

NYC DEPARTMENT OF SOCIAL SERVICES  
OFFICE OF CIVIL JUSTICE

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PUBLIC HEARING ON OCJ'S UNIVERSAL ACCESS TO LEGAL SERVICES  
FOR TENANTS FACING EVICTION

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DATE: February 28, 2024  
6 p.m. - 9 p.m.

HELD AT: Zoom Hearing

APPEARANCES: RANIECE MEDLEY  
CHERYL WURTZ  
PATTY ALEXIAR  
BEN JAMIN, Spanish Interpreter

ALSO PRESENT: JENNIE LAURIE, Housing Court Answers  
SARA WAGNER, NYC Bar Association  
DANELLI RODRIGUEZ, LSSA 2320  
LENEER HUTCHINSON, NAICA  
ALFRED TOUSSAINT, Camba Legal Services  
DANIEL ROSENSTOCK, RiseBoro Community  
JONATHAN FOX, NYLAG  
AUSTEN REFUERZO, NDS  
MATTHEW TROPP, Legal Aid Services  
TRICIA LENDORE, Brooklyn A  
PHILIP DUNCAN, NMIC  
JEROME FRIERSON, Bronx Defenders  
ELISE BROWN, Mobilization for Justice  
AMI SHAH, LSNYC  
MARY FOX, HCC  
CAROL RIDHAM  
FIDEL ALBERT  
RUTH RIDDICH  
JOANNA LAINE, LAS  
ATUSA MOZAFFARI, LAS  
BRIAN POTINO, CMS  
CONNOR HYATT  
JOHN FRANCIS

**ALSO PRESENT continued on Page 2.**

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BRANDI CHAMBERLAIN  
UBIQUUS

ALSO PRESENT:  
(CONT.)

ALEX JACOBS, LSSA 2220  
SABRINA ORTIZ  
KIM STATUTTO  
LESLIE ALLEN, NYC Anti-Violence Project  
THELMO CORDONES  
TARA JOY  
TOM DELGADO  
DOMINICK DINAPOLI  
FAMEDA  
BARRY HOROWITZ  
RAPHAEL  
WANDA MARTINEZ

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UBIQUUS

1 MS. MEDLEY: Good evening, everyone. Welcome to  
2 the City of New York Sixth Annual Public Hearing on the  
3 implementation of the City's Universal Access to Counsel  
4 Law, also known as Right to Counsel. Just letting you all  
5 know we'll begin in a few minutes. I want to give folks a  
6 few additional minutes for additional attendees to join  
7 just before we get started. Thank you.

8 MS. WURTZ: Ben, I'm not going to put you in the  
9 translation room yet, so that you can do that again in a  
10 minute when all of our participants have joined.

11 MR. BEN JAMIN: Not a problem. I just wanted to  
12 get it over with, the first round.

13 MS. WURTZ: All good. Multiple times is good.  
14 Raniece, we now also have so many people here that our ASL  
15 interpreters may have fallen off people's screen. So just  
16 letting people know that we do also have ASL  
17 interpretation services. If you need their services, you  
18 can scroll around and you will find them and be able to  
19 pin their video. Let us know in the chat if you need  
20 help.

21 MS. MEDLEY: Thank you, Cheryl. Good evening  
22 everyone again. Welcome to the City of New York Sixth  
23 Annual Public Hearing on the implementation of the City's  
24 Universal Access to Counsel Law, also known as Right to  
25 Counsel. My name is Raniece Medley and I'm the Civil

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1 Justice Coordinator for the New York City Office of Civil  
2 Justice at the Department of Social Services.

3 I want to welcome those who have just joined the  
4 hearing and are in the process of joining. And we have a  
5 few housekeeping matters before we get started. We will  
6 have Spanish language interpretation services tonight. If  
7 you would like interpretation services, please listen to  
8 the following instructions. I'm going to ask our language  
9 interpreter to introduce themselves and give introductions  
10 on how to access language interpretation. Will the  
11 Spanish interpreter please -- will the Spanish interpreter  
12 please introduce themselves? Thank you so much.

13 I'm going to allow a moment for folks who need  
14 interpretation services to enter that Zoom breakout room  
15 and then we'll continue. And also, as Cherly mentioned, I  
16 just want to remind everyone as well that we have an ASL  
17 interpreter available. You may need to move around on  
18 your screen to be able to select it but you can freeze  
19 your screen, so that that ASL interpretation is always  
20 visible to you.

21 Okay. So if you'd like to continue to listen to  
22 this proceeding in English, please select English for the  
23 best experience. If you're using Zoom on a computer, you  
24 can do this by clicking on the globe icon on the bottom of  
25 your screen. If you're using a mobile device, you can

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1 click on the three dots on the bottom of your phone  
2 screen. If you've dialed in by phone, you'll still be  
3 able to hear all the proceedings.

4 A reminder to everyone that this is a public  
5 hearing and I'd like to remind you again that it is being  
6 recorded. We invite anyone who wishes to be heard on  
7 tonight's topics of universal access to counsel and tenant  
8 legal services to speak. We have many speakers who have  
9 already signed up and they will be called upon in the  
10 order in which they signed up. If you wish to speak this  
11 evening and have not yet signed up, please let us know in  
12 the Zoom chat box and we will do our best to get to you by  
13 the end of the hearing at 9 p.m. If you've joined this  
14 hearing by calling in by phone, you can raise your hand by  
15 pressing star nine and we will add you to speaker's list.

16 Some information on the run of the show, I want  
17 to remind everyone again that this is a public hearing  
18 open to all. We will not be answering questions from any  
19 of the speakers. We will not be asking any questions.  
20 This is an opportunity for the public to be heard.

21 So, once again, welcome to the Sixth Annual  
22 Public Hearing on Universal Access to Counsel. I'm  
23 Raniece Medley, the Civil Justice Coordinator here at DSS  
24 Office of Civil Justice. I want to take a moment to  
25 acknowledge and thank the team at OCJ from contract

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1 management to procurement, data synthesis, to the halls of  
2 housing courts. The teams shows up for this critical work  
3 of supporting tenants and our provider partners every day.  
4 This could not happen without you all. You all are  
5 greatly appreciated. I see any number of our team across  
6 the Zoom platform right now and we have several members of  
7 our team who are in the office with me now.

8 I'm joined by Deputy Civil Justice Coordinator  
9 Kevin Farley, Data and Research Coordinator Annabelle  
10 DeCastro [phonetic], Assistant Coordinator Zach Sheola.  
11 And, as I look across, I see that our new Executive  
12 Director Jaclyn Binoti [phonetic] is here, as well as our  
13 Procurement Lead, Marissa Espinoza [phonetic]. And I see  
14 again a number of our staff on the -- on the chat, so I --  
15 in the Google -- in the Zoom room, excuse me. So thank  
16 you all. Thank you all for supporting and for showing.

17 I also want to of course acknowledge Cheryl  
18 Wurtz and Carolyn Robleto [phonetic] of DSS's Office of  
19 Refuge and Immigrant Affairs, ORIA. You've heard Cheryl's  
20 voice. You will hear Cheryl's voice. They are critical  
21 to us being able to put this on and host this, so thank  
22 you. Thank you all.

23 As you may know, OCJ is a unit within DSS, the  
24 largest municipal social services agency in the country.  
25 DSS assists more than three million New Yorkers annually

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1 through the administration of a range of public assistance  
2 programs including cash assistance, employment services,  
3 the Supplemental Nutrition Assistant Program known as  
4 SNAP, rental assistance, and eviction prevention.

5 Since OCJ was established in 2015, the office  
6 has launched and operated a range of civilly -- civil  
7 legal services programs for New Yorkers in need. The  
8 centerpiece of our work and the reason we're all here  
9 tonight is the city's groundbreaking Universal Access to  
10 Counsel program. More than five years ago the city of New  
11 York made history in becoming the first city in the  
12 country to pass a law guaranteeing that all tenants facing  
13 eviction in housing courts or administrative termination  
14 of tenancy proceedings in public housing have access to  
15 free legal services.

16 I want to acknowledge the main sponsors of the  
17 bill in the city council who now serve as borough  
18 presidents, Bronx Borough President Vanessa Gibson  
19 [phonetic] and Manhattan Borough President Mark Levine  
20 [phonetic]. I want to thank them both for their  
21 tremendous work in support of this law.

22 Since 2017, when the Universal Access to Counsel  
23 Law was enacted, access to civil legal services for  
24 tenants in need has dramatically increased both here in  
25 New York City and beyond, as cities and states across the

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1 nation have pursued their own Right to Counsel  
2 initiatives. I'm proud to report that in the more than  
3 six years since enactment we have made real and  
4 significant progress in enhancing access to civil legal  
5 services and bringing about fair and just outcomes for  
6 tenants. Today, over a year after the end of the city's  
7 eviction moratorium, the Universal Access Program  
8 continues to be implemented citywide, with all New York  
9 City tenants in eviction proceedings and public housing  
10 residents in termination of tenancy proceedings having  
11 access to free legal advice or representation provided by  
12 a network of OCJ contracted legal services provider  
13 partners.

14 As proud as we are of this program's  
15 accomplishments, we are committed to further strengthening  
16 and improving this city's tenant legal services. Again,  
17 thank you all for joining tonight's hearing, amplifying  
18 your experiences with the UA program, and sharing your  
19 thoughts and ideas on improving the program going forward.

20 I once again would like to remind attendees of a  
21 few points. Again, this is a public hearing. It is being  
22 recorded. We invited anyone who wishes to be heard on  
23 topics of universal access to counsel and tenant legal  
24 services to speak. Again, we won't be answering any  
25 questions or asking any questions of the speakers. We

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1 invite anyone who wishes to speak but is not yet on the  
2 speakers list to sign up now using the Zoom chat box, or  
3 to dial star nine if you dialed in. If you would prefer  
4 not to speak in public and would rather submit a statement  
5 in writing, you may submit your statement to us by email  
6 at [civiljustice@hra.nyc.gov](mailto:civiljustice@hra.nyc.gov). That email will be placed in  
7 the chat as well.

8 OCJ is collecting all written statements and  
9 will make them part of the record for this hearing which  
10 will be made available to the public on our website at  
11 [www.nyc.gov/civiljustice](http://www.nyc.gov/civiljustice). This hearing is also being  
12 transcribed and the transcription will be made available  
13 on the website as well.

14 In order to ensure that everyone who wants to  
15 speak will have the opportunity to do so, we will limit  
16 speakers to three minutes each. I'll alert you when your  
17 three minutes have ended. I'm going to call on speakers  
18 one-by-one. When you hear your name or your phone number,  
19 you'll need to unmute yourself and turn your microphone  
20 on, so we can hear you. Those who dialed in can do so by  
21 dialing star six. That's how you unmute yourself there.  
22 Everyone must stay muted until you are called on to speak.

23 All right. Let us begin. The first speaker for  
24 tonight is Jennie Laurie of Housing Court Answers. Thank  
25 you, Jennie. Thank you, Jennie.

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1 MS. JENNIE LAURIE: Thanks for the opportunity  
2 to testify. I was definitely not expecting to go first.  
3 It's a burden but thanks. Thanks so much for the  
4 opportunity to testify and for holding this hearing. My  
5 name is Jennie Laurie. I'm the Executive Director of  
6 Housing Court Answers. We staff a hotline and we staff  
7 information tables in the New York City Housing Courts  
8 with non-attorney housing advocates. We focus on helping  
9 tenants stabilize their housing, fend off evictions, stay  
10 in their homes, and get repairs. And every week we speak  
11 to hundreds of tenants facing eviction.

12 And it's no surprise, despite the Right to  
13 Counsel law, we continue to work with hundreds of tenants  
14 who are struggling through eviction cases without legal  
15 representation. And our staff regularly speak to people  
16 who are signing agreements just like they did in the old  
17 days to pay money that they don't owe, or to pay on a  
18 schedule that they can't possibly meet, to go without  
19 repairs even though they're desperately needed.

20 The Right to Counsel law is great. It's a great  
21 law but it's just not being implemented and we need a lot  
22 more transparency both from the courts and I think from  
23 OCJ about the problems with the -- with the program. In  
24 the Bronx, for example, tenants call us all the time or  
25 come to our table confused about what happened on the

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1 intake. They think they were screened. They weren't sure  
2 what happened. Some of them were promised a call that  
3 never comes. The Brooklyn Administrative Part Pilot is  
4 very similarly confusing for people. They think they're  
5 being screened for legal representation. They often have  
6 to wait for long periods of time for HRA to help them and  
7 they often get to the ninth floor to find that intake is  
8 full.

9 So we would love to see a lot more transparency  
10 as I said both from the court and from OCJ about like what  
11 the problems are and the fact that a lot of tenants coming  
12 to court are not likely to get representation.

13 We support the call by the Right to Counsel  
14 Coalition and the legal service providers for the city to  
15 fully fund the law, so that all tenants who are eligible,  
16 who are facing eviction can get legal representation. The  
17 Right to Counsel law, despite all the challenges, is  
18 hugely successful. It has reduced evictions, reduced  
19 filings, and allowed thousands and thousands of tenants to  
20 stay in their homes, get needed repairs, and access public  
21 benefits that allow for long-term housing stability.

22 So I think it's such an important law and we  
23 need to support it. Thank you very much.

24 MS. MEDLEY: Thank you, Jennie. We'll next hear  
25 from the Civil Right to Counsel Task Force.

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1 MS. SARA WAGNER: Hi.

2 MS. MEDLEY: Hi, good evening. Go ahead, Sara.

3 MS. WAGNER: This testimony is presented on  
4 behalf of the New York City Bar Association Civil Right to  
5 Counsel Task Force. The task force was formed and I am  
6 one of the co-chairs. And I join -- I'm joined as -- by  
7 co-chairs Allison King [phonetic]. She is pro counsel at  
8 Kirkland and Ellis [phonetic], and of course New York Law  
9 School Professor Andrew Scherer [phonetic].

10 New York City's passage of legislation  
11 guaranteeing a Right to Counsel for low income tenants  
12 facing eviction proceedings was a monumental step toward  
13 equal justice, one that was decades in the making. For  
14 the first time anywhere in the United States, tenants  
15 facing legal proceedings were guaranteed representation by  
16 an attorney. Since New York City passed this landmark  
17 legislation, 17 additional localities have adopted their  
18 own RTC laws.

19 The right to counsel for tenants in New York  
20 City has been an enormous success. Right to Counsel is  
21 leveling the playing field in housing court, giving people  
22 a fighting chance to assert their legal rights and sending  
23 a message that New York City's low income tenants are  
24 entitled to be treated with dignity and respect. And  
25 right to counsel is transforming the culture in housing

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1 court, making it a more balanced forum, with greater  
2 civility and deeper attention to legal rights and  
3 principals.

