NYC Office of Civil Justice 2020

ANNUAL REPORT



Acknowledgments

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

Special thanks to the Office of Evaluation and Research of the Department of Social Services; HRA's Homelessness Prevention Administration; DSS' Office of Budget Administration; and our colleagues in the Mayor's Office for their invaluable contribution.

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

About the Department of Social Services/ Human Resources Administration

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

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

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Introduction

New York City's Office of Civil Justice (OCJ) was created in 2015 to oversee and monitor City-supported civil legal services available to low-income and other vulnerable New Yorkers, as well as to study the needs for and the impact and effectiveness of civil legal services for New Yorkers. As part of the New York City Department of Social Services (DSS)/Human Resources Administration (HRA), OCJ shares DSS/HRA's mission of fighting poverty, reducing income inequality and addressing homelessness in New York City. This Annual Report, OCJ's fifth, ¹ details the implementation of key legal services initiatives in the last fiscal year intended to continue closing the "justice gap" for low-income and other vulnerable New Yorkers.

Fiscal Year 2020 was OCJ's third full year implementing New York City's landmark right-to-counsel law (also known as Universal Access to Legal Services) and saw continued implementation and growth in OCJ's programs making legal services widely available to New Yorkers facing legal challenges in the immigration legal system, in the workplace and in other areas of need, but it was a year marked by tragedy and disruption caused by the COVID-19 pandemic. The impacts of the worldwide public health emergency have interrupted and radically changed the operations of every public institution, and the legal system has been no exception.

Here in New York City, courts and tribunals have suspended, limited or altered their activities, in many instances rapidly shifting to an approach to administering justice via audiovisual proceedings after decades of operations oriented around physical court appearances, in-person meetings and office hours. In response, OCJ, our provider partners and other justice system stakeholders successfully worked to meet the moment, providing effective access to free legal assistance to tenants in need under unprecedented challenging circumstances.

Throughout it all – and despite the grief of losing loved ones, friends and colleagues to the pandemic as well as the challenges of building a "new normal" approach to delivering legal assistance safely and effectively – legal services providers supported by OCJ have continued to provide New Yorkers with legal help and protection. At OCJ, we have never been prouder to support this vital work, or more inspired by the skill and dedication of New York City's legal services community, than we have during this ongoing emergency.

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

¹ OCJ's reports can be found on its website, www.nyc.gov/civiljustice.

Main Findings

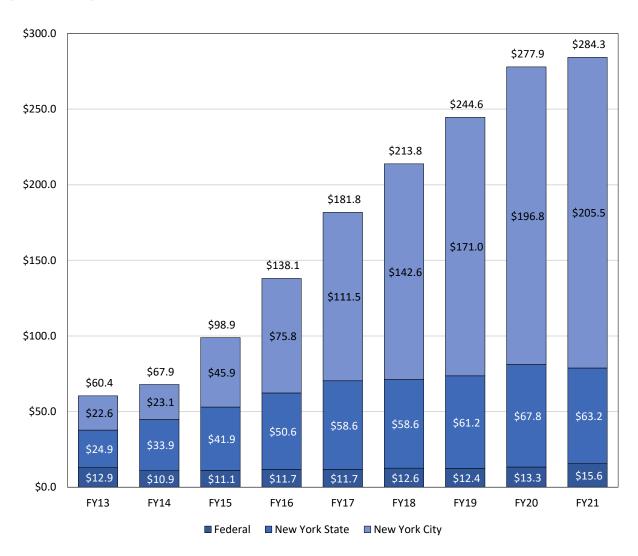
- New York City's support for providing civil legal services for New Yorkers in need stands at historic levels. In FY2021, \$163.5 million in Administration funding and \$42.0 million in City Council discretionary grants support legal services for New Yorkers including tenants facing eviction, immigrant New Yorkers facing a range of legal challenges, lowwage workers, domestic violence survivors, seniors, military veterans, and other New Yorkers in need. Since 2014, New York City's investments in civil legal services have grown exponentially, even as other sources of government funding have seen declines during the period.
- OCJ's implementation of the City's right-to-counsel law protecting tenants facing
 eviction continues to level the playing field in Housing Court, with increasing rates of
 legal representation for tenants in court. Though the first half of FY2020, before the
 COVID-19 led to the near-closure of New York City Housing Court, nearly 40% of tenants
 facing eviction in court were represented by attorneys, compared to 30% at the end of
 FY2019 and 1% in 2013.
- OCJ has implemented the right-to-counsel law citywide, as legal provider partners have stepped up to represent all New Yorkers facing an eviction in housing court during the pandemic in ZIP codes across New York City during the COVID-19 emergency. Since the start of the COVID-19 crisis, OCJ and tenant legal providers have worked with the New York Housing Court to establish new approaches to right-to-counsel implementation that ensure that all tenants facing eviction in court regardless of their ZIP code have had access to legal representation during the pandemic, and expanded services to ensure that tenants across the city in emergency cases in court and those needing legal advice and guidance have had access to free legal services.
- Nearly 450,000 New Yorkers facing eviction and other housing-related legal challenges have received City-funded free legal assistance since 2014. Despite the near-closure of New York City Housing Court and other courts and administrative proceedings in early 2020 due to the COVID-19 pandemic, OCJ's tenant legal services providers assisted over 92,000 New Yorkers in housing matters in FY2020, including approximately 63,000 tenants in eviction proceedings through the City's right-to-counsel law.

