic that left so many tenants unrepresented by counsel is steadily changing for the better through OCJ's implementation of Universal Access. In the last quarter of Fiscal Year 2019, 32% 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.

With these encouraging results, we are now looking towards the future as we continue our phased implementation of the "tenant's right to counsel" law through Universal Access. For Housing Court eviction proceedings, OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across New York City where eviction and displacement risks and pressures are acute, and focusing first on these communities, and this rollout is now underway. Currently, all low-income tenants facing eviction proceedings in Housing Court in twenty-five (25) ZIP codes across the City have access to free full legal representation, accessible in court and in the community. This "ZIP-by-ZIP" approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel, and we have seen a substantial impact in these communities in need. Whereas the legal representation rate for tenants appearing in Housing Court to face eviction cases was 32% citywide at the end of Fiscal Year 2019, the rate was 62% for tenants in the targeted Universal Access ZIP codes.

In addition, we are also monitoring the implementation of Universal Access legal services for tenants in NYCHA public housing facing administrative termination of tenancy proceedings. OCJ worked with legal provider partners and NYCHA to launch a program model in July 2019 to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. For the first phase of implementation, OCJ and partner legal services providers from across the city are providing access to legal services on site where NYCHA administers termination proceedings for all heads of NYCHA households who are seniors and who are facing termination of their tenancies. We are working with providers and NYCHA on this operational approach, which is expected to serve as a model for expansion for all NYCHA tenants facing termination of tenancy as Universal Access implementation continues.

We are also looking forward to gauging the impact of increased awareness of and access to our free legal assistance programs through the Housing Court's newly revised "plain language" notice of petition form. This reform was launched in September of 2019 one of several key recommendations made by the Chief Judge's Special Commission on the Future of New York City Housing Court. It means that the first thing a tenant sees in every eviction case properly filed in New York City Housing Court now includes information that will guide and encourage tenants to access OCJ's legal services. Specifically, we have partnered with the court system to establish a telephone hotline - (718) 557-1379 - that is included on the Notice of Petition and is staffed by live call-takers Monday through Friday for tenants to call and find out more about free legal assistance in New York City, learn about program eligibility and connect with free counsel as quickly as possible.

## Legislation

There are two pieces of legislation under consideration today, Introduction 1104 and Introduction 1529.

Intro 1104 would require the Office of the Civil Justice Coordinator to expand the scope of right to counsel for all tenants making under 400% of the federal poverty guidelines, including any proceeding where ejection, eviction or termination of residency may result.

Intro 1529 would require the Office of the Civil Justice Coordinator to collaborate with community groups in engaging and educating tenants of their rights in housing court, and then report on their efforts.

Earlier this year, the State issued its FY21 Executive Budget which included devastating cost shifts to the City and HRA. The City and HRA are currently facing a \$1.1 billion cost shift for Medicaid as well as an additional 5% cut to TANF and EAF on top of a 10% cut last year for TANF – and a 10% cut for EAF previously – resulting in a new \$68M annualized cost and ~\$102M impact in FY20 and FY21 combined. We appreciate the support of the Council to prevent these cost shifts and cuts from being enacted in the final State budget.

We look forward to continuing the conversation concerning both of these local law proposals once we have worked through these potentially devastating cost shifts and cuts from the State.

Thank you again for the opportunity to testify today. We look forward to continuing working in partnership with the Council and alongside New York City's legal services providers and other stakeholders to effectively implement our city's historic "tenant's right to counsel" law and continue to make New York City a national leader in ensuring access to justice for people in need.