4 New York City is to be applauded for leading the  
5 nation in adopting this measure, yet the promise of Right  
6 to Counsel is far from being fully realized. There are  
7 not enough attorneys available to meet the need, with the  
8 result that thousands of tenants are going unrepresented.  
9 Housing court operations are sliding back to the system  
10 with chaos and one-sided justice that RTC sought to end.  
11 This crisis is not simply an issue of access to justice.  
12 Given the vastly disproportionate rate of eviction  
13 proceedings brought against people of color, it is an  
14 issue of racial justice as well.

15 The task force urges HRA's Office of Civil  
16 Justice to take two immediate steps. First, the task  
17 force strongly urges OCJ to ensure that funding be  
18 increased in order that RTC's underlying goals be met.  
19 Providers must have sufficient funding to hire and retain  
20 enough attorneys to support staff, to provide the highest  
21 quality legal representation, to meet the needs of  
22 eligible clients. Funding must be sufficient to ensure  
23 that caseloads are management and employee compensation at  
24 the level that will support recruitment and retention of  
25 qualified candidates and support staff.

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1           Second, the city should support and urge the New  
2           York State legislature to pass and the governor to sign  
3           the statewide Right to Counsel Bill. Besides providing  
4           for a Right to Counsel to tenants in all parts of the  
5           state, this legislation would improve upon the NYC law in  
6           key respects and would greatly assist OCJ with effective  
7           implementation of the NYC program in averting evictions.

8           One final note --

9           MS. MEDLEY:    -- Thank you, Sara. You're at  
10          time but go ahead. I'll let you sign off, sign off.

11          MS. WAGNER:   The task force has long supported  
12          the term Right to Counsel, to describe the Right to  
13          Counsel program, we greatly appreciate that OCJ has  
14          adopted this term and shifted away from the confusing and  
15          opaque phrase "universal access." Tenants and their  
16          allies fought hard to win the Right to Counsel and RTC has  
17          inspired a movement to replicate this right in  
18          jurisdictions across the country.

19          Thank you for your consideration and please  
20          don't hesitate to call on the task force if we can be  
21          helpful in any way.

22          MS. MEDLEY:    Thank you. Danelli, Danelli  
23          Rodriguez? Is Danelli on?

24          MR. DANELLI RODRIGUEZ:   What's good ya'll? Can  
25          ya'll hear me? When I say housing, you say justice.

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1 Housing.

2 MULTIPLE VOICES: Justice.

3 MR. RODRIGUEZ: Housing.

4 MULTIPLE VOICES: Justice.

5 MR. RODRIGUEZ: Housing.

6 MULTIPLE VOICES: Justice.

7 MR. RODRIGUZ: Housing.

8 MULTIPLE VOICES: Justice.

9 MR. RODRIGUEZ: And that's exactly why I'm here  
10 today, to fight for housing justice and the formal Right  
11 to Counsel. My name is Danelli Rodriguez. I am the  
12 people's lawyer and I am a member of LSSA 2320, our Right  
13 to Counsel group of attorneys union. So shout out to the  
14 shop, first and foremost.

15 I'm here on my own behalf and I have been a  
16 right to counsel attorney for the past two years. And I  
17 want to take a really quick step back. On the train right  
18 here, on the train ride here today, I saw four houseless  
19 individuals. And I couldn't think to myself how many  
20 times I've been in housing court and how many times my  
21 representation and the representation of my colleagues  
22 have prevented that from happening. And every single time  
23 I step onto the train and I see more houseless  
24 individuals, I look at it as a policy failure. That is a  
25 policy choice. And here we have the Right to Counsel,

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1 which is a bill for the people, by the people,  
2 specifically with the task to make sure that people have  
3 housing as a human right. And that's the bottom line.  
4 People deserve to have housing. People deserve to have  
5 counsel.

6 I personally have experienced the eviction  
7 process and the eviction mill. And one of the biggest  
8 challenges was the disparity in power between the  
9 landlords and the tenants. It's no surprise that the  
10 tenant lobby is very impacted our benches. It is no  
11 surprise that property is a constitutional right and the  
12 deference to property in New York City is huge. The  
13 developers own our politicians and it's important that we  
14 pass something like the Right to Counsel because it is a  
15 hedge against the power imbalance and the inequity that  
16 exists in housing court day in and day out.

17 So my community is being gentrified. I'm an  
18 attorney. I can barely afford to live here. I can't  
19 begin to imagine migrants. I can't imagine the poor. I  
20 can't imagine black and brown people in this community.  
21 These are the people who are mostly impacted by the power  
22 imbalance that exists in our courts. And this is the  
23 issue of justice.

24 Housing is a human right and the Right to  
25 Counsel is essential to the preservation of housing as a

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1 human right. We need to pass the Right to Counsel for the  
2 people, by the people. Housing is a human right.

3 MULTIPLE VOICES: Fight, fight, fight.

4 MR. RODRIGUEZ: Housing is a human right.

5 MULTIPLE VOICES: Fight, fight, fight.

6 MR. RODRIGUEZ: Housing is a human right.

7 MULTIPLE VOICES: Fight, fight, fight.

8 MR. RODRIGUEZ: Housing is a human right.

9 MULTIPLE VOICES: Fight, fight, fight.

10 MR. RODRIGUEZ: Housing is a human right.

11 MULTIPLE VOICES: Fight, fight, fight.

12 MR. RODRIGUEZ: All power to the people, to the  
13 tenants of New York City. Let's go.

14 MS. MEDLEY: Thank you. We have a number of  
15 legal services providers who are provider partners in the  
16 -- with OCJ who have signed up to speak together. With  
17 the number that I have here and the three minutes that we  
18 have allotted to folks, I will say that we'll be looking  
19 at about 30 minutes of a joint presentation from our legal  
20 services providers. So I'm just going to go ahead and  
21 turn the floor over to the providers, to begin to share.  
22 Thank you.

23 Any particular provider partner that was going  
24 to begin the sharing? Leneer, if you're speaking, you're  
25 on mute.

1 MS. LENEER HUTCHINSON: Sorry, I (inaudible).  
2 In 2017, the city of New York became the first locality in  
3 the United States to enact a law ensuring access to free  
4 legal services for any residential tenant facing an  
5 eviction proceeding in court. New York City's Universal  
6 Access legislation, referred to as Right to Counsel by the  
7 tenant advocate community is a local law requiring the  
8 city's Office of Civil Justice to establish a program that  
9 provides access to free legal services, either full legal  
10 representation or brief legal assistance, depending on the  
11 annual household income of the tenant litigant, to all  
12 tenant respondents facing eviction in New York City  
13 housing.

14 Implementation of the Universal Access Program  
15 was phased in by the city over time initially all income  
16 eligible tenant respondents in high needs zip codes  
17 selected by the city were provided access to free legal  
18 representation via court based intake, as well as through  
19 community legal offices. By the end of 2019, the  
20 Universal Access Program had grown to include 25 zip codes  
21 across the five boroughs, and thousands of tenant  
22 respondents residing in other zip codes likewise received  
23 free legal representation in housing court through UA and  
24 the city's other legal assistance programs.

25 According to an analysis by OCJ, at the end of

1 2019 the percentage of tenants appearing in housing court  
2 who had legal representation in eviction proceedings had  
3 reached 38%. And 67% of tenants who appeared in housing  
4 court in the UA zip codes were represented by counsel in  
5 court.

6 It is critical for low income people to have  
7 legal representation in housing court proceedings.  
8 Tenants who have an attorney in an eviction proceeding are  
9 less likely to be evicted. The money judgement in these  
10 cases are less than in cases when a tenant is  
11 unrepresented and these cases are less likely to have a  
12 warrant of eviction issued against them. Additionally,  
13 tenants who are represented by attorneys are almost  
14 guaranteed to remain housed. Right to Counsel saves the  
15 city money by reducing the number of families that enter  
16 the shelter system. The shelter system is an extremely  
17 costly remedy for addressing housing insecurity. In  
18 fiscal year 2022 alone, the average daily number of  
19 households in the New York City shelter system equaled  
20 approximately 27,000, costing the city and state  
21 approximately 1.7 billion. The funding needed to fully  
22 implement Right to Counsel significantly less than the  
23 cost of sheltering families. Money spent on Right to  
24 Counsel significantly offsets the need to spend money on  
25 shelters and is a powerful tool to combat the housing

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1 crisis in New York City.

2 While the Right to Counsel has had a measurable  
3 impact on individuals facing eviction, the various  
4 stakeholders tasked with its implementation face  
5 significant challenges. These challenges include the  
6 expansion of Right to Counsel beyond the zip code  
7 approach, the end of various pandemic related eviction  
8 moratoriums, housing courts steady and increasing  
9 calendaring of eviction cases, and adequate funding for  
10 the program, and high rates of attrition of housing  
11 attorneys employed by the Right to Counsel legal service  
12 providers and staff at the various New York City agencies.  
13 The interrelated factors have resulted in large numbers of  
14 tenants across the city being deprived of the right to  
15 counsel in the eviction proceedings.

16 And on behalf of NAICA, my time is running out.  
17 I would like to say thank you for your consideration.

18 MS. MEDLEY: Thank you.

19 MR. ALFRED TOUSSAINT: Thank you, Ms.

20 Hutchinson. Good evening, everyone. My name is Alfred  
21 Toussaint, Director of the Housing Unit at Camba Legal  
22 Services. The providers thought it would be fitting to  
23 begin our testimony on the recent challenges in the  
24 implementation of the Right to Counsel, also known as RTC.

25 As we begin the work together to sustain and

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1 strengthen the RTC program, it is worth reviewing the last  
2 few years on how the program has functioned during the  
3 height of the devastating COVID-19 pandemic. The pandemic  
4 resulted in not just over 20,000 deaths within the United  
5 States during the initial months of the crisis, it also  
6 resulted in unprecedented levels of unemployment,  
7 underemployment, and economic distress. Those economic  
8 effects of the pandemic crisis inevitably resulted in a  
9 massive wave of housing instability in New York City.

10 To meet the challenges posed by the crisis,  
11 especially for the low income, elderly, and disabled New  
12 Yorkers, legal service community, in coordination with  
13 OCJ, accelerated the rollout for the RTC program citywide  
14 during 2020 and 2021. The sudden, full implementation of  
15 the program forced the providers to manage the rollout  
16 without the necessary funding and resources. Also, the  
17 wide-ranging changes in the state law that came into  
18 effect in June 2019 greatly increased the complexity of  
19 eviction defense law and practice. Also, the eventual end  
20 of the various pandemic eviction moratoriums have together  
21 led to a tremendous strain under RTC program and under RTC  
22 stakeholders. The initial strain under RTC program and on  
23 the stakeholders was a direct result of the rapid,  
24 citywide expansion of RTC.

25 So for some additional background to the

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1 program, it should be noted that the RTC law enacted in  
2 2017 provided for the program to be phased in all parts of  
3 New York City over a five-year period. Before the  
4 pandemic struck New York City, as early as 2020, the RTC  
5 program and the legal service providers participating in  
6 the program were expected to provide representation to  
7 tenants in only 25 of the city's 180 zip codes. The rush  
8 to implement the RTC program citywide and expand its  
9 coverage to all zip codes was necessary in the face of the  
10 housing instability caused by the pandemic. However, the  
11 swift pace of the expansion and the lack of related  
12 increase in funding made it extremely difficult for legal  
13 service providers to hire, train, and retain the staff  
14 needed to meet the increased demand for services. Because  
15 of the number of housing court cases filed during the  
16 pandemic plummeted, the mismatch between the funding and  
17 the eventual post-pandemic demand for services was not  
18 immediately apparent.

19 I'm going to stop here and at this time I'd like  
20 to turn it over to my colleague, Mr. Rosenstock, to  
21 continue under recent challenges in the implementation of  
22 RTC.

23 MR. DANIEL ROSENSTOCK: Thank you, Mr.  
24 Toussaint. Good evening, everyone. My name is Daniel  
25 Rosenstock. I am the Assistant Director at RiseBoro

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1 Community Partnership, Legal Empowerment and Assistance  
2 Program here in Brooklyn.

3 To continue where Mr. Toussaint left off, I am  
4 now turning to the effects felt by the wave of the new  
5 eviction proceedings commenced at the end of the pandemic  
6 eviction moratoria.

7 As a result of the COVID pandemic crisis, New  
8 York City and State authorities implemented a series of  
9 overlapping eviction moratoria starting on March 16th of  
10 2020. The first moratorium was implemented by the state  
11 judiciary. That moratorium was followed and superseded by  
12 the governor's eviction moratorium implemented through  
13 executive orders. Finally, in December 2020, the state  
14 legislature enacted eviction moratorium law. And in April  
15 of 2021 the Emergency Rental and Assistance Program, known  
16 as ERAP, contained within its laws limited eviction  
17 protections. These laws and moratoria led to a dramatic  
18 reduction in new housing court filings.

19 The state eviction moratorium law lapsed in  
20 January of 2022. And the ERAP law and its limited  
21 eviction protections are now also nearing an end. As  
22 these eviction moratoria expire and lapse, the number of  
23 residential eviction filings have only increased during  
24 the past two years. The increased number of eviction  
25 filings have inevitably led to a greatly increased demand

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1 for Right to Counsel legal services citywide and, in  
2 particular, for low income tenants.

3 Since the end of the eviction moratorium in  
4 January of 2022, there have been more than 10,000  
5 evictions in New York City, and that number has only  
6 increased. However, RTC providers have not had sufficient  
7 funding and resources in the face of this greatly  
8 increased need for representation in eviction proceedings.

9 Turning to the ongoing effects of the pandemic,  
10 it is well known that the COVID-19 pandemic is one of the  
11 worst tragedies to hit New York and of course the world in  
12 recent years, affecting people emotionally, physically,  
13 and financially. Millions of people have been and  
14 continue to be adversely impacted as a result of COVID-19.  
15 Thousands of New Yorkers have lost their jobs, their loved  
16 ones, their savings, and the fragile stability many had  
17 prior to the pandemic, with many still suffering its  
18 ongoing effects. Many had to assist family members  
19 financially or pay unexpected funeral costs.

20 A number of clients that our organizations have  
21 assisted during the pandemic, as well as clients that we  
22 presently represent, report that they have not been able  
23 to get back to the financial spot that they were in prior  
24 to the pandemic. Many New Yorkers live paycheck to  
25 paycheck, and any interruption in their pay or any

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1 unforeseen expense such as those caused by the pandemic  
2 may and have caused tenants, oftentimes New York's most  
3 vulnerable, to fall behind in rent. The result has been a  
4 large number of eviction proceedings being brought in  
5 housing court, which in turn Right to Counsel providers  
6 must then defend. Without the services provided by the  
7 RTC program, many would have surely lost their homes.

8 Thank you. I'll now turn it over to my  
9 colleague at NYLAG to provide further testimony.

10 MR. JONATHAN FOX: Thank you. My name is  
11 Jonathan Fox and I am the Director of the Tenants Rights  
12 Unit at the New York Legal Assistance Group. Thank you  
13 for the opportunity to testify tonight.