- City-funded legal services programs focusing on immigration and workplace rights assisted New Yorkers in 35,000 cases in FY2020. Increases in legal representation for low-wage workers and immigrant youth and as well as increased availability of legal advice enabled Administration-funded programs to serve more New Yorkers than ever despite the challenges posed by the COVID-19 pandemic.
- In FY2020, OCJ continued to provide low-wage workers with employment-related legal services, legal education and assistance. OCJ's workplace rights legal services program provided legal representation or advice in 2,200 employment-related matters in FY2020, more than 20% higher than in the year before, as legal services providers supported through the program made workplace rights legal education and assistance more widely available to New Yorkers during the COVID-19 pandemic.

Funding for Civil Legal Services for Low-Income New Yorkers

Civil legal services in New York City are supported by a diverse mix of public and private funding streams. Although overlapping fiscal years² for different levels of government make it challenging to calculate total funding by year, it is clear that funding for civil legal services in New York City has increased substantially in the past several years (see Figure 1).

Figure 1: Public Funding for Civil Legal Services Providers in New York City (in millions), FY2013–FY2021*



² Unless otherwise noted, "fiscal year" in this Report refers to the New York City fiscal year, which runs from July 1 to June 30 (e.g., Fiscal Year 2020 ran from July 1, 2019 to June 30, 2020).

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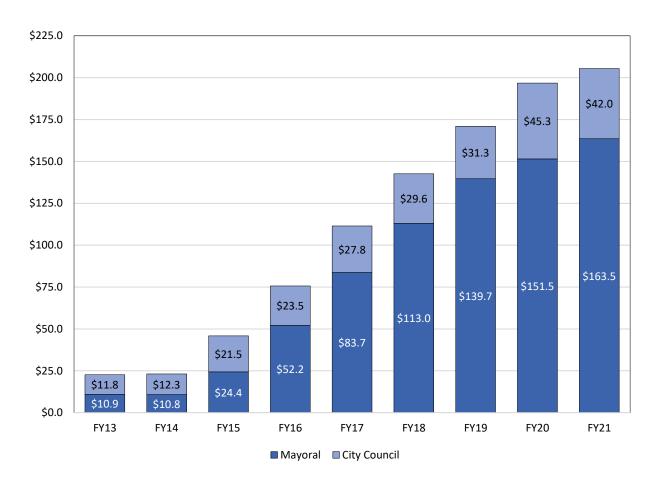
*Amounts reflect the fiscal year for the relevant government entity: Federal Fiscal Year starts October 1; State Fiscal Year starts April 1; and City Fiscal Year starts July 1.

<u>Sources</u>: Data on NYC funding compiled by HRA Office of Civil Justice. Note that these amounts do not include contracted or projected amounts for Cost of Living Adjustments (COLA); adjustments to indirect cost rates; adjustments to address attorney pay parity issues; or COVID-related adjustments. New York State funding compiled from data supplied by Office of Court Administration, and public data from the Permanent Commission on Access to Justice and the NY IOLA fund: (2012, 2014, 2015, 2017, 2018, 2019 IOLA Annual Reports, IOLA Press Release, 2020 – 2021 Grantees, 2016, 2017-2018 Access to Justice Annual Reports). Retrieved from www.iola.org, http://www.nycourts.gov. Federal funding data taken from Legal Services Corporation Grantee Data, retrieved from https://lsc-live.app.box.com/s/skoxvw9ji612avcrty87q7h3aa2lq5tm and https://www.lsc.gov/about-lsc/lsc-and-covid-19/data-cares-act-funding-services.

New York City Funding for Civil Legal Services

Funding for civil legal services by the City of New York is primarily allocated through contracts administered by OCJ, encompassing both baselined programs supported through the Mayoral budget and a range of discretionary grants provided to nonprofit organizations by members of the City Council. As shown in Figure 2, New York City has invested approximately \$205.5 million in civil legal services in FY2021, an increase compared to FY2020 when City funding totaled \$196.8 million. This year, \$163.5 million in Administration funding and \$42.0 million in Council discretionary grants support a range of civil legal services programs for renters and homeowners, immigrant New Yorkers, low-wage workers, veterans, survivors of domestic violence, and other New Yorkers in need.

Figure 2: New York City Funding for Civil Legal Services (in millions), FY2013—FY2021



<u>Source</u>: Data on NYC funding compiled by HRA Office of Civil Justice. Note that these amounts do not include contracted or projected amounts for Cost of Living Adjustments (COLA); adjustments to indirect cost rates; COVID-related adjustments or adjustments to address attorney pay parity issues.