14 I am going to be talking about some of the  
15 inadequacies of the RFX that was issued by the Office of  
16 Civil Justice in August of 2023. The RFX that was  
17 proposed to us was for approximately 408 million dollars,  
18 408 million dollars for fiscal years 2025, 2026, and 2027,  
19 approximately 136 million dollars a year to cover  
20 approximately 44,000 full representation cases.

21 Unfortunately, based on our estimates, we  
22 believe that there will actually be 71,000 cases filed per  
23 year. So providing full legal representation for only 62%  
24 of eligible tenants is the antithesis of the intent of the  
25 Right to Counsel law, which was to ensure that all

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1 eligible tenants have access to counsel in eviction  
2 proceedings. The city is severely under resourcing a  
3 program that it admits is successful. In 75% of cases  
4 where a tenant was represented by counsel in fiscal year  
5 2023, the tenant remained housed.

6 In addition to this issue of not providing  
7 sufficient funding for the -- sufficient funding for the  
8 number of cases that we anticipate will be filed, the RFX  
9 also underfunds the case -- the case rate. We believe  
10 that our data shows that it costs about \$7,500 to defend  
11 an eviction case. Initially the RFX that we received from  
12 the Office of Civil Justice had a case rate of \$3,063.  
13 After protests, the city took away the case rate and made  
14 the providers come up with their own case rate but they  
15 kept the number of cases the same and the dollar amount  
16 the same. So effectively the providers were being forced  
17 to subsidize the gap between the \$7,500 it takes to defend  
18 a case and the \$3,063 that we are likely going to receive.

19 These required subsidies have forced the  
20 provider community to limit staff they needed for  
21 wholistic representation, including lawyers, social  
22 workers, paralegals, process servers, and administrative  
23 support staff necessary to manage a fully implemented RTC  
24 program.

25 Fully funding the RTC program is part of the

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1 solution of the housing affordability crisis plaguing this  
2 city. Keeping low income people in their homes is  
3 essential not only for their individual wellbeing but also  
4 as a bulwark against skyrocketing rents in the housing  
5 market. When a low income tenant is evicted, their  
6 apartment will not be rented again to another low income  
7 tenant. Instead, the rent will likely be raised and that  
8 unit will become unaffordable.

9 And I'd like to pass the mic to my colleague,  
10 Austen Refuerzo. Thank you.

11 MR. AUSTEN REFUERZO: Thanks, Jonathan. I'm  
12 Austen Refuerzo. Good evening. I'm a comanaging attorney  
13 of the Civil Defense Practice at the Neighborhood Defender  
14 Service of Harlem. NDS is a community based public  
15 defender office located in northern Manhattan, and a  
16 member of the Elite Coalition, as well as the Right to  
17 Counsel Coalition. And as a wholistic public defender  
18 office, we're particularly familiar with the collateral  
19 consequences of homelessness, including an increased  
20 chance of entering the criminal legal system.

21 I want to talk a little bit about how the RFX  
22 structure does not allow for quality legal representation.  
23 Eviction defense proceedings in New York are complex and  
24 require significant time to resolve. New York City has  
25 some of the most robust and complicated housing laws in

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1 the country, important laws such as the Housing Stability  
2 and Tenant Protection Act of 2019, and recent amendments  
3 to the rent laws have increased the critical tenant  
4 protections while also adding to the complexities of  
5 tenant defense. Because of the way these laws are  
6 enforced, Right to Counsel attorneys are almost solely  
7 responsible for policing illegal deregulations and rent  
8 overcharges. As a result of these complexities, providers  
9 must increase staff training to stay current on the  
10 changes in the law, and dedicate more personal -- more  
11 scrutiny and time per case. Notably, these changes have  
12 all occurred in the last few years, after the formal  
13 launch of the Right to Counsel program.

14 The new RFX failed to account for these changes  
15 and the impact they have on eviction prevention and tenant  
16 defense. Full representation cases at the low RFX case  
17 rate will not allow attorneys the time and resources  
18 needed to litigate these complex matters properly and  
19 ethically. Since we refuse to compromise on the quality  
20 of our representation, we providers must instead keep  
21 caseloads reasonable for our staffs, in which in turn  
22 means fewer tenants will be represented under the proposed  
23 funding structure.

24 The funding also failed to take into account the  
25 full breadth of staffing and support needed to provide

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1 wholistic legal representation. In order to meet clients'  
2 needs, provider organizations must staff programs with  
3 paralegals, social workers, administrative staff, and  
4 infrastructure supports, in addition to the attorneys.

5 As we continue to emerge from the pandemic,  
6 eviction filings have increased almost to the same level  
7 as pre-pandemic and many tenants are facing the prospect  
8 of eviction without an attorney, in contradiction of the  
9 spirit of the Right to Counsel law. Housing courts are  
10 scheduling cases at the same or similar pace as pre-  
11 pandemic, despite providers frequent and early warnings  
12 about the lack of capacity, leaving low income tenants  
13 unrepresented.

14 Since the end of the eviction moratorium in  
15 January 2022, there have been more than 10,000 evictions  
16 in New York City. Without more support for Right to  
17 Counsel, that rate of increase of eviction will increase.  
18 Continuing to underfund this critical program will leave  
19 even more tenants without legal representation, needlessly  
20 increasing their chances of eviction.

21 With that, I'd like to pass it over to my  
22 colleague Matthew Tropp at the Legal Aid Society. Thank  
23 you.

24 MR. MATTHEW TROPP: Good evening. My name is  
25 Matthew Tropp and I am interim attorney in charge of the

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1 Citywide Housing Program at the Legal Aid Society. I  
2 currently oversee our entire Right to Counsel Eviction  
3 Defense Program. Thank you for the opportunity to speak  
4 again.

5 Legal Aid Society is the oldest and largest  
6 nonprofit legal services organization. We were founded in  
7 1876 and we've been doing this work since it started being  
8 funded by the city and really even before it was funded.  
9 This is a really important time in the Universal Access  
10 Right to Counsel, as there are many challenges that we  
11 want to raise. I'm here to talk a little bit about the  
12 impact on the brief legal assistance.

13 The proposed funding level for the brief legal  
14 services will not cover the cost of providing that  
15 assistance to clients who often have complex eviction  
16 proceedings, as we have illuminated. It actually only  
17 funds roughly \$91 per caller assisted. This law, the  
18 Right to Counsel law has been critical in keeping  
19 thousands of low income tenants, often tenants of color,  
20 in their homes. Under the law, it provides that everyone  
21 should be entitled to at least brief legal assistance.  
22 We've been providing that assistance at the Legal Aid  
23 Society since it was established in 2020, along with some  
24 other providers. And then we assumed full operation of  
25 the Housing Justice Helpline in July of 2021.

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1           Our helpline is left to fill a very considerable  
2 gap right now due to the lack of capacity of the legal  
3 services provider community. The callers to the helpline  
4 include those tenants who are not only eligible for right  
5 to counsel but are unable to get an attorney through the  
6 program. In addition, it's also covering people who are  
7 not eligible for the program, who are over income, and  
8 also those who have unrelated issues to their housing  
9 eviction case.

10           This helpline has bridged the justice gap for  
11 tenants who would otherwise not have access to any legal  
12 assistance. The RFX eliminates the option of in-court  
13 brief legal assistance by the Right to Counsel provider  
14 that is there to staff a shift and it reduces access to  
15 these services then for tenants who may prefer to seek  
16 assistance in court or also constrains those providers who  
17 may want to be able to provide those services while  
18 they're in court if they're not able to take all the cases  
19 due to capacity.

20           The RFX also does not incorporate the case load  
21 report. On August 31st, 2023, the Universal Access to  
22 Justice Caseload Working Group reported recommendations  
23 were published from the Office of Civil -- sorry, the  
24 Office of Court Administration. And they concluded that  
25 given the complexity and pace of eviction proceedings a

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1 fulltime, experienced RTC attorney can provide  
2 representation in approximately 48 full representation  
3 cases per year. This is not -- this analysis has not been  
4 incorporated in the funding for the program. The funding  
5 would actually require an RTC lawyer to almost double  
6 those cases, which would not provide for quality legal  
7 representation and would lead to even more burnout and  
8 attrition of staff, as well as other professional and  
9 ethical challenges.

10 We need funding certainty for these programs.  
11 The RFX includes a very draconian 10% penalty. That  
12 penalty would be imposed if a provider cannot meet 100% of  
13 their contract goals. Such providers then would be  
14 ineligible to receive the 10% additional funding, or  
15 funding that would be under their contract and would be  
16 extremely difficult to plan for staffing, and would  
17 increase the problems we've had with retention.

18 Unless providers can already contribute towards  
19 this funding to the program, it's not sustainable. We're  
20 already meeting the gap of funding and to make it even  
21 more would really hurt our program and our ability to  
22 sustain this work. The uncertainty of this 10% funding  
23 also makes it impossible for organizations to do necessary  
24 planning for investment in staff hiring and retention, as  
25 well as to combat and plan for attrition.

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1 We thank you for your time and consideration of  
2 these important issues. We are committed to improving the  
3 RTC model, so that it becomes a sustainable program that  
4 better serves our client community. I am now going to  
5 pass it over to my colleagues in Brooklyn Legal Service  
6 Corp A.

7 MS. TRICIA LENDORE: Thank you. Good evening,  
8 everyone. My name is Tricia Lendore and I am a Deputy  
9 Director of the Preserving Affordable Housing Program at  
10 Brooklyn Legal Services Corporation A, also known as  
11 Brooklyn A. Now, Brooklyn A is a member of the LEAP  
12 Coalition, as well as the Right to Counsel Coalition. And  
13 we represent low and moderate income individuals and  
14 families living in rapidly gentrifying neighborhoods where  
15 many residents have been either displaced or are facing  
16 displacement and harassment. Now, our Preserving  
17 Affordable Housing Program uses legal and advocacy  
18 strategies to preserve and protect affordable housing  
19 prevent evictions, and combat tenant harassment and  
20 discrimination.

21 Now, in February of 2023, OCA and OCJ launched  
22 an Administration Pilot Program in Brooklyn Housing Court.  
23 While this initiative has had some success in streamlining  
24 intake protocols, we urge OCJ to consider providers'  
25 suggestions about how to improve the operation of the

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1 administrative part before expanding the pilot to  
2 additional boroughs.

3 Now, as an initial matter, there are several  
4 positive aspects of the pilot project which include all  
5 cases receive an automatic adjournment regardless of the  
6 type of case, as well as income eligibility is processed  
7 by HRA prior to the tenant speaking with counsel.  
8 Further, tenants can apply for a one-shot deal at the  
9 courthouse and the process is more efficient for legal  
10 service providers on a whole.

11 However, there are several setbacks of the pilot  
12 project which include that the one-shot deal that is  
13 applied for is generally denied because the tenant is not  
14 permitted to upload their documents, or the applications,  
15 or the tenant fails to complete their BEV interviews, thus  
16 delaying the resolution of their case. Second is that the  
17 legal service providers miss the opportunity to speak with  
18 all eligible tenants because many respondents do not make  
19 it to the legal service providers during their first  
20 appearance. Third, rent breakdowns are not provided by  
21 all petitioners, or petitioners as counsel to the tenant  
22 on the first appearance.

23 These results work to unfortunately not make the  
24 program as effective as it could be but overall we would  
25 like for OCJ to continue to meet with providers and the

1 Office of Court Administration to discuss ideas to  
2 optimize the administrative part, to ensure better  
3 outcomes for all parties. Thank you.

4 And now I'm going to turn it over to my  
5 colleague at MNIC.

6 MS. MEDLEY: And I'm just going to ask you all  
7 to pause there. Thank you. I want to ask just to be  
8 conscientious. I think we have five providers that remain  
9 to speak in this group. So I'll just ask you all to  
10 please just try to be mindful of the three minutes, so  
11 that we can move through and make sure others who've  
12 joined are able to.

13 We've had a number of people join the call. So  
14 I'd just also like to let folks know again that we have a  
15 language interpretation services available for language --  
16 excuse me, for Spanish language. And so I would ask the  
17 Spanish interpreter to please introduce themselves.

18 MS. WURTZ: Patty, go ahead. That's you.

19 MS. LENDORE: And, yes, I now turn it over to my  
20 colleague at MNIC.

21 MS. MEDLEY: One second. I'm sorry. The  
22 interpretation is happening in the breakout room. We'll  
23 get a signal and then I'll let MNIC know when they can  
24 speak. Thank you.

25 MS. LENDORE: Thank you, Raniece.

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1 MS. WURTZ: Patty, can you hear me? Ben, can  
2 you make our interpretation about how to repeat the -- how  
3 to access the Spanish interpretation, please?

4 MR. JAMIN: Sure. Can you hear me?

5 MS. WURTZ: Yeah. Go ahead, Ben.

6 MS. MEDLEY: All right. So folks can go into  
7 that room should they wish to hear the Spanish  
8 interpretation as speaking is happening. And we'll go  
9 head over to NMIC for their hearing. Thank you.

10 MR. PHILIP DUNCAN: Hi, thank you so much,  
11 Raniece and Tricia. I'm here to talk about attrition,  
12 attorney attrition. This is a particularly urgent issue I  
13 think that all of us are facing. And I ask to think about  
14 it particularly because of the experience that NMIC has  
15 had with it. So I'm the Assistant Director for Housing at  
16 Northern Manhattan Improvement Corporation, or NMIC. NMIC  
17 has provided housing services since our founding 45 years  
18 ago and has been a Right to Counsel provider since the  
19 program's inception.

20 Attrition has always been an issue in this  
21 practice but in recent years we've seen a remarkably high  
22 attrition rate. To speak from personal experience, in the  
23 past year NMIC Right to Counsel -- the NMIC Right to  
24 Counsel Program has lost six staff attorneys out of a  
25 staff of 12, and three supervising attorneys. So NMIC is

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1 one organization but this is representative of the  
2 experience of all of the Right to Counsel providers. We  
3 are constantly scrambling to fill vacancies and to attract  
4 dedicated and qualified attorneys to the practice. Worse,  
5 we are competing against each other to hire from a small  
6 pool of applicants.

7 The New York Times chronicled the issue  
8 providers were facing in a 2022 article, attributing the  
9 problem largely, largely to low pay and burnout.  
10 According to the article, public defenders, including  
11 housing attorneys, are often overworked and  
12 undercompensated, with our salaries well below the  
13 salaries of city lawyers and prosecutors. And I can  
14 attest to that reality because out of the nine departed  
15 attorneys from NMIC four have left for higher paying jobs  
16 with the city and state government. So we have  
17 experienced practitioners burnout and leave for higher  
18 paying jobs. New and inexperienced attorneys then take  
19 over their cases which are frequently in advanced  
20 procedural postures, while at the same time trying to take  
21 on an unmanageable number of new cases referred by the  
22 court and OCJ. With high caseloads and relatively low  
23 pay, the cycle of burnout and attrition continues.

24 We are asking the city and OCJ to partner with  
25 us, dedicating the funding that can be used to engage law

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1 students, present at law schools, and train new staff.  
2 The program as a whole must be funded sufficiently to  
3 offer a competitive wage in a city with an ever increasing  
4 cost of living. And it must be structured in a way that  
5 ensures manageable caseloads for attorneys with varying  
6 levels of experience.

7 And that's -- I think -- I have more to say but  
8 I don't -- I want to respect the three minute time limit.  
9 So I'll, I'll turn it over to my colleague at Bronx  
10 Defenders.

11 MS. MEDLEY: Thanks, Phil.

12 MR. JEROME FRIERSON: Good evening. Jerome  
13 Frierson, Housing Director at the Bronx Defenders, an  
14 organization that has pioneered a nationally recognized  
15 interdisciplinary model of wholistic defense. We are a  
16 Right to Counsel provider, representing hundreds of low  
17 income tenants facing eviction each year, and also a  
18 member of the LEAD coalition.

19 Tonight I'll be speaking briefly on the recently  
20 released caseload standards report issued by the Office of  
21 Court Administration. This report, which sought to  
22 standardize expectations on the number of cases a housing  
23 attorney could handle in a year, while greatly  
24 appreciated, does not reflect the realities of housing  
25 practice and is ultimately of limited usefulness in its

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1 current form. According to the report, an experienced  
2 attorney spending 100% of their time on casework should be  
3 able to handle 48 housing cases per year.

4 The first issue with this is the caseload  
5 standard is based on an attorney who spends 100% of their  
6 time on casework. In reality, housing attorneys on  
7 average are able to spend 77% of their time on casework,  
8 to provide time for administrative needs, CLE,  
9 supervision, and other crucial aspects of this work.  
10 Secondly, this caseload standard is based on what a  
11 senior, experienced attorney should have the capacity to  
12 do. In reality, the majority of housing advocates are new  
13 and inexperienced law graduates.

14 Third, even assuming providers were fully  
15 staffed with experienced attorneys who could spend 100% of  
16 their time on casework, the report provides no  
17 recommendation on what should happen once attorneys meet  
18 their case maximum for the year, whether it is 48 cases or  
19 some other number.

20 We're committed to a reasonable and realistic  
21 caseload standard that would enable our housing attorneys  
22 to continue to provide ethical and high quality legal  
23 representation to the clients and communities we serve.  
24 While these recommendations of the Office of Court  
25 Administration again are a great starting place for this

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1 conversation about caseload standards and we are eager to  
2 incorporate some standard in our -- into our right to  
3 counsel representation, we as providers are left wondering  
4 how we can implement the important recommendations of this  
5 report when there have been no changes to the calendaring  
6 of cases for the purposes of intake shifts or any  
7 meaningful changes to how our work is structured or  
8 funded. The reality is the structure and amounts of our  
9 contracted work would need to be dramatically increased in  
10 order to incorporate recommendations to caseloads.

11 And thank you. There's more to say. Thank you  
12 for the, the opportunity to testify. With that, I'll turn  
13 it over to my colleagues at the Mobilization for Justice.

14 MS. ELISE BROWN: Thank you, Jerome. Good  
15 evening Raniece and my colleagues in the Civil Legal  
16 Services who provide Right to Counsel. It's a great  
17 pleasure to work with you to -- it's a dedicated, smart,  
18 experienced group of people. And, as you've probably  
19 realized, you know, we've been struggling. Everybody  
20 struggled from the pandemic and we're certainly struggling  
21 and continue, continue to struggle post pandemic.

22 And I'm going to reiterate some things that my  
23 colleagues have said because our recommendations are to  
24 increase funding so that -- so that -- so that we -- the  
25 funding matches the -- what it costs to do the work.

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1 We're subsidizing the work at a -- at a huge amount at the  
2 moment and the funding doesn't take into account the  
3 nature of the practice in terms of it really requires  
4 bringing on new law graduates to meet the need, but new  
5 law graduates require a lot of training. They can't handle  
6 the 48 cases a year because they're learning their work.  
7 And if they're coming on and actually inheriting cases  
8 that are in the middle, it's very hard. It's very  
9 difficult to do that transfer. So with appropriate  
10 funding and assisting us in creating a pipeline is  
11 essential for this program to work long-term and also for  
12 us to sufficiently staff the programs because paralegals  
13 are a highly important part of this practice because they  
14 do benefits advocacy, meet with -- meet with tenants,  
15 handle administrative hearings. And, and the funding  
16 doesn't even take into account that they exist and we need  
17 them, they would -- as partners in our work to get it  
18 done.

19 The other thing that I can't remember if anybody  
20 addressed but the 10% penalty that's in the current RFX  
21 is, is really -- ignores where we are right now and that -  
22 - as if people are not trying to get their work done. And  
23 their, you know, insufficiencies and deliverables should  
24 be viewed in the challenges that we face, including  
25 lingering effects of COVID, difficulties recruiting and

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1 hiring, and high staff attrition. And it's also as a --  
2 as a structural matter nonprofits cannot change their  
3 funding year-to-year. It's going to create additional,  
4 additional problems.

5 So we appreciate your time tonight and your --  
6 OCJ's commitment to the work as well but we need more help  
7 than we're getting. And we want to do a good job. We  
8 want to prevent every last single person we can from being  
9 evicted who can be. And, and we need more funding and  
10 more support to get that work done.

11 And now I'm going to hand it off to my colleague  
12 at Legal Services New York City, Ami Shah.

13 MS. AMI SHAH: Thank you and thank you for the  
14 opportunity to testify. My name is Ami Shah. I'm the  
15 citywide Deputy Director of Housing at Legal Services NYC.  
16 Legal Services NYC is the largest civil legal services  
17 provider in the country and a proud member of the Right to  
18 Counsel Coalition. Our staff of over 700 assist more than  
19 110,000 low income New Yorkers each year. Continue on the  
20 testimony already presented by my colleagues, I'd like to  
21 focus my speaking on recommendations around the  
22 Administration Part Pilot.

23 The Administrative Part Pilot started in  
24 Brooklyn in 2023 as a way for new cases to be calendared  
25 for the first time and for tenants to connect to counsel.

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1 As we come up on one year of this program and consider  
2 expanding it to other boroughs, the legal services  
3 providers would like to submit some recommendations for  
4 improvement.

5 First, we'd recommend the Office of Court  
6 Administration and OCJ develop clear metrics and goals for  
7 the Administrative Part. As a starting point, we  
8 recommend the three metrics should be considered. First,  
9 are the vast majority of eligible respondents appearing in  
10 the Administrative Part engaging with HRA and seeing a  
11 legal services provider within a reasonable timeframe?  
12 Second, are nonpayment cases that are filtered through the  
13 Part being resolved with the need for less court  
14 appearances from tenants? And, third, are tenants  
15 engaging in the Administrative Part experiencing court as  
16 more fair and accessible?

17 We'd recommend OCJ elicit tenant feedback  
18 through a survey or other mechanism about the  
19 Administrative Part, so that tenants can share their  
20 experiences in the courthouse and we can further ascertain  
21 how the Part can be improved.

22 Next, we'd recommend that HRA employ staff that  
23 can process one-shot deals and FHEPS applications from  
24 start to finish in the courthouse. HRA can turn its  
25 courthouse offices into outposts of job centers where

1 tenants can not only start one-shot deal or FHEPS  
2 applications but also conduct their Bev interview and  
3 submit necessary documents. To the extent additional  
4 documents are needed, HRA staff should provide tenants  
5 with a detailed list and instructions to complete their  
6 applications. Said processing would greatly increase the  
7 speed and efficiency of background applications and, as a  
8 result, the speed at which non-payment cases can be  
9 resolved.

10 Third, we'd strongly recommend that OCJ urge the  
11 Office of Court Administration to develop a rule requiring  
12 all petitioners in non-payment cases provide a current  
13 rent breakdown in the Administrative Part for a tenants  
14 first appearance. Given the time that can elapse between  
15 a petitioner's filing date and a first court date, it's  
16 essential for tenants, legal services providers, and HRA  
17 staff to have a current rent breakdown which can  
18 facilitate the prompt resolution of an eviction case.

19 Lastly, we'd suggest OCJ to develop talking  
20 points for its own staff and court staff, so that  
21 respondents in housing court hear a consistent message on  
22 how to engage with legal services providers. We'd also  
23 suggest OCJ develop plainly written fact sheets in  
24 multiple languages that can be provided to respondents  
25 with the same clear explanations. Together we believe

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1 these recommendations will enable the Administrative Part  
2 to more successfully meet our mutual goals of ensuring  
3 tenants facing eviction are able to fairly and thoroughly  
4 resolve their housing concerns.

5 Thank you for the opportunity to speak. And,  
6 with that, I'm going to turn it over to my colleague at  
7 HCC to, to finish our testimony.

8 MS. MARY FOX: Thank you, Raniece, and allowing  
9 us to testify tonight. My name is Mary Fox. I'm the  
10 Associate Director at Housing Conservation Coordinators,  
11 HCC is a 52-year-old community based organization anchored  
12 in Hell's Kitchen. We are a LEAP provider. We are a  
13 member of LEAP. We are a Right to Counsel provider and we  
14 are a member of the Right to Counsel Coalition.

15 Very briefly, the -- we implore you to look at  
16 the caseload standards reports. This provides an  
17 invaluable starting point about how tenant protection and  
18 eviction prevention defense can be effectively and  
19 ethically conducted. Thus far, OCJ has provided no  
20 insight into how or even if the city is considering the  
21 report and the UA RTC program in implementation and  
22 funding decisions. Given the extensive data collection  
23 and analysis that went into the report, OCJ -- we're  
24 asking OCJ should carefully consider the report's  
25 recommendations and give providers details in how

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1 recommendations can be incorporated into the UA RTC  
2 program.

3 In conclusion, as we -- I know you like to hear  
4 that. As we move through the stages of this housing and  
5 health crisis, we remain on the frontline of efforts to  
6 ensure that the needs of New York's marginalized  
7 communities are met. We will continue to meet the case  
8 for justice and equity. As our clients undergo this  
9 unparalleled crisis, we stand right beside them.

10 On behalf of Bronx Defenders, Brooklyn Legal  
11 Services Corp A, Camba Legal Services, Housing  
12 Conservation Coordinators, Legal Services NYC,  
13 Mobilization for Justice, Neighborhood Association for  
14 Intercultural Affairs, Neighborhood Defender Services,  
15 NYLAG, Northern Manhattan Improvement Corp, RiseBoro Legal  
16 Employment Assistant Program, and the Legal Aid Society,  
17 we thank you. We thank you for your time and continued  
18 support, and allowing us to testify today.

19 MS. MEDLEY: Thank you all. I'll call Kimbac  
20 Atium [phonetic], apologies for mispronunciation there.  
21 Kimbac? William Barshefsky [phonetic]? William  
22 Barshefsky? Excuse me. I'll move to Gordon Lee  
23 [phonetic]. Carol Ridham?

24 MS. WURTZ: Carol is here. She's coming up now.

25 MS. MEDLEY: Sure, thank you. We'll hold for

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1 Carol. Thank you.

2 MS. CAROL RIDHAM: Thank you. Yeah. My name is  
3 Carol Ridham. I am a member of the (inaudible) Tenant  
4 Coalition, a resident of Brooklyn, a teacher of 25 years  
5 in the New York City Public School System. And I am here  
6 to attest to the trauma of evictions and the need to  
7 respect the Right to Counsel Law, and ensure that not one  
8 more RTC eligible family has to face the devastation of an  
9 eviction without legal representation.

10 I am here to urge the Office of Civil Justice to  
11 protect and uphold the Right to Counsel Law. We know that  
12 Right to Counsel works. It is a law with a proven track  
13 record. We know that upwards of 80% of tenants who are  
14 threatened with eviction, who go to court with an attorney  
15 are able to remain in their homes. RTC Coalition and New  
16 York tenants are not demanding a luxury, just a basic  
17 right to uphold a just law. No one would think it  
18 acceptable to face a labor dispute, a financial, medical,  
19 or any legal problem without representation. Any type of  
20 lifechanging challenge in court without an attorney is  
21 unacceptable and neither must tenants have to give up  
22 their right to due process.

23 My personal testimony before you, I felt  
24 compelled to share having seen as a teacher the trauma  
25 suffered by my students and their families year after

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1 year, children uprooted from -- uprooted from stable  
2 homes, deprived of consistency and security, suffering a  
3 cruel and unnecessary setback in their education. Right  
4 to Counsel is a law that shows we care about investing in  
5 our children, in our future. Evictions uprooted too many  
6 of my children from stable, consistent, secure lives. And  
7 the consequences go deeper when you consider the city's  
8 financial costs in health, mental, social services  
9 required when there's an eviction crisis.

10 I remember having a conversation in a  
11 legislature -- legislature's office when we were there  
12 talking about the cause ERAP, and other tenants, pro-  
13 tenant laws. And the case of the Silicon Valley bank  
14 bailout came up. He said, "It was not a bailout," the  
15 person said. "It was urgently needed in order to protect  
16 investors, to make them whole. We did not want to create  
17 a panic. Avoid a panic at all costs."

18 Well, imagine the panic of tens of thousands of  
19 families that today face eviction alone. That is a panic.  
20 To lose your home and many of them are eligible for RTC  
21 that are evicted because the law that would protect them  
22 is not respected. RTC is the urgent investors that need  
23 to make in New York communities, in making families whole  
24 by taking a stand for these tenants in upholding and  
25 protecting their right to counsel, you can honor your

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1 pledge to New York.

2 Join the (inaudible) NY Coalition and demand  
3 that the city fully fund Right to Counsel by adding at  
4 least 300 million to the budget, to ensure that there are  
5 enough attorneys. Meet with the RTC Coalition and help  
6 New York City to continue to lead in the fight to protect  
7 tenants and their right to due process. It's an  
8 investment in New York tenants and New York families and  
9 an investment that will save lives.

10 MS. MEDLEY: Thank you, Carol. Fidel Albert?

11 MR. FIDEL ALBERT: Good evening, everyone.

12 MS. MEDLEY: Fidel Albert?

13 MR. FIDEL ALBERT: Good evening, everyone. When  
14 I say tenant, you say power. Right? Because we are  
15 powerful tenants (inaudible). Good evening, everyone.  
16 Once again, my name is Fidel Albert and I am an active  
17 member of the Flatbush Coalition Right to Counsel  
18 (inaudible). I'm here to urge the Office of Civil Justice  
19 to protect and uphold the Right to Counsel Law. Having  
20 right to counsel is very important because me to have an  
21 attorney at present in court to defend me for (inaudible)  
22 that (inaudible) case against me (inaudible) because I  
23 stand up and I speak up for my rights. I personally don't  
24 back down when I know I'm right because that's in my DNA.  
25 I am going nowhere.

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1 I've been going through a series of harassments  
2 from my landlord and my roommates. For example, I've been  
3 through the process where I was locked out of the bathroom  
4 for eight months and this was during COVID. I guess some  
5 of you guys heard this before. Electricity turned off for  
6 another seven months from the bathroom and the bedroom.  
7 And (inaudible) but because (inaudible) I stood out and I  
8 fight back because that's in my DNA. Stand up for your  
9 rights. Bob Marley said it.