In FY2021 OCJ has continued to expand access to legal assistance for tenants through the continued implementation of New York City's right-to-counsel law. As described in greater detail later in this report, the right-to-counsel law provides access to legal services for tenants facing eviction in the Housing Court in New York City and New York City Housing Authority (NYCHA) administrative termination of tenancy hearings. Administration funding in FY2021 for eviction defense legal assistance and other housing legal services, including OCJ's Anti-Harassment and Tenant Protection and other tenant legal services programs, is approximately \$124.5 million, a twentyfold increase compared to FY2013 when such funding totaled roughly \$6 million. Information about OCJ's legal services for New York City tenants can be found later in this report.

FY2021 funding also includes over \$58 million for legal services programs for immigrant New Yorkers administered by OCJ and the Mayor's Office of Immigrant Affairs (MOIA), a more than an eightfold increase compared to roughly \$6.8 million in FY2013. A combination of approximately \$32.3 million in Administration funding and \$26.4 million in City Council discretionary grants supports a continuum of free legal services programs for immigrant New Yorkers in FY2021 that are accessible at community-based organizations and nonprofit law offices, at city locations such as schools and public hospitals, and at federal immigration court.

New York City is the ultimate city of immigrants, where nearly 60 percent of New Yorkers share households with at least one immigrant, including over one million New Yorkers who live in "mixed status" households in which at least one person is undocumented.³ Immigration-related legal assistance is therefore a crucial component of our civil legal services. Providing these services, which range from accurate and reliable legal advice and information to full-fledged legal representation in complex immigration cases and removal defense, was never more critical than during the Trump Administration which introduced changes to immigration policy, procedure and enforcement that created a growing and varied need for legal assistance for noncitizens in New York City.

To meet these challenges, the City has made historic investments in immigration legal services. These include Administration-funded programs such as ActionNYC, the Immigrant Opportunity Initiative (IOI), the Rapid Response Legal Collaborative (RRLC) and legal services at OCJ supported by Community Service Block Grants (CSBG), as well as City Council-funded programs including the New York Immigrant Family Unity Project (NYIFUP), the Immigrant Child Advocates Relief Effort (ICARE) and the Citizenship NOW! naturalization assistance program at the City University of New York (CUNY). Information and data about legal services for immigrant New Yorkers in FY2020 can be found later in this Report.

OCJ has also overseen legal services in other areas of need in FY2021. A combined \$2.1 million investment by the Administration and the City Council in FY2021 supports expanded access to free legal advice and representation for workers in employment-related cases. This legal work ranges from advocacy regarding employee rights and worker exploitation to lawsuits to recover unpaid wages and overtime pay, unemployment insurance, family and medical leave, unlawful discrimination, and employer retaliation. In this initiative, a group of large and small nonprofit legal services and workers' advocacy organizations is providing legal representation and advice

³ Mayor's Office of Immigrant Affairs 2019 Annual Report, retrieved from https://www1.nyc.gov/site/immigrants/about/annual-report.page.

to low- and moderate-income working New Yorkers and conducts outreach and community-based education programs for workers regarding their rights in the workplace, and the availability of free legal assistance. This initiative is examined in greater detail later in this report.

OCJ also administers the City Council-funded Safe Alternatives to Violent Encounters (SAVE) community-based legal services program, which provides direct legal representation and advice to survivors of domestic violence in cases involving family law issues such as divorce, separation, custody and visitation, child and spousal support, and orders of protection. As in FY2020, this program continues to be funded at \$850,000 in FY2021.

New York State Funding for Civil Legal Services

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

Total annual Judiciary and IOLA funds for civil legal services granted to providers in New York City more than doubled from approximately \$24.9 million in State Fiscal Year 2013 to approximately \$63.2 million in State Fiscal Year 2020 (see Table 1), a result of increased investments in civil legal services through the State Judiciary budget in efforts led by Chief Judge Janet DiFiore and former Chief Judge Jonathan Lippman and supported by the New York State Permanent Commission on Access to Justice.

OCA's Judiciary Civil Legal Services (JCLS) Grants

JCLS grants support assistance for low-income residents with civil legal matters involving four "essentials of life" categories: housing, family matters, subsistence income, and access to health care and education. These grants to nonprofit legal services organizations constitute the majority of the Judiciary's commitment to address civil legal needs of low-income New York State residents. JCLS funding for New York City—based providers more than tripled between State Fiscal Years 2013 and 2017, from \$14.1 million to \$47.4 million. Annual funding remained at this level until FY2021 when it decreased to \$42.8 million.⁴

⁴ Permanent Commission on Access to Justice: Report to the Chief Judge of the State of New York, Letter from Helaine M. Barnett, Chair, to the Hon. Janet DiFiore, retrieved from

JCLS grantees in New York City include a diverse group of legal providers and community-based organizations, with some supporting a broad range of legal services and others targeting specific domains or populations.⁵