10 So I decided (inaudible). I don't scare. I  
11 like to speak to the media and I like to speak to anybody  
12 when it comes to my right. Because of that, my landlord  
13 retaliates and he refused. That was my form of  
14 retaliation. And when my landlord refused to accept the  
15 ERAP, he refused to accept the rent. That didn't bother  
16 me (inaudible). There, there is a well-known judge in  
17 Brooklyn Housing Court. Some of you might know her, some  
18 might not. I call her the eviction machine (inaudible).  
19 She's known to be dismissing all HP cases against tenant  
20 that bring cases against the landlord. This has got to  
21 stop and the OCJ has to power to do something about that.  
22 We have thousands of thousands upon thousands of homeless  
23 (inaudible) on the street. We don't need anymore.

24 MS. MEDLEY: 30 seconds.

25 MR. ALBERT: Okay. Being a poor (inaudible)

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1 support the tenants, I've seen many times where tenants  
2 will speak up for their rights and the judges don't listen  
3 to them. That's because they don't have an attorney.  
4 I've seen cases where and the judge made the decision the  
5 paramedics come and take them out to court (inaudible).  
6 The (inaudible) and make sure that there's (inaudible)  
7 that are facing eviction in Brooklyn Housing Court. They  
8 need to slow down and adjourn cases until tenants have an  
9 attorney to represent them.

10 Office of Civil Justice, we ask them to join our  
11 demands for the city to fully fund right to counsel, so it  
12 there can be enough attorneys to represent them. We  
13 demand publicly that -- we, we demand that publicly  
14 support -- we demand that publicly support (inaudible)  
15 legislation defend Right to Counsel. We demand that  
16 publicly they come -- we demand that publicly they  
17 support. We call on Judge Wilson to support and  
18 (inaudible) Administrative Part (inaudible) all cases and  
19 so the tenants can have an attorney. Thank you so much.

20 MS. MEDLEY: Thank you. Ruth Riddich?

21 MS. RUTH RIDDICH: Good evening all. My name is  
22 Ruth Riddich. I'm a steering committee member of the  
23 Flatbush Tenant Coalition and of the Right to Counsel New  
24 York City Coalition. We are here to urge the Office of  
25 Civil Justice to protect and uphold the Right to Counsel

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1 Law. It was created to implement and protect the Right to  
2 Counsel Law. You exist because of the tenant movement.  
3 We know Right to Counsel works. Landlords are not begging  
4 to get away with suing and evicting tenants. Over 84,000  
5 -- 84% of tenants that qualify for Right to Counsel  
6 attorneys were able to remain in their homes.

7 The Right to Counsel Coalition report for the  
8 (inaudible) OCJ to implement the Right to Counsel Law and  
9 we need you to do just that, ensure that tenants receive  
10 the service that they are entitled to. Preemptively, the  
11 courts are pushing cases through at an alarming rate,  
12 without honoring the time to get an attorney under the  
13 Right to Counsel legislation that has passed. Right now  
14 we don't have enough attorneys to represent all of the  
15 tenants in housing court. We are demanding that OCJ join  
16 the Right to Counsel New York City to demand the city  
17 fully fund Right to Counsel by adding at least 330 million  
18 dollars to the budget, to ensure there are enough  
19 attorneys to represent our tenants who are entitled to  
20 this right. We demand that tenants cases are adjourned  
21 until they receive adequate representation.

22 As I reflect back over 25 or more years ago, at  
23 that time I had major repairs that needed to be done in my  
24 apartment, bathroom ceiling about to collapse and other  
25 serious repairs needed. The landlord had the nerve to

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1 subpoena me into court for back rent. I went to court not  
2 knowing what to expect, being coached by an attorney,  
3 signed a stipulation I didn't fully understand to pay the  
4 back rent. It turns out, this was the landlord's attorney  
5 and I didn't know it at the time. After all that, I still  
6 did not get my repairs done. Fast forward to 2014, Right  
7 to Counsel legislation was passed which changed the whole  
8 scenario.

9 MS. MEDLEY: 30 seconds.

10 MS. RIDDICH: But it doesn't end there. We have  
11 to fight to keep everyone on their toes and do what  
12 they're supposed to do. Thank you.

13 MS. MEDLEY: Thank you. Joanna Laine?

14 MS. JOANNA LAINE: (Inaudible) Legal Aid  
15 attorney (inaudible) is it okay if we go one after the  
16 other? We emailed about this.

17 MS. MEDLEY: Joanna, are you saying that you,  
18 Atusa as well, and there are a couple of others, is that  
19 who you're referencing?

20 MS. LAINE: It's me, Atusa, who is appearing via  
21 Zoom, and --

22 MS. MEDLEY: -- That's okay.

23 MS. LAINE: -- then Brian, Connor, and John.

24 MS. MEDLEY: That's fine. Thank you.

25 MS. LAINE: Thank you so much. Good evening

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1 everyone. My name is Joanna Laine. I am an Executive  
2 Board Member of the Legal Aid Society's chapter of the  
3 Association of (inaudible) Attorneys, which is (inaudible)  
4 diverse group of attorneys, paralegals, and organizers,  
5 social workers, and other workers at organizations  
6 throughout the city, the Legal Aid Society, Camba Legal  
7 Services, NYLAG, Neighborhood Defender Services Harlem,  
8 Camba Migration Services, Bronx Defender, and many other  
9 legal services and organizations who are dedicated to  
10 safeguard the rights of tenants.

11 I'm testifying today on behalf of (inaudible)  
12 along with my comrades here and I thank the Office of  
13 Civil Justice for allowing us to speak about our  
14 experience on the frontline of implementing the Right to  
15 Counsel program.

16 In addition to my role as a union leader, I am  
17 also a staff attorney in the Brooklyn Neighborhood Office  
18 of the Legal Aid Society. And I've seen firsthand how  
19 powerful the right to counsel has been for my clients. So  
20 many of my clients were on a path (inaudible) an attorney  
21 but after strenuous litigation the landlord relented and  
22 gave my clients a lease. Or after complex benefits  
23 advocacy my clients finally got their rent paid and able  
24 to afford their apartment moving forward after a long  
25 trial, they finally got their repairs. It is no wonder

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1 that almost 85% of tenants who have Right to Counsel stay  
2 in their homes. It is (inaudible).

3 Unfortunately, I am also seeing firsthand that  
4 the Right to Counsel has been gravely threatened by the  
5 crushing caseloads that our attorneys and other staff are  
6 facing. OCJ and the courts are well on their way to  
7 destroying Right to Counsel by underfunding legal services  
8 organizations, pushing unmanageable caseloads on  
9 attorneys, and allowing cases to be calendared at least  
10 faster than our attorneys can take them.

11 As a result, workers at ALAA organizations are  
12 leaving at unprecedented rates. And those who stay are  
13 often forced to take mental health leaves of absence due  
14 to the unhealthy demands of our work. The RFX that OCJ  
15 has recently put forth will only compound our caseload and  
16 attrition crisis by grossly underfunding our organizations  
17 and imposing unrealistic caseload standards on our staff.

18 If the city and OCJ are serious about Right to  
19 Counsel, it must fully fund Right to Counsel, so that  
20 attorneys, paralegals, tenant organizers, social workers,  
21 and other staff can stay at this job long term. We need  
22 experienced attorneys to stay, to supervisor and mentor  
23 the new cases of housing lawyers that join our community  
24 each year. We also need manageable caseloads, so that we  
25 can actually do the complex legal work that we're hired to

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1 do, providing overcharges, enforcing tenants right to  
2 repairs, and so on.

3 Without manageable caseloads, RTC will become no  
4 more than conveyor belt justice and our clients will be  
5 denied the high quality representation that they deserve.  
6 Our union requests that OCJ work directly with ALAA and  
7 other legal services unions to re-envision its RFX process  
8 and establish a funding process and caseload guidelines  
9 that accurately reflect the needs of our clients.

10 A starting point for this conversation should be  
11 the report issued by the Universal Access to Justice  
12 Caseload Working Group on August 31st, 2023, which  
13 recommended -- which, as other panelists have said,  
14 recommended a guideline of no more than 48 new case  
15 assignments per year for RTC attorneys, or on average no  
16 more than for new case assignments per month with even  
17 fewer case assignments for new attorneys and for attorneys  
18 who did (inaudible) full administrative support for their  
19 cases.

20 And, spoiler alert, as of now every single one  
21 of us lack adequate administrative support for our cases.  
22 So that number should be well under the 48. Based on this  
23 --

24 MS. MEDLEY: -- Just checking time.

25 MS. LAINE: Okay, I'll wrap up. Based on this

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1 report and our own experiences, we demand that at a  
2 ceiling attorneys receive no more than four new cases per  
3 month and that attorneys should no -- have no more than 30  
4 actives cases at any given time. We hope that OCJ will  
5 incorporate these guidelines when negotiating contracts to  
6 their employers and we demand that RTC be fully funded at  
7 the level needed to truly sustain the right to counsel.

8 Thank you. And I now pass it down to Atusa.

9 MS. ATUSA MOZAFFARI: Good evening and thank you  
10 for your time. My name is Atusa Mozaffari and I'm a Civil  
11 Vice President of the Legal Aid Chapter of ALAA. In  
12 addition to my role as a union leader, I am a staff  
13 attorney in the Queens Neighborhood Office of the Legal  
14 Aid Society.

15 Like many others here tonight, I've been able to  
16 preserve housing for my clients and assist with related  
17 benefits issues that have had a monumental impact on their  
18 housing. And while I'm very proud of the work I do and  
19 very grateful for Right to Counsel, I am also acutely  
20 aware of its limitations. Two major issues I want to  
21 bring to your attention are the number of tenants being  
22 turned away due to inadequate staffing, as well as the  
23 lack of (inaudible) for tenants who need immediate  
24 referrals for post-evict and lockout cases.

25 It's obviously no surprise to anyone here that

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1 there's simply not enough attorneys to meet with every  
2 tenant who is screened and eligible for legal services.  
3 Joanna just touched on this. The greatest contribution to  
4 this is obviously a lack of funding to the providers who  
5 would need to attract, hire, and retain qualified staff in  
6 order to provide said services. And if we are ever to say  
7 the Right to Counsel as a civil parallel to Gideon, then  
8 we absolutely must prioritize funding it as such. To not  
9 do so would mean an unimaginable number of tenants at risk  
10 of eviction homelessness.

11 But it's not simply an issue of staffing. Even  
12 with adequate staffing, the current intake process for  
13 right to counsel has a flaw. Providers are connected with  
14 tenants at their first appearances in housing court. And  
15 emphasis first because by connecting to tenants then it  
16 creates a barrier for tenants who need assistance later  
17 down the road. So tenants who already have judgments  
18 against them and seek assistance thereafter are not  
19 prioritized when they are already considerably higher risk  
20 of eviction than tenants who retain counsel early on.

21 In this type of scenario, it's not atypical to  
22 see tenants returning to court after receiving a notice of  
23 eviction, a marshal's notice. And at that point there's  
24 absolutely no guarantee that their cases are calendared by  
25 the court clerks on Right to Counsel intake dates. So

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1 effectively they are without means to seek representation  
2 or advice, and are entirely reliant on the discretion of  
3 the court, the judges, or the availability of providers  
4 who happen to be present in court and are not necessarily  
5 assigned to an intake shift.

6 Having done this work for eight years, I  
7 remember when we used to have emergency rotations for  
8 situations just like this but there is no such system in  
9 place now when attorneys get all of their cases assigned  
10 during a single intake and that leaves vulnerable tenants  
11 with limited options. We must create a failsafe mechanism  
12 so that all tenants, regardless of when they are seen, are  
13 afforded the right to connect with attorneys.

14 The current intake process is shortsighted in  
15 that there's an assumption that if tenants meet with  
16 counsel ahead of time evictions will not occur. However,  
17 there is always the possibility that landlords will engage  
18 in unlawful evictions, circumventing the legal process and  
19 summary proceeding altogether. That shifts the burden to  
20 those tenants to now navigate the legal system and file  
21 orders to show cause without any guidance after already  
22 being displaced. By then, tangible harm has been done and  
23 again there is no guarantee that they'll be able to meet  
24 with an attorney.

25 There is no procedure wherein clerks

1 automatically assign illegal lockout cases to intakes,  
2 which I highly encourage the courts to immediately adopt  
3 and implement. I've personally advised tenants who end up  
4 coming to our court based offices on strategies and  
5 arguments to raise on lockout cases, fully knowing I have  
6 no capacity to take on their case but desperately wanting  
7 to advise them of their options regardless.

8 MS. MEDLEY: (Inaudible).

9 MS. MOZAFFARI: However, it does not prevent  
10 harm from happening in the first place. There is no  
11 functioning mechanism to assist tenants who have suffered  
12 harm. And unlawful evictions are not the only type of  
13 harm tenants can suffer without recourse. Constructive  
14 and actual evictions because of failure to make repairs  
15 and ongoing harassment continue to contribute to these  
16 numbers. The ability to affirmatively enforce tenants'  
17 rights to habitable, safe homes should be a priority as  
18 much as defending their rights to counsel.

19 So, in addition to funding for eviction defense,  
20 the city must fund tenant organizing and representation  
21 for individuals in groups in HP actions, to force  
22 landlords to make repairs and to combat tenant harassment.  
23 We call on the city to fully fund the Right to Counsel for  
24 all tenants at every stage of their cases, in all types of  
25 cases, including illegal lockout proceedings and HP

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1 actions. Thank you for your time.

2 MS. MEDLEY: Thank you. Joanna, did you have  
3 someone else there? You had few others?

4 MS. LAINE: Yes, Brian, Connor, and John  
5 (inaudible).

6 MR. BRIAN POTINO: Hi, OCJ. So back here after  
7 another year and still dealing with the same issues. My  
8 name is Brian Potino. I am a tenant organizer at Catholic  
9 Migration Services and a member of the Right to Counsel  
10 NYC Coalition and United Autoworkers, the Local 2325,  
11 along with these wonderful folks. And it is critical that  
12 funding for Right to Counsel include funding for all  
13 staff, including community organizers like myself,  
14 paralegals, social workers, and administrative staff.

15 I'd like to share the story of one of our  
16 members, Honey Tundra [phonetic], who lives in Jackson  
17 Heights. I met Honey during our Court Watch program where  
18 organizers and tenant leaders visit Queens Housing Court  
19 to inform tenants of their rights. Honey was in tears.  
20 She had received a judgment of possession, informing her  
21 that she might be evicted in two weeks, even though her  
22 landlord had never served her with an initial notice to  
23 come to court. Honey wasn't given an attorney by  
24 (inaudible). When we asked the attorney why not, they  
25 said it wasn't her first court date but this was her first

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1 time that she had been at court. To us at the Right to  
2 Counsel NYC Coalition, this was unacceptable. Honey had  
3 the right to an attorney who could help her raise defenses  
4 like improper service and give her a fighting chance at  
5 her home.