Interest on Lawyer Account (IOLA) Fund

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

The revenue generated by the IOLA account may vary year to year as a result of fluctuations in interest rates and economic conditions. IOLA funding for New York City-based legal services organizations substantially increased in State FY2020 to \$20.4 million, up from the \$13.8 million annual allocations in State FY2018 and FY2019, and remained at that level for FY2021.⁶

Table 1: New York State Judiciary Funding Awarded to Civil Legal Service Providers in New York City, FY2013–FY2021 (in millions)

	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
JCLS	\$14.1	\$21.3	\$29.3	\$37.3	\$47.4	\$47.4	\$47.4	\$47.4	\$42.8
IOLA*	\$10.8	\$12.5	\$12.5	\$13.2	\$13.2	\$13.8	\$13.8	\$20.4	\$20.4
Total**	\$24.9	\$33.9	\$41.9	\$50.6	\$60.6	\$61.2	\$61.2	\$67.8	\$63.2

⁵ A list of current JCLS grantee organizations is included at Appendix 1.

⁶ A list of New York City-based IOLA grantees for FY2020-21 is included at Appendix 2.

<u>Sources</u>: New York State funding compiled from data supplied by Office of Court Administration, and public data from the Permanent Commission on Access to Justice and the NY IOLA fund: (2012, 2014, 2015, 2017, 2018 IOLA Annual Reports, IOLA Press Release, 2020 – 2021 Grantees, 2016, 2017-2018 Access to Justice Annual Reports). Retrieved from www.iola.org, http://www2.nycourts.gov.

Other State Initiatives

The New York State Office for New Americans (ONA) is funded to support community-based Opportunity Centers across New York State to provide services, including legal consultation, naturalization assistance, community workshops, and civics education statewide. Support for ONA includes the Liberty Defense Project (LDP), a regional rapid response program intended to provide immigration legal assistance and direct representation in response to emergent situations involving ICE raids and arrests. New York State funding for LDP was renewed at \$10 million for State FY2021. ONA funding has also supported the upstate New York Immigrant Family Unity Project (NYIFUP). Modeled on New York City's innovative NYIFUP deportation defense program for low-income immigrants facing removal in downstate immigration courts, NYIFUP upstate provides legal representation to individuals facing removal in upstate immigration courts.

Federal Funding for Civil Legal Services

Federal funding for civil legal services is distributed through the Legal Services Corporation (LSC), which was established by Congress in 1974 as a mechanism for federal funding of civil legal services for low-income families and individuals. LSC awards several categories of grants supporting access to justice in areas such as housing, health, income maintenance, employment, education, and consumer finance. Grantees serve clients whose household income is at or below 125 percent of the Federal Poverty Guidelines.

In New York City, the sole grantee of such funding is Legal Services NYC (LSNYC), which was awarded \$14.0 million in LSC basic field grant funding in FY2021.⁷ In addition to its Basic Field

^{*}IOLA awarded 15-month grants for the period January 1, 2012 through March 31, 2013; amount reported for FY2013 has been prorated to reflect 12 months. For the period FY2014 through FY2020, IOLA funds were distributed through two-year contracts. Annual amounts reported here represent 50 percent of the total contract value.

^{**}Amounts may not add up to totals due to rounding.

⁷ FY21 Grant Allocations for LSC, Legal Services Corporation, retrieved from https://lsc-

Grant budget, LSC received an additional \$50 million in early 2020 when Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. As a part of this supplemental COVID funding, LSNYC received a one-time allocation of \$1.6 million for Federal FY2021 to help support needs for legal services arising from the COVID-19 pandemic in New York City.⁸

live.app.box.com/s/skoxvw9ji612avcrty87q7h3aa2lq5tm.

⁸ Data on CARES Act Funding and Services, Legal Services Corporation, retrieved from https://www.lsc.gov/about-lsc/lsc-and-covid-19/data-cares-act-funding-services.

Legal Services for New York City Tenants

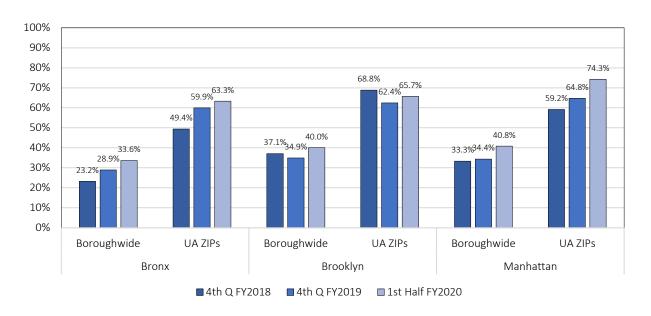
Since 2014, the de Blasio Administration has created and expanded initiatives that provide access to free legal assistance to tenants facing eviction and other housing-related legal issues, part of a prevention-first approach to combatting poverty, reducing income inequality, and addressing homelessness. A centerpiece of this work is the implementation of New York City's groundbreaking right-to-counsel law, also known as Universal Access to Legal Services. With enactment of this law in 2017, the City of New York became the first city in the United States to enact a law ensuring that all tenants facing eviction in housing court or in public housing administrative termination of tenancy proceedings have access to free legal services.