6 So I, along with other organizers across the  
7 city, mobilized tenants to show up to Honey's day in  
8 court. Wearing our yellow Right to Counsel shirts, we  
9 packed the courtroom and demanded that the court adjourn -  
10 - court attorney adjourn her case to a date when legal  
11 services providers were giving full legal representation.  
12 Despite protests from the landlord's attorney, the court  
13 attorney listened to the tenant movement. Honey got an  
14 adjournment and attorney, and that fighting chance.  
15 Sadly, most tenants aren't as lucky. We know that there  
16 are currently over 46,000 tenants who have gone without  
17 legal representation since January 2022 right here in New  
18 York City, even though we have a Right to Counsel Law on  
19 the books.

20 Community organizing is an essential component  
21 to ensuring tenants know about their rights and use their  
22 rights effectively to protect against eviction and can  
23 fight to both protect those rights and expand them, so  
24 tenants can benefit. Right to Counsel has been proven to  
25 stop evictions in New York City but many tenants who are

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1 eligible for Right to Counsel don't know about it or are  
2 too afraid to use it. And that's because nobody is  
3 letting them know proactively that they have a right to  
4 counsel, especially if it's not their first court date.

5 The consequences of underfunding community  
6 organizing are severe. When tenants don't know they have  
7 a right to counsel, they might decide not to appear in  
8 court, decline representation, sign agreements with their  
9 landlords lawyer prior, decide not to ask for repairs in  
10 fear of being evicted, or face a variety of other serious  
11 consequences. When tenants don't know about or use their  
12 rights, they are more easily harassed out of their  
13 apartments. This leads to displacement, especially of  
14 black and brown New Yorkers. According to the New York  
15 Times, the city's black population has declined by nearly  
16 200,000 in the past two decades, or about 9%. Now about -  
17 -

18 MS. MEDLEY: -- Time check.

19 MR. POTINO: Okay. Well, I'm going to continue.  
20 Now, about one in five -- because I think this is  
21 important. Now, about one in five residents are non-  
22 Hispanic black, compared with one in four in 2000,  
23 according to the latest census data.

24 OCJ, we call on you to do the right thing and  
25 advocate that the city fully fund our Right to Counsel

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1 program. We need 300 million dollars to have an effective  
2 Right to Counsel program and we need you to come out in  
3 support of our statewide legislature.

4 MR. CONNOR HYATT: Good evening all. My name is  
5 Connor Hyatt and I'm a housing attorney and a member of  
6 the Association of Legal Aid Attorneys through the CAMBA  
7 Legal Services Workers United (inaudible). I work in  
8 Kings County Housing Court as a Right to Counsel lawyer  
9 and tonight I want to discuss something that a couple of  
10 people have touched on already, which is the New York  
11 (inaudible) Resource Administration relationship both with  
12 the Housing Court and the Right to Counsel.

13 Housing attorneys and the courts can agree that  
14 (inaudible) issues of the benefit (inaudible) of the Human  
15 Resource Administration be addressed as soon as possible  
16 as part and parcel to the overall prevention of evictions  
17 in New York City. Hundreds of thousands of New Yorkers  
18 rely on the states various forms of public assistance. As  
19 Right of Counsel workers, we engage closely with our  
20 clients public benefits, as they're often central to  
21 resolution of their housing court cases. What we're  
22 seeing is regular and significant errors and delays in the  
23 processing of these public benefits, whether it's ongoing  
24 payments in the form of a housing voucher, of SNAP case  
25 allowing a tenant to pay out of their small social

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1 security income, or an emergency assistance case, also  
2 known as a one-shot deal, too many New Yorkers are being  
3 pulled into court for eviction proceedings and waiting  
4 endlessly for resolutions.

5 And the city's Human Resource Administration  
6 Centers delay or fail to update these benefits cases. The  
7 benefits cases often languish for months without  
8 resolution and tenants receive few updates or responses  
9 from their assigned caseworkers. Or, in the alternative,  
10 tenants receive arbitrary denials of public benefits due  
11 to mishandling of provided documents or failure to  
12 acknowledge already completed telephone interviews.

13 Simultaneously, their Right to Counsel attorneys  
14 experience the same delays and lack of response when  
15 attempting to resolve these outstanding cases with their  
16 agencies or offices. Public benefit systems in New York  
17 should not require an attorney to navigate but with the  
18 poorly resourced HRA centers, they often do. And this  
19 takes valuable time away from Right to Counsel offices who  
20 are concerned with eviction cases in which tenants are  
21 experiencing discrimination, overcharge, contact issues,  
22 or other eviction proceedings that are not wholly reliant  
23 on public benefits.

24 I'll give an example which is a case of my own  
25 in the past year. In the spring of 2023, I began

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1 representing an elderly tenant with severe physical  
2 disabilities. He had cancer. He had severely limited  
3 mobility. He had no friends or relatives and he lived  
4 alone. He was many, many, many thousands in arrears due  
5 only to a failure to reinstate what was formerly a SEPS  
6 voucher into a CityFHEPS voucher. So I made an immediate  
7 adult protective services referral through HRA in order  
8 for a caseworker to be assigned to assist him with this  
9 renewal process.

10 The case was accepted around a month later and  
11 the caseworker --

12 MS. MEDLEY: -- 30 second.

13 MS. HYATT: -- ostensibly represented that all  
14 of the paperwork had been submitted for the voucher  
15 renewal. Four months and many court appearances later we  
16 were informed that no paperwork had been submitted and  
17 that the renewal was not processed. A few months later,  
18 his paperwork had been submitted but no updates were made  
19 by Adult Protective Services. The judge in this eviction  
20 proceeding went so far as to issue a written decision  
21 ordering one office of HRA to send necessary documents to  
22 another office of HRA but no resolution was ever reached  
23 in this case. Eight months after his initial referral to  
24 Adult Protective Services for renewal of his benefits, my  
25 client passed away in the middle of his eviction

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1 proceeding.

2 We need properly resourced benefits center and  
3 increase in caseworkers. The access to HRA acts wonderful  
4 but it doesn't allow a tenant to explain to their  
5 caseworker that this three months processing time for  
6 their housing voucher is likely going to result in them  
7 and their family entering one of the city's already  
8 overcrowded shelters. Now, more than ever, as a new  
9 program goes out for the CityFHEPS voucher allowing  
10 tenants to seek residency outside the city and reducing  
11 the hoops that one must jump through in obtaining the  
12 voucher, we need a properly funded Human Resources  
13 Administration, the Right to Counsel, and the city's  
14 tenants (inaudible). Thank you.

15 MS. MEDLEY: Thank you.

16 MR. JOHN FRANCIS: My name is John Francis. I'm  
17 a senior staff attorney at Catholic Migration Services and  
18 a member of the Association (inaudible). I urge the  
19 Office of Civil Justice to fully fund the Right to  
20 Counsel, to ensure that every tenant has access to high  
21 quality legal services. Housing, above all, is  
22 (inaudible) participation in society. You often can't get  
23 a bank account, apply for benefits, go to school, get  
24 scholarships, or keep a job with stable housing. Housing  
25 is a bedrock need and it should be the highest priority

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1 that tenants have (inaudible) so that they're able to  
2 remain in their homes.

3 As a (inaudible) attorney, I know firsthand how  
4 great a difference my representation -- my representation  
5 makes to a client's case. In most cases, having an  
6 attorney allows tenants to stay in their homes, whether by  
7 preventing illegal evictions, resolving disputes with  
8 landlords, getting much needed repairs, keeping homes  
9 safe, or resolving rental arrears. And while there are  
10 some cases where a tenant absolutely must move out, it is  
11 still necessary for that tenant to have a lawyer to  
12 safeguard their rights. In these cases, my representation  
13 provides tenants adequate time to find alternative housing  
14 and often helps tenants obtain (inaudible) affordable  
15 homes.

16 Unfortunately, there aren't enough of us to meet  
17 the demand for Right to Counsel in housing court. These  
18 days we're forced to turn away tenants who need  
19 (inaudible) representation because the city has failed to  
20 fully fund the Right to Counsel. As a result of this lack  
21 of funding, our organizations don't have the ability to  
22 hire the number of attorneys needed to cover all of the  
23 cases that are brought to housing court each day.

24 Most importantly, as of December of 2023, there  
25 are 91,343 people sleeping in a shelter, many more on the

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1 streets. Many of these individuals had become homeless  
2 via the housing court system. Many of their evictions  
3 were preventable and they would not have been in the  
4 shelter today if they had a lawyer in housing court. If  
5 the city is serious about combating homelessness, fully  
6 funding the Right to Counsel must be a priority.

7 Of the over 90,000 people in shelter, a  
8 devastating 33,000 of them are children. Let that sink  
9 in. This is the most important part of the Right to  
10 Counsel conversation. The children are often left behind.  
11 The Right to Counsel is not just about protection for the  
12 adults who are sued in housing court but also for their  
13 children who cannot fight for themselves. We have the  
14 power to end (inaudible) in New York City and start to  
15 fully fund the Right to Counsel. Thank you.

16 MS. MEDLEY: And do we have a Ryan with that  
17 group or is that our last -- is that our last speaker  
18 there?

19 MS. LAINE: That will be our last speaker.  
20 Thank you.

21 MS. MEDLEY: All right, thank you. Alex Jacobs?

22 MR. ALEX JACOBS: Okay, hello. Yeah. My name  
23 is Alex Jacobs. I'm a senior staff attorney in housing at  
24 Legal Services NYC, LSSA 2320. First things first, I just  
25 want to express my complete and total solidarity with my

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1 peers at MFJ. I can't believe that the director of their  
2 housing unit couldn't mention that the staff at MFJ is on  
3 strike for dignity, that they're overworked, underpaid,  
4 and underappreciated. And though I am not a member of  
5 MFJ, I understand what they're going through because I've  
6 been doing this for eight years.

7 And I've heard from a lot of people over the  
8 past eight years that, well, housing has a lot of turnover  
9 and attrition is normal because this is a, quote-unquote,  
10 starter job. Or that housing units can be or even should  
11 be staffed with law graduates. And I couldn't think of  
12 anything more condescending. This isn't a beginning job  
13 where the consequences are minor, where we can fly by the  
14 seat of our pants. I'm very sorry that my clients are  
15 poor but they deserve competent representation and the  
16 institutional knowledge that experienced attorneys bring  
17 to our offices should be valued by the city.

18 But I'll be extremely honest. I'm not convinced  
19 that New York actually cares about poor people. I  
20 remember last year when I was on this very same call there  
21 were a lot more elected officials. And as I'm scanning  
22 through, I'll be honest, I don't necessarily recognize  
23 everybody's name. I don't see any electee's here. Maybe  
24 there is one. Maybe there is two but last year there was  
25 a dozen or so. Where are they? In fact, I think this

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1 city would prefer that my clients would just disappear and  
2 would want to act that there is -- would want to act as if  
3 there isn't a problem here at all.

4 And I'll be even more honest still because even  
5 though we call this Right to Counsel, as far as I can see,  
6 there is no, quote, "right" to counsel. Tenants have a  
7 right to speak to somebody like me in court for a few  
8 minutes on their first time in court, if they're lucky  
9 enough to be in court when my organization is doing  
10 intake. And, only if caseloads and staffing permits, will  
11 they maybe possibly have an attorney. There is a value in  
12 that to be sure but what kind of alleged right is subject  
13 to funding and subject to appropriation?

14 Because when I look around I don't think that  
15 New York City is a poor city. In fact, what I see is that  
16 our little crystal major with all of his Bitcoin and all  
17 of his ephemeral ideas of how to make this city great,  
18 we're able to give more and more money to the NYPD and  
19 less and less money to our social services that actually  
20 keep people safe. And just to point something out about  
21 that, every time it rains in this city, our subways flood.  
22 And I see little bunches of cops in the train stations and  
23 they see people walking up and down stairs with bags, with  
24 strollers, and with different objects. But you know what?  
25 I've never once seen a cop help someone with a stroller up

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1 or down the stairs. It's always my beautiful citizens and  
2 my coworkers and people who look like me that are going  
3 around and helping people, so that they don't fall on the  
4 stairs.

5 So I know that we have the money in the city to  
6 fund actual services but for some reason it goes to people  
7 that wear a blue uniform and have guns. And I can't think  
8 of anything more upsetting than the fact that you can  
9 look. You can go to Bronx Housing Court, right, in the  
10 poorest congressional district in this country. You can  
11 go to Bronx --

12 MS. MEDLEY: -- That was time.

13 MR. JACOBS: And 30 seconds you said or is it  
14 time? All I was going to say is it's about a 15-minute  
15 train ride into Midtown where you've got a whole bunch of  
16 fancy-smacy [sic] law firms, people that are making  
17 \$210,000 a year as baby attorneys. And what do we get?  
18 We deserve dignity. Our clients deserve dignity. And the  
19 only way to guarantee that is by funding us and by paying  
20 us what we deserve.

21 And, again, solidarity to MFJ. They deserve the  
22 world and I can't believe that nothing was mentioned by  
23 their own director about how they aren't being funded  
24 adequately. It's heartbreaking.

25 MS. MEDLEY: Thank you.

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1 MR. JACOBS: Also, the RTC, if you have an extra  
2 shirt, size medium, please. I've been begging for years,  
3 medium shirt. Thank you.

4 MS. MEDLEY: Depatricia Jewitt [phonetic]?  
5 Depatricia Jewitt? Sabrina Ortiz? Oh, wait a minute.  
6 Depatricia, are you speaking? Were you on mute still?  
7 Okay.

8 One moment. I just want to also remind folks  
9 about the Spanish interpretation services that are  
10 available.

11 MS. WURTZ: Are we going -- we have Sabrina now.  
12 She's (inaudible).

13 MS. MEDLEY: I was calling for Depatricia  
14 Jewitt. Is that person available? Okay. Sabrina Ortiz?

15 MS. SABRINA ORTIZ: Good evening. My name is  
16 Sabrina Ortiz. Bear with me one moment. I am here as a  
17 member of CASA in the Bronx and Right to Counsel  
18 Coalition. I am here to urge the Office of Civil Rights -  
19 - of Civil Justice to protect and uphold the Right to  
20 Counsel Law.

21 I just want to give you a literal insight on  
22 what my last 14 months have spent navigating the system.  
23 In December of 2022, my life was changed due to a fire  
24 while I was not home, which displaced me and my family  
25 into a shelter. I just want to backtrack for just one

1 second because my mom is a senior and she was illegally  
2 evicted in July of 2021, which forced her to come live  
3 with me because I'm not going to leave my mother out on  
4 the street.

5 Unfortunately, during that timeframe, she didn't  
6 have anywhere to turn to and nor was she provided someone  
7 to assist her during that time. Still to this day, she  
8 still has not received any assistance to navigate, which  
9 has interrupted her rental assistance for Section 8 and  
10 that is another battle that she is fighting to get it  
11 reinstated.