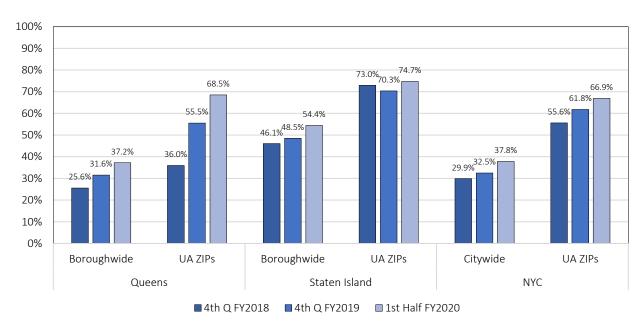
Fiscal Year 2020 was a period of notable achievements and historic challenges, as New York City and the world faced down the start of the COVID-19/coronavirus pandemic. FY2020 was OCJ's third full year of implementation of the right-to-counsel law through the Universal Access to Counsel initiative. The fiscal year began with the launch of OCJ's program to provide on-site access to legal services to tenants in New York City Housing Authority (NYCHA) developments facing administrative termination of tenancy proceedings. Working with legal provider partners and NYCHA, OCJ developed and implemented a program model to provide comprehensive access to legal services for NYCHA tenants facing such proceedings on site where NYCHA administers termination proceedings. In this first phase, all heads of NYCHA households who are seniors (62 years and older) and who are facing termination of their tenancies in administrative proceedings have immediate access to these free legal services on-site. Although NYCHA temporarily ceased administrative proceedings later in the fiscal year due to COVID-19, the number of households in termination of tenancy proceedings that received OCJ's legal services substantially increased in FY2020 compared to FY2019, increasing by 35 percent.

In December 2019, OCJ continued its phased implementation of the right-to-counsel law in Housing Court by adding five additional ZIP codes to the Universal Access initiative, expanding the program in additional neighborhoods in all five boroughs and bringing the total number of included ZIP codes to 25, and updating referral protocols and other procedures to make legal services more accessible to tenants across the City; in FY2020, approximately half of the households served in Housing Court eviction proceedings by OCJ legal providers lived outside of the ZIP codes targeted through Universal Access.

As calendar year 2019 drew to a close (the end of first half of FY2020), these developments in the Universal Access program had led to a number of positive impacts on access to justice for tenants in New York City. In Housing Court, the longstanding dynamic that has left so many tenants unrepresented by counsel continued to improve. Thirty-eight percent of tenants who appeared in Housing Court for eviction cases in the first half of FY2020 were represented by attorneys in court, up from roughly 32 percent at the end of FY2019 and from 30 percent represented at the end of FY2018, with representation rates for tenants increasing in every borough. In the neighborhoods targeted through the initial phases of Universal Access, representation rates likewise increased; in the 25 Universal Access ZIP codes across the five boroughs, the rate of legal representation for tenants in Housing Court facing eviction rose to 67 percent by the end of the first half of FY2020, compared to 62 percent at the end of FY2019 and 56 percent at the end of FY2018. These results reflect a substantial increase in the availability of legal representation for New York City tenants compared to 2013, when the citywide representation rate was 1% as reported by the State Office of Court Administration.

Figure 3: Legal Representation⁹ Rates for Tenants Appearing in Housing Court in Eviction Proceedings





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

⁹ Legal representation rates were determined by combining data from the NYS Office of Court Administration regarding eviction proceedings in New York City Housing Court for which legal representation was indicated in such data and OCJ administrative data indicating full legal representation was provided by OCJ legal services providers in cases marked as "self-represented" in court data.

In FY2021, funding for tenant legal services includes \$124.5 million to support OCJ's legal services programs for tenants which include eviction defense legal services as well as legal assistance targeting the harassment and displacement of low-income tenants by unscrupulous landlords through OCJ's Anti-Harassment and Tenant Protection program.

The COVID-19 Pandemic

When the COVID-19 emergency began in New York City in March 2020, the work of OCJ, its partners and other stakeholders changed literally overnight. OCJ has coordinated among and between legal services providers, the courts and other City offices to ensure that legal providers and their clients have access to reliable information about legal developments and court and agency operations in the midst of a frequently changing legal and operational landscape for New York City tenants facing eviction.

OCJ has worked closely with agency partners including the Mayor's Office to Protect Tenants and the Public Engagement Unit to ensure that reliable information about tenant rights and protections is widely available as the emergency continues to unfold, including the launch of the City's Tenant Resource Portal, ¹⁰ an online portal that features comprehensive and up-to-date information about free public and private resources that can help New York City tenants prevent their eviction and remain stably housed through this crisis. OCJ's legal services partners have participated in hundreds of education and outreach activities to increase awareness of tenant protections and the availability of free legal services since the start of the pandemic, including virtual town halls, "know your rights" sessions, tenant association meetings, continuing legal education trainings for other attorneys and media appearances. Additionally, since the start of the pandemic, DSS Commissioner Steven Banks has shared pertinent information and takes questions about DSS programs and client needs, including updates from OCJ about evictions, court proceedings and the availability of legal services, through weekly teleconferences with elected officials, service providers, CBO partners and advocates and then weekly follow-up informational newsletters.