12 The assumption that myself and (inaudible) had  
13 was that the repair would be done from the fire that was  
14 mainly just one wall, and it was never done. 90 days  
15 later, in February of 2023, which was 90 days -- which was  
16 60 days later, I received a 90-day notice, which we were  
17 kind of baffled about because we were under the assumption  
18 that (inaudible) repairs were going to be done and  
19 (inaudible) two weeks after the fire. I went from a hotel  
20 with my mom and my animals, and then switched into the  
21 shelter system (inaudible) to surrender my animals to a  
22 shelter, which I refused and I still have now.

23 During this timeframe, HPD assured me I would be  
24 returning and they would just (inaudible) repairs to get  
25 done, which never happened. The entire time, as I'm

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1 asking for assistance, making probably 70 phone calls  
2 back-to-back during a traumatic time that I didn't know  
3 what to do, which was odd because I work in property  
4 management and I'm also a bookkeeper. So I know --

5 MS. MEDLEY: -- 30 seconds.

6 MS. ORTIZ: That's fine. So in order for me to  
7 get back into the workforce, I would have to be mentally  
8 stable to be able to concentrate. So I am not then  
9 subpoenaed for making errors on people's finances and  
10 rental contracts. Not knowing what to do, I then  
11 (inaudible) conversations that went absolutely nowhere,  
12 had to go to court figuring out how to -- trying to figure  
13 out how to navigate the system blindly by myself because I  
14 didn't know what to do. It was my first time ever having  
15 to go into the court system and having to be with an  
16 eviction, which I didn't get evicted. I was mandated by  
17 the lawyer -- I mean by the judge to surrender my rights,  
18 which then put me into default with HPD's rules and  
19 regulations, and had me at a moment (inaudible) whether or  
20 not I would be sitting in a park with my mom, my minimum  
21 belongings and my animals. To this day, I still have not  
22 received any type of resource.

23 So I just wanted to give you some bullet points.  
24 July of 2021, my mom was illegally evicted. December of  
25 2022, I had a fire and I was displaced. February 2023, I

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1 got a 90-day notice. This May of 2023 I did an intake.  
2 In June of 2023, I had my first court date which really  
3 didn't make much sense. I really didn't understand what  
4 the, the judge told me. So it was postponed until  
5 September, another court date. I had another court date  
6 in November which was when I was --

7 MS. MEDLEY: -- Sabrina, I just ask you to just  
8 wrap up.

9 MS. ORTIZ: In December of 2023, a year after my  
10 fire, I was then provided a shop letter, so I can then  
11 start looking for an apartment, an entire year. So that  
12 just puts me in a place now to fight another battle of  
13 trying to find an apartment because I'm discriminated  
14 against because of having rental assistance. On top of  
15 that, they're discriminating against my source of income  
16 because my source of income has gone from \$90,000 a year  
17 to \$189 a month because I cannot focus long enough to  
18 actually have employment.

19 So it is essential for us to have legal  
20 representation when something so tragic happens to people  
21 and people do not know what to do and how to navigate  
22 through a system that when the people that are getting  
23 paid to navigate that system tell you they don't know what  
24 to do. Something needs to change. I am a tax paying  
25 citizen. I have been working for over 25 years. And with

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1 the time I have needed for your assistance, I have not  
2 received it. It needs to be given to everyone. It's  
3 deserved.

4 MS. MEDLEY: Thank you, Sabrina. Kim Statutto?

5 MS. KIM STATUTTO: Good evening. My name is Kim  
6 Statutto. Sorry I couldn't be there in person. I'm a  
7 little under the weather but I did want to testify. First  
8 and foremost -- first and foremost, I am a product of  
9 eviction before Right to Counsel in 1994. So I do know  
10 what an eviction looks like. I'm a member of CASA and  
11 RTC. And I am here to urge the Office of Civil Justice to  
12 protect and uphold the RTC law.

13 Bringing hundreds of tenants -- every day  
14 hundreds of tenants are brought into court for nonpayment  
15 or eviction cases. Landlords rarely show, show up because  
16 they have attorneys that represent them. Tenants across  
17 the boroughs have a -- have fought and won the Right to  
18 Counsel, not HRA or 45-days to get a one-shot deal. What  
19 is for -- what is being missed in the process is that  
20 tenants' rights, living conditions, and the hell that they  
21 are going through. Tenants voices are slowly being  
22 drowned out with these unlawful practices.

23 RTC means the same thing for a tenant as it does  
24 for a landlord. If a landlord can have a tenant, a lawyer  
25 there, so should a tenant. Landlords have gotten away

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1 with lots of unlawful practices. They rack up violations  
2 that exist years and years. Right, right now landlords  
3 across the boroughs owe 500 million in violations and yet  
4 nobody is going after them to pay those violations. That  
5 have put tenants at risk. Tenants aren't compensated when  
6 they don't have heat or hot water, when they don't have  
7 gas, when they are fighting for repairs. Tenant are being  
8 displaced because of landlords' greed.

9 MS. MEDLEY: 30 seconds.

10 MS. STATUTTO: Instead of only hearing the  
11 landlord's side, to try hearing what the tenants have  
12 lived through. I lived through 14 months, no gas, and  
13 nothing happened to the landlord. Thank you.

14 MS. MEDLEY: Thank you. New York City Anti-  
15 Violence Project?

16 MS. LESLIE ALLEN: Yes, good evening. My name  
17 is Leslie Allen and I'm the Deputy Director of Legal  
18 Services at New York City Anti-Violence Project, also  
19 known as AVP. I use she/her pronouns. We serve LGBTQ and  
20 HIV affected survivors in a wide variety of legal  
21 services, including those facing eviction. LGBTQ and HIV  
22 affected survivors are referred to AVP's legal and client  
23 services department by calling our free 24/7 hotline and  
24 through referrals from community partners. The hotline is  
25 a longtime cornerstone of AVP's work and it is a service

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1 that the community members access regularly. The legal  
2 services department is a small, generalized practice  
3 offering legal advice and some legal representation across  
4 all five boroughs in a variety of areas of law.

5 With regularity, our LGBTQ callers face eviction  
6 in housing court and in the public housing system. While  
7 the availability of legal services to these callers has  
8 increased dramatically in the last few years, we have  
9 found that representation is far from guaranteed for our  
10 clients. We try our best to fill in the gaps,  
11 representing clients here and there, and providing advice  
12 and referrals when we cannot. But even as experienced  
13 attorneys the depths of support from a generalist is  
14 vastly different than a dedicated housing attorney with  
15 expertise in an individual court. Keeping our clients  
16 housed and off the street is fundamentally essential to  
17 their wellbeing and safety, especially LGBTQ clients who  
18 face a higher rate of violence and, as a result, a higher  
19 rate of homelessness than the average population.

20 As a lawyer at AVP, I regularly witness and try  
21 to help navigate with my clients systemic barriers faced  
22 by them when accessing legal services for housing. In  
23 particular, I'd like to draw attention to that my clients  
24 often face confusion about what stage of the process they  
25 are at and when they would get an attorney, particularly

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1 if they did not meet with an attorney at their first court  
2 date, difficulty in knowing if they are eligible for any  
3 subsidized housing, one-shot deals, or CityFHEPS vouchers,  
4 lack of understanding about what the process is and what  
5 they are facing as a consequence, issues with LGBTQ  
6 discrimination and lack of cultural competency within the  
7 court system, particularly from judges and landlord  
8 attorneys, and finding that to be an extra level  
9 intimidation when they go to court. Difficulty in  
10 finding, if they are representing themselves, up to date  
11 information on who the judges are, how to contact them,  
12 how to contact their clerks, and how to contact city  
13 agencies. Often that type of information should be easily  
14 available on a website is missing and it certainly is not  
15 handed out to them when they get to court.

16 Our experience in housing court emphasizes the  
17 pivotal role attorneys play in identifying eligible  
18 housing programs and navigating bureaucratic hurdles, the  
19 complexities the systems are significant, and individuals  
20 -- and eligible individuals are constantly missing out on  
21 housing benefits. LGBTQ and HIV affected survivors  
22 deserve enhanced legal representation in eviction cases.  
23 We implore the city of New York to renew and expand  
24 funding for civil housing legal aid services. Thank you  
25 for the opportunity to testify.

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1 MS. MEDLEY: Thank you. Simone [phonetic],  
2 Right to Counsel Coalition? I also have Charles Ward  
3 [phonetic], Charles Ward at the Right to Counsel  
4 Coalition. Simone or Charles?

5 MS. WURTZ: I have someone who wants to go in  
6 his place.

7 MS. THELMO CORDONES: Good evening. My name is  
8 Thelmo. I'm a member of the Right to Counsel New York  
9 City Coalition. I'm a tenant in the (inaudible) Heights  
10 Queens. I have lived in the same building with my family  
11 for more than four years. And I have some horror stories  
12 from housing court from 32,000. I went in a trial against  
13 my landlord in 2014 by myself, a very powerful firm in  
14 Queens. And eventually I lost. The trial was (inaudible)  
15 is the counsel for the landlord in front of the judge  
16 threatened to lock me out if I was too close to him.  
17 Judge didn't do anything. I had all kinds of irregular  
18 actions in the -- in the trial. I was not an attorney. I  
19 put up a fight like for eight months. At the end I was  
20 evicted with a -- with a judgement of \$14,000 that to this  
21 day I (inaudible) to pay.

22 And now I'm facing eviction again from the same  
23 landlord, same law firm, and in a rent stabilized  
24 apartment in the same building because my family have  
25 lived in this building for decades, all in different

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1 apartments. And without representation like my first  
2 trial, it was a learning experience but I didn't have a  
3 shot. And now I have faith in it again. And (inaudible)  
4 was supposed to come up with \$14,000 as part of a, quote-  
5 unquote, settlement that it was a shotgun settlement  
6 because I was like 90-days to get \$14,000. I'm supposed  
7 to apply for a one-shot deal, CityFHEPS, CASA system, but  
8 it has been stonewalling everywhere with the processing.

9 And I have somebody helping me legally but I am  
10 like against the wall and they telling me, oh, they want  
11 their money. The, the counsel, they say they want their  
12 money. So it's like, you know, eventually I'm starting to  
13 think I might lose my apartment. And if I lose my  
14 apartment I have to leave the city because there's no way  
15 that somebody with a judgement from 2014 and basically  
16 evicted again, it's going to be rented. I will have to  
17 get a room somewhere. I'll pay probably more than I pay  
18 now in rent.

19 So I am asking OCJ to fund with the 300 million  
20 dollars, so we can get representation in eviction trials  
21 and eviction actions. Evictions are violent actions. I  
22 lived it. Evictions are traumatic actions. I lived it.  
23 Landlords have very powerful firms representing them and a  
24 tenant without legal representation has no chance to beat  
25 a holdover or a no payment eviction case. I have to learn

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1 all these terms, what is a holdover, on the go while I've  
2 been representing myself. I'm not an attorney. There's a  
3 point that they just beat me. And I am lucky because I  
4 went to college and I took a little law but there's a lot  
5 of people that have no clue what's going on. And they  
6 just think we're of the --

7 MS. MEDLEY: -- Thank you.

8 MR. CORDONES: -- clerk and they lie a lot.  
9 And I'm like they're not supposed to be lying in court but  
10 they do. I have to --

11 MS. MEDLEY: -- That's -- and that's the time  
12 but thank you.

13 MR. CORDONES: Thank you.

14 MS. MEDLEY: You can wrap -- please wrap up.  
15 Thank you. And I wasn't sure whether Charles Ward would  
16 speak. I also have Teddy Thomas [phonetic].

17 MR. CORDONES: My name is Thelmo Cordones.

18 MS. MEDLEY: I'm sorry. what was that? What  
19 was that?

20 MR. CORDONES: Thelmo, T-H-E-L-M-O, Cordones, C-  
21 O-R-D-O-N-E-S.

22 MS. MEDLEY: Thank you.

23 FEMALE VOICE: Is it okay if we have another  
24 tenant take Simone's time?

25 MS. MEDLEY: I'm going to -- I'll come back. I

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1 just want to see if there are other people in the room.  
2 So let me just see if there are others. I don't know if  
3 these folks are part of the group there or not. There is  
4 Teddy Thomas. There is Briana Solin [phonetic]. Are  
5 those folks all with you all? Okay.

6 MS. BRIANA SOLIN: So we're going to chant  
7 instead of me taking my time because (inaudible). So,  
8 Evi, take it away.

9 MS. EVI: When I say (inaudible).

10 MULTIPLE VOICES: (Inaudible).

11 MS. EVI: Housing is a human right, fight,  
12 fight, fight. Housing is a human right.

13 MULTIPLE VOICES: (Inaudible). Keep up the  
14 fight until we have the right. We'll keep up the fight  
15 until we have our right. Keep up the fight until we have  
16 our right. Keep up the fight (inaudible).

17 MS. SOLIN: Thanks, we're done with my time.

18 MS. MEDLEY: Thank you all. Thank you. Tara  
19 Joy?

20 MS. TARA JOY: That's me. Hi, good evening,  
21 everyone. My name is Tara Joy. I'm speaking tonight as a  
22 New York City tenant, as well as a member of the unionized  
23 staff for Mobilization for Justice and of the Right to  
24 Counsel Coalition when I urge the Office of Civil Justice  
25 to protect and uphold the Right to Counsel Law.

1           This law is hugely impactful to low income New  
2           Yorkers. Studies of the city's Right to Counsel program  
3           show that tenants who have lawyers are less likely to be  
4           subject to possessory judgements, face smaller monetary  
5           judgements, are less likely to have eviction warrants  
6           issued against them, and are ultimately less likely to be  
7           evicted. In addition, evictions have been shown to have a  
8           number of adverse effects on evictee's housing stability,  
9           likelihood of homelessness, excuse me, earnings and  
10          employment, financial wellbeing, and physical and mental  
11          health. So access to legal representation can be  
12          legitimately life changing.

13           However, as important as it is, the Right to  
14          Counsel program in its current iteration is neither  
15          sufficient nor sustainable. Personally, I am currently  
16          employed in the Housing Project of Mobilization for  
17          Justice, which provides Right to Counsel eviction defense  
18          to tenants in Brooklyn, Manhattan, and the Bronx. In my  
19          role as intake specialist, I'm responsible for tracking  
20          and coordinating the intake of new cases, which means that  
21          I can see firsthand how overwhelming the current volume of  
22          eviction cases is. To be frank, my colleagues are  
23          drowning. Every week, we speak with dozens of new tenants  
24          and we simply do not have the manpower to represent all of  
25          them. This means that every week tenants who deserve and

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1 are legally qualified for representation are forced to  
2 navigate housing court by themselves.