Since the start of the crisis, OCJ and its nonprofit legal services providers have been working to ensure that New York City tenants who are facing eviction have effective access to free legal assistance during the COVID-19 emergency, by making services accessible in new ways consistent with health and safety requirements.

¹⁰ The NYC Tenant Resource Portal can be accessed at <u>www.nyc.gov/tenantresourceportal</u>.

Working in collaboration with OCJ's legal services partners, nonprofit partner Housing Court Answers and the Mayor's Office, OCJ established a housing legal hotline to provide access to live phone-based legal advice and assistance provided by our tenant legal services partners. Legal advice services are free and are available to all NYC residential renters with housing questions or issues, regardless of income, geography/ZIP code, or immigration status. Through this hotline, which is currently available via 311 and the Mayor's Public Engagement Unit through the City's Tenant Helpline, and through Housing Court Answers which is supported in part by funding provided by the City Council administered by OCJ, tenants with questions and concerns about eviction and Housing Court as well as other landlord-tenant issues are receiving legal advice and assistance Monday through Friday.

On March 16, 2020, the New York City Housing Court closed with respect to nearly all new and pending matters (including eviction proceedings), except for "essential" proceedings such as legal actions to restore possession for tenants who were illegally evicted or locked out and proceedings to compel landlords to make critical emergency repairs such as restoring lost heat and hot water. OCJ worked with legal providers and the Housing Court to immediately establish a case referral protocol to connect all unrepresented tenants who file emergency cases in court with free legal representation. Since the start of the pandemic, unrepresented tenants who file an action to be restored to possession after an illegal lockout, or who file an "HP action in Housing Court (a court proceeding filed by a tenant against a landlord seeking court-ordered repairs or services)emergency repairs or restoration of services, are referred to OCJ by the Court for free legal representation by one of OCJ's provider partners.

Starting in April 2020, the New York City Housing Court expanded its operations beyond hearing emergency lockout and repair cases and began moving forward in some pending eviction cases, and OCJ's legal providers were there to assist and protect tenants in need. Specifically, the Court scheduled thousands of eviction proceedings that were pending resolution prior to the start of the pandemic for status and settlement conferences and required that only those cases in which all parties were represented by legal counsel could be scheduled for a court conference. OCJ's legal services providers participated in thousands of court conferences, representing tenant clients in pre-pandemic eviction cases. As a result, all tenant respondents in eviction proceedings handled by the Housing Court during this period have been represented by counsel, thereby resulting in full implementation of the right-to-counsel law prior to the end of the five-year phase-in period.

Throughout the pandemic and prior to the most recent legislation limiting Housing Court eviction activity, ¹¹ when state law and court directives enabled landlords to file motions in the Housing Court to permit pre-pandemic eviction warrants to proceed, ¹² or the scheduling of conferences in eviction cases involving allegations of nuisance behavior or health and safety issues, OCJ worked with the Court and legal providers to ensure that no tenant faced the threat of eviction without access to free legal services. OCJ has been making free legal representation available to unrepresented tenants who responded in these cases through pre-court referrals and by assigning counsel to any tenant at such conference who wants legal representation in their case. This initiative has been citywide and universal; all tenants facing eviction warrants have been eligible, regardless of ZIP code, immigration status or whether the tenant may have previously declined or been found ineligible for legal representation under the Universal Access program, and regardless of household income with an income waiver by OCJ.

Additionally, to supplement the work above, OCJ has worked in partnership with the Mayor's Office to Protect Tenants to conduct proactive outreach to tenants at risk of eviction throughout the pandemic, including a mail campaign announcing the launch of the Tenant Helpline last spring as well as targeted mail and phone outreach initiatives directed at New York City tenants who faced pre-pandemic eviction warrants or who were at risk of eviction for failing to appear in court proceedings.

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¹¹ The COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 can be retrieved from https://www.nycourts.gov/whatsnew/pdf/S9114 Kavanagh 2020.pdf.

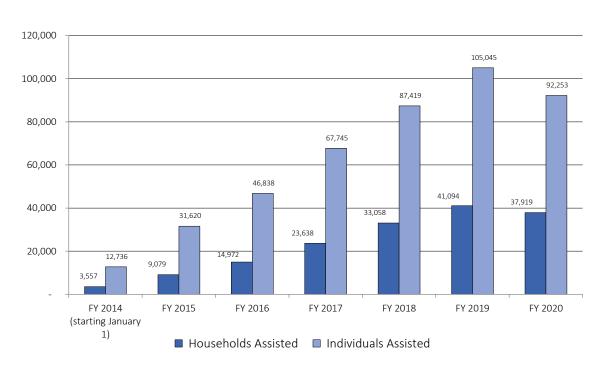
¹² NYS Office of Court Administration Administrative Orders can be retrieved from http://www.nycourts.gov/eefpa/ and http://www.nycourts.gov/latest-AO.shtml; NYS Executive Orders can be found at

https://www.governor.ny.gov/executiveorders; New York City Civil Court DRP 213 can be retrieved from http://www.courts.state.ny.us/courts/nyc/SSI/directives/DRP/DRP213.pdf.

Legal Services for Tenants in Fiscal Year 2020

As of the end of FY2020, nearly 450,000 New Yorkers had received free legal representation, advice, or assistance in eviction and other housing-related matters since the start of the de Blasio Administration in 2014 through tenant legal services programs administered by HRA. As detailed in Figure 4 below, in FY2020 alone, OCJ-funded legal organizations provided legal assistance to approximately 92,000 New Yorkers in approximately 38,000 households across New York City facing housing challenges including eviction, disrepair, landlord harassment and other threats to their tenancies, a decrease of approximately 8 percent compared to FY2019 due to the impact on eviction filings of the pandemic and the declaration of the public health emergency.

Figure 4: New York City Households and Individuals Receiving Administration-Funded Housing Legal Assistance, FY2014–FY2020



Source: OCJ Administrative Data.

This includes approximately 24,000 households facing eviction in Housing Court and NYCHA administrative proceedings that received legal services in their cases in FY2020 through OCJ's tenant legal services programs, representing more than 62,000 New Yorkers who were able to face the threat of eviction with the assistance of eviction defense legal services provided by more than a dozen nonprofit organizations contracted by OCJ, ranging from large citywide legal services providers to smaller borough- and community-based groups.¹³

Table 2: New York City Households Receiving Administration-Funded Housing Legal Services in FY2020

	(Housing Co	Proceedings urt and NYCHA ve Proceedings)	Other Housing	Legal Matters	Total Assisted		
	Households Individuals		Households	Individuals	Households	Individuals	
NYC	24,720	62,861	13,199	29,392	37,919	92,253	
Bronx	8,890	23,423	3,874	9,290	12,764	32,713	
Brooklyn	7,446	18,627	4,550	10,039	11,996	28,666	
Manhattan	4,035	9,077	3,343	6,690	7,378	15,767	
Queens	3,270	8,760	1,200	2,877	4,470	11,637	
Staten Island	1,077	2,963	233	506	1,310	3,469	

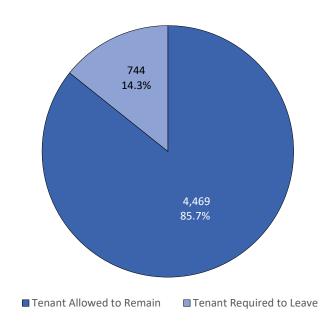
Source: OCJ Administrative Data.

¹³ A list of participating legal services providers in OCJ's legal services programs for tenants is included at Appendices 3, 4 and 5.

Outcomes Achieved in Eviction Proceedings

In most cases resolved in FY2020, OCJ legal services providers obtained outcomes that enabled their clients to remain in their residences. Specifically, tenants were allowed to remain in their homes in 86 percent of cases citywide and were legally required to leave in 14 percent of cases. A legal requirement that a tenant leave a residence following an eviction proceeding does not typically require the tenant to vacate the residence immediately; tenants may be permitted to remain for several weeks or months to allow them to obtain new housing.

Figure 5: Legal Representation for New York City Households Facing Eviction in Housing Court and NYCHA Termination of Tenancy Proceedings: Outcomes Achieved, FY2020



Source: OCJ Administrative Data.

Residential Evictions

Since 2013, as the City has substantially increased its commitment to anti-eviction and other tenant legal services, and as the rate of legal representation for tenants in eviction cases has substantially increased, New York City has seen a substantial reduction in a key indicator of housing stability and displacement: residential evictions by city marshals. There were 16,996 residential evictions by marshals in calendar year 2019, a 41 percent decrease compared to 2013, when there were 28,849 such evictions. These downward trends, coinciding with OCJ's continued implementation of right-to-counsel legal services and the enactment of the Housing Stability and Tenant Protection Act of 2019, continued through early 2020, until residential evictions by city marshals were completely halted in March of 2020 because of the COVID-19 emergency. In all, at the end of 2020, only roughly 3,000 residential evictions had been executed by city marshals during the calendar year.

Table 3: Residential Evictions Conducted by New York City Marshals, 2013–2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	28,849	26,857	21,988	22,089	21,074	20,013	16,996	3,035
Bronx	10,194	9,580	7,401	7,667	7,438	6,856	5,855	1,007
Brooklyn	8,313	7,908	7,033	6,476	5,984	5,710	4,902	899
Manhattan	4,525	3,933	2,898	2,907	2,843	2,713	2,290	408
Queens	4,862	4,542	3,939	4,290	4,105	4,072	3,352	618
Staten Island	955	894	717	749	704	662	597	103

Source: NYC Department of Investigation, Summary of Evictions, Possessions & Ejectments Conducted 14

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¹⁴ Late in FY2019, the New York City Department of Investigation (DOI) revised their "Summary of Evictions, Possessions & Ejectments Conducted" report for calendar year 2018 to reflect changes in the number of residential evictions and possessions conducted by marshals in 2018, and to correct the previous 2018 report issued by DOI in January of 2019. At the time of publication of this report, the corrected data from DOI is accessible online via the New York City Housing Court website at http://nycourts.gov/COURTS/nyc/SSI/statistics/Stats 2018SEPEC.pdf. OCJ's report and all references herein to the number of residential evictions are based on DOI's reports.