3 Additionally, it means our staff are reaching a  
4 breaking point and I am not being hyperbolic when I say  
5 that. MFJ is facing extremely high staff attrition. We  
6 currently have over a dozen vacant positions and, as some  
7 of you may be aware, my colleagues and I recently voted  
8 overwhelmingly to go on strike due in large part to our  
9 untenable working conditions, which means our ability to  
10 take on new cases is indefinitely halted. Our staff is  
11 overwhelmed and we are not the only organization feeling  
12 the strain.

13 I want to be very clear that I am here tonight  
14 because I know that our current strike for a fair contract  
15 within our workplace and the fight for stronger Right to  
16 Counsel program in the city at large are inextricably  
17 linked. I watch my colleagues go above and beyond for  
18 their clients and for each other every day. So I know  
19 that we are making the demands we're making not out of  
20 greed or laziness, but because we know that the current  
21 circumstances simply do not allow us to do our jobs  
22 effectively. Tenants and legal workers both deserve  
23 better.

24 As such, I am calling on the city to fully and  
25 adequately fund Right to Counsel by adding at least 300

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1 million dollars to the budget, to ensure that there are  
2 sufficient attorneys to represent all qualifying tenants  
3 and on OCA to reduce the volume of eviction cases being  
4 calendared, so the number of cases no longer exceeds the  
5 capacity of legal service providers.

6 With these changes, Right to Counsel can live up  
7 to its potential as a powerful tool to prevent evictions.  
8 Or else it can continue to crumble under its own weight,  
9 taking many of New York's most vulnerable tenants with it.  
10 Thank you for your time.

11 MS. MEDLEY: Time. Thank you. Thomas Delgado?

12 MR. TOM DELGADO: Hey.

13 MS. MEDLEY: We can't hear you. Now we can hear  
14 you. Go ahead.

15 MR. DELGADO: Hey, I'm Tom Delgado. I'm here  
16 with Woodside on the Move. I'm actually an artist, former  
17 lawyer. You guys have heard a ton of statistics. I've  
18 prepared a bunch of stuff but you guys have heard a ton of  
19 statistics. So I've -- you guys have already heard a lot  
20 of really, you know, deep stories and personal stories.  
21 So I'm just going to pretty much state the obvious.

22 I don't know if you can see this room but this,  
23 this room is New York City. This is (inaudible) have a  
24 pretty good view right here of what the city is. And this  
25 is not an accident. The reason it looks like this and it

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1 can still look like this is because there are laws in  
2 place that protect this. And those laws aren't done out  
3 of the courtesy of, you know, legislatures or special  
4 interests. They're done because they're fought for. And  
5 that's what everyone here is trying to do. And that's  
6 what we're asking you guys to do.

7 The saddest part about all of this is that the  
8 law is right there. The law is done. It just needs to be  
9 funded and enforced. It's that simple. I can tell you  
10 this. As a former lawyer, I've been in -- I've been in  
11 rent negotiations. I've been in lease signings. I've  
12 been with repairs, all those different things. And  
13 multiple times in the time I've been there they've tried  
14 to take advantage of me. And the only reason I know what  
15 they're doing is because I'm a lawyer. And the only  
16 reason they feel like they can take advantage of me is  
17 because they assume I don't have one. So that's the  
18 reason this law exists and it has to be funded for it to  
19 work at all. Otherwise, this city is going to go down the  
20 drain.

21 You're going to look at this room. This room  
22 will disappear. You'll get a room. You'll get a --  
23 you'll get a city with fancy brunch spots and fancy condo  
24 buildings but all this is going to be gone. So, if that's  
25 what you want, then don't fight for the law. The law is -

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1 - but the law was put there because we fought for it and  
2 we're going to continue to fight for it.

3 MS. MEDLEY: Thank you. Anselmo Vero  
4 [phonetic]? Anselmo Vero? Anselma, sorry, Anselma Vero?  
5 Perhaps that's someone in the Zoom, else in the Zoom room.  
6 Okay. Daniel Inne? Daniel Inne or Inne? It's I-N-N-E,  
7 Daniel.

8 MS. WURTZ: Someone is coming up to testify.

9 MR. DOMINICK DINAPOLI: Good afternoon. Good to  
10 see everyone. My name is Dominick DiNapoli. I've lived  
11 in the Bronx for about 30 years, same building, same  
12 apartment. All these just different things happening in  
13 the city, we personally did not face eviction. It  
14 happened with my friends, my family, really just anyone  
15 around me in my neighborhood is being outpriced and just  
16 really pushed out of our homes.

17 As Tom was saying between the fancy brunch spots  
18 and all these overpriced, underqualified shops,  
19 restaurants, all that type of stuff, it's just not cool.  
20 You guys need to protect us. This law that we're fighting  
21 for is to protect us. So we're just going to keep  
22 fighting. You can try all you want to push us out but we  
23 don't stand back (inaudible).

24 MS. MEDLEY: Thank you. Famada Havees  
25 [phonetic].

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1 MS. WURTZ: Can you repeat that?

2 MS. MEDLEY: Fameda?

3 MALE VOICE: Fameda (inaudible).

4 MS. MEDLEY: Fameda, excuse me. Fameda.

5 MS. FAMEDA HAVEES: Hi, my name is Fameda  
6 Havees. Okay. I feel very (inaudible) to people who have  
7 spoken (inaudible). I did have very big problem with  
8 apartment but I believe is already (inaudible). So I  
9 think it is important to know before we make an eviction  
10 that what eviction you are going to make and what's the  
11 cause of that eviction. What's the root cause? And then  
12 if you find the root cause, then you find the solutions.  
13 And then you can have a better life (inaudible). So I  
14 will ask you to (inaudible) and allow the money and the  
15 opportunity, and whatever needed (inaudible) and lead a  
16 better life. Thank you so much.

17 MS. MEDLEY: Thank you. Barry Horowitz?

18 MALE VOICE: Who?

19 MS. MEDLEY: Barry Horowitz.

20 MALE VOICE: He could be from here.

21 MR. BARRY HOROWITZ: I'm Barry (inaudible) and  
22 I'm with the Right to Counsel Coalition and the  
23 (inaudible) Coalition. Okay. Everybody here and  
24 everybody is telling me just complaining, complaining, and  
25 complaining. We need an emergency meeting to have the

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1 mayor or whoever is in charge to stop the housing court.  
2 Just put it to a stop (inaudible) tens of thousands of  
3 people are being abused every day. I was there. I was  
4 dragged through the mud for five years and they're not  
5 stopping. The landlord keeps coming at me and they're  
6 coming after the elderly, after the disabled, and the  
7 court doesn't care. Everybody in the housing court is  
8 evil and they are looking to abuse (inaudible) everyone  
9 that's fighting to stay in their apartment.

10 We need to stop the housing court immediately.  
11 However is in charge of this meeting, I would like for you  
12 guys to put together an emergency meeting, include me in  
13 that meeting. And I'm not kidding. Okay? To go and  
14 speak with the city leaders to stop the housing court in  
15 the five boroughs until (inaudible).

16 MS. MEDLEY: Thank you. Jessica Cardenas  
17 [phonetic]? Jessica Cardenas? And then Cristine Guzman  
18 [phonetic].

19 MR. RAPHAEL: Hi. My name is Raphael. I'm  
20 going to testify in Jessica's place (inaudible).

21 MS. MEDLEY: That's fine.

22 MR. RAPHAEL. I was a tenant organizer. Well,  
23 first off, I was a rent stabilized tenant for 25 years. I  
24 was a tenant organizer and community leader for eight or  
25 nine, up until 2020. And I'm, I'm kind of new to these,

1 what do you call them, Zoom meetings or digital meetings.  
2 And, quite frankly, they are not the same. And it's 55  
3 degrees outside. I really don't see a reason why this  
4 can't be an in-person meeting in a church, in a school, in  
5 somewhere because, well, when face-to-face you cannot  
6 replace.

7 In my view, I mean the host here, Leneer, I  
8 believe her name is. Or I'm trying to read names. I  
9 don't know whose name is who. You've been very nice, very  
10 accommodating but there is no replacement for having a  
11 town hall or a meet -- a hearing that is in public. You  
12 can -- we can have hybrid. People want to testify  
13 digitally, fine. That's what community boards do.  
14 Community boards are meeting in public and they have  
15 people who are there on the screen that want to testify in  
16 private. My view being a -- being in touch with all  
17 government agencies and it's -- you're ducking  
18 accountability by having this meeting on the screen.

19 And frankly I, I appreciate the food and  
20 camaraderie but I am bored out of my mind staring at a  
21 screen for two and a half hours. I don't -- I am serious.  
22 This, it puts people to sleep. The level of engagement,  
23 it's not the same.

24 It's 55 degrees outside. I'm not a public  
25 health expert. The pandemic is over. We've got to meet

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1 in person. Let's go.

2 MS. MEDLEY: Thank you. Cristine Guzman?

3 MALE VOICE: Anybody else want to testify in  
4 Cristine's place?

5 MS. MEDLEY: And I have Rosa Kaye [phonetic]?  
6 Toki Mokay [phonetic]? Apologize for any  
7 mispronunciation, Toki Mokay, T-O-K-I. Thelmo, I see your  
8 name but I know you spoke already, Thelmo Cordones, you  
9 spoke already earlier. Wanda Martinez?

10 MS. WANDA MARTINEZ: Yes, good evening. Tenant  
11 power, eviction free New York. My name is Wanda Martinez  
12 and I am part of the tenant leadership with CMS and with  
13 the Right to Counsel Coalition. And I'm here tonight  
14 because we need the OCJ to publicly fight for Right to  
15 Counsel and for the funding that we need so that the right  
16 to counsel can function the way it's supposed to.

17 Right now, as we heard from all the other  
18 speakers before me, we're in crisis. There's no -- not  
19 enough lawyers available. There's a lot of restrictions  
20 as far as who and how to get your right to counsel  
21 protected. And so what we need to see is for the OCJ to  
22 publicly, publicly show their support for us and our  
23 movement. We are New Yorkers in the middle of a housing  
24 crisis. And as a long-term tenant in Queens, I can tell  
25 you that housing and security is a fact that we're living

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1 with here. And I've been in the same apartment for 30  
2 years thanks to CMS and the Right to Counsel Coalition for  
3 funding the organizing versus the CMS provided, I was able  
4 to help form a tenant association in the building that I  
5 reside in, in Jackson Heights. And we were able to get  
6 repairs that had been unaddressed for 30 years.

7 So while, again, I always testify to this story.  
8 While my outcome, that's not (inaudible). I was part of a  
9 housing court watch and I can tell you that it is sad that  
10 we were unable to approach tenants with documents that can  
11 show them where to go to find the resources, so that they  
12 can have their rights to counsel protected. In fact, we  
13 had some of the court (inaudible) we shouldn't do that.  
14 So we had to go outside to do this or do it on, on, how  
15 they say, the downlow.

16 So it's, it's, to me, very important that the  
17 OCJ sees that there is a problem and addresses the problem  
18 because a fact does not cease to be a fact because it's  
19 being ignored. You know what's going on. It's time to  
20 act. You're there to help us and we require you and urge  
21 you to step up and do it now. The time is now. Thank you  
22 for letting me speak.

23 MS. MEDLEY: Thank you, Wanda. We have reached  
24 the end of our speakers list. If there is anyone in the  
25 room who has not spoken, who would like to at this time,

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1 you could put your name as we've said in the chat. And  
2 we'll go ahead and call on you in that way. Or if folks  
3 want to, as we're winding down here, raise their hand.  
4 But we don't have any other speakers.

5 While, while we see if anyone else would like to  
6 speak, I just want to again acknowledge OCJ staff who've  
7 joined us, who are here virtually, here in person. We  
8 have OCJ current and former staff who are with us tonight  
9 from Jaclyn Binoti, our new Executive Director, Stacy,  
10 Marisa, Julian, Suzanna, Kyla, Jacklyn Moore [phonetic],  
11 our former ED, just really appreciate you all being in  
12 solidarity with us tonight. And really just -- you know,  
13 it just shows how the staff, whether they're in the  
14 housing court side or, you know, supporting the work that  
15 happens here on the finance side, are really invested and  
16 wanting to understand, and see what's happening and how  
17 this works to again strengthen, and improve, and allow us  
18 to support the work. So I appreciate you all. And of  
19 course the staff, whether they joined or not, you know,  
20 they're dedicated and really appreciate that very much so.

21 Is there anyone else that would like to speak or  
22 have put their hand up or anything just to be  
23 acknowledged? Or speak just before we close out?

24 All right. Well, I really want to thank those -  
25 - I want to thank Cheryl again, Cheryl's team, Cheryl,

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1 Carolyn, our ASL interpreter, our Spanish language  
2 interpretation, also really thank the Right to Counsel  
3 Coalition for your coordination and how you all have  
4 showed up and, you know, really coordinated and brought  
5 the energy. I appreciate, you know, how you all have  
6 shown up and participated here today. Thank you for that.

7 Go ahead. Did you have something you wanted to  
8 add?

9 MALE VOICE: We just have one more speaker, if  
10 that's okay.

11 MS. MEDLEY: That's fine, thank you.

12 FEMALE VOICE: When I say tenants, you say  
13 power. Tenants.

14 MULTIPLE VOICES: Power.

15 FEMALE VOICE: Tenants.

16 MULTIPLE VOICES: Power.

17 FEMALE VOICE: Tenants.

18 MULTIPLE VOICES: Power.

19 FEMALE VOICE: Tenants.

20 MULTIPLE VOICES: Power.

21 FEMALE VOICE: Tenants.

22 MULTIPLE VOICES: Power.

23 FEMALE VOICE: We're going to.

24 MULTIPLE VOICES: Fight, fight, fight. Housing  
25 is a human right, fight, fight, fight. Housing is a human

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1 right, fight, fight. Housing is a human right, fight,  
2 fight, fight. Housing is a human right, fight, fight,  
3 fight. (Inaudible). We'll keep up the fight, until we  
4 have our right. We'll keep up the fight, until we have  
5 our right. We'll keep up the fight, until we have our  
6 right.

7 MS. MEDLEY: Thank you. Thank you again.  
8 Anyone else who'd like to -- who'd like to speak? Well, I  
9 want to thank everyone here for your participation, for  
10 your engagement, and joining in and contributing. It's  
11 much appreciated. Again, reminder that this was recorded.  
12 We also have the transcript and the video recording  
13 available at the website. If you'd like to submit or  
14 anyone would like to submit additional comment or  
15 contribution, it can be done through the email address in  
16 writing. And those writings will also be reflected on the  
17 website as well.

18 If there is nothing else, I wish you all a good  
19 evening. And thank you again for your support of this  
20 critical program. And we look forward to engaging and  
21 further working with you. Have a good evening. Thank  
22 you.

23 (Proceeding Concluded.)

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C E R T I F I C A T E

I, Brandi Chamberlain, certify that the foregoing transcript of proceedings in the NYC Department of Social Services, Office of Civil Justice, Public Hering on OCJ's Universal Access to Legal Services for Tenants Facing Eviction, was prepared using the required transcription equipment and is a true and accurate record of the proceedings. L

  
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03/04/2024