Eviction Cases Filed and Activity in Housing Court

OCJ's analysis of data provided by the Office of Court Administration demonstrates a substantial decline in New York City Housing Court activity in 2020, reflecting the near-closure of Housing Court that began in March of 2020 at the start of the COVID-19 emergency and continued throughout the rest of the year. As detailed in the tables below, eviction proceedings, which had already fallen by approximately 31 percent between 2013 and 2019, from nearly 250,000 to approximately 171,500, appear to have fallen precipitously further in 2020 to number approximately 75,000, with the majority of eviction cases filed (approximately 85 percent) being for non-payment of rent. The number of eviction warrants issued, trending downward the 2013-2019 period, likewise appears to have dramatically declined in 2020 compared to the year before, as the Housing Court did not issue such warrants throughout much of the year due to restrictions on evictions in statewide executive and administrative judicial orders.

Table 4a: Eviction Petitions Filed in New York City Housing Court, 2013–2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	246,864	237,639	234,270	233,884	230,071	217,714	171,539	74,833
Bronx	83,006	84,670	85,503	85,957	86,035	78,183	62,136	26,476
Brooklyn	69,812	67,659	63,037	62,488	61,048	59,519	47,478	20,322
Manhattan*	51,446	44,357	44,905	46,664	45,520	43,713	32,696	14,202
Queens	37,441	35,924	35,918	33,930	32,692	31,207	25,102	12,372
Staten Island	5,159	5,029	4,907	4,845	4,845	5,092	3,947	1,461

Table 4b: Non-Payment Eviction Petitions Filed in New York City Housing Court, 2013–2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	218,400	208,158	203,119	202,300	201,441	188,435	145,210	63,331
Bronx	78,111	79,694	79,778	79,464	80,637	71,491	55,704	23,706
Brooklyn	59,323	56,254	51,709	51,623	50,983	50,016	39,188	16,879
Manhattan*	46,406	39,747	40,270	41,646	41,197	39,486	28,857	12,414
Queens	30,285	28,322	27,498	25,836	24,908	23,627	18,481	9,302
Staten Island	4,275	4,141	3,864	3,731	3,716	3,815	2,971	1,031

Table 4c: Holdover Eviction Petitions Filed in New York City Housing Court, 2013–2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	28,464	29,481	31,151	31,584	28,630	29,279	26,329	11,502
Bronx	4,895	4,976	5,725	6,493	5,398	6,692	6,612	2,770
Brooklyn	10,489	11,405	11,328	10,865	10,065	9,503	8,279	3,443
Manhattan*	5,040	4,610	4,635	5,018	4,323	4,227	3,841	1,788
Queens	7,156	7,602	8,420	8,094	7,784	7,580	6,621	3,070
Staten Island	884	888	1,043	1,114	1,060	1,277	976	430

Table 5: Warrants of Eviction Issued in New York City Housing Court, 2013–2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	132,734	116,059	111,666	113,654	94,214	96,452	78,468	15,009
Bronx	49,197	46,432	42,287	48,240	34,215	35,454	30,070	5,293
Brooklyn	34,884	31,670	32,770	29,979	28,580	27,348	22,796	4,698
Manhattan*	22,505	16,994	15,078	16,968	13,163	15,122	11,594	2,156
Queens	7,156	7,602	8,420	8,094	7,784	7,580	6,621	3,070
Staten Island	884	888	1,043	1,114	1,060	1,277	976	430

^{*}Includes cases filed in Manhattan Housing Court (New York County) and Harlem Community Justice Center

<u>Source</u>: New York City Civil Court, *Statistical Reports of Activity of L & T Clerk's Office, ST30*.

Legal Services for New York City Homeowners Facing Foreclosure

Foreclosure is the legal process used by lenders to recoup overdue balances on property loans, by forcing the sale of the property used by borrowers as loan collateral, with foreclosure claims typically being filed in New York State Supreme Court. As detailed in Table 4 below, residential foreclosure case filings have seen substantial declines in New York City over the past several years, dropping from more than 10,000 cases filed in 2013 to approximately 5,000 in 2019. The number of filings fell dramatically in 2020 to approximately 1,600, reflecting the impact of the COVID-19 pandemic and the temporary suspension of foreclosure proceedings by state and federal COVID-related directives. As in prior years, the greatest number of filings were in Brooklyn and Queens. The number of foreclosure cases pending in court in New York City at the end of each calendar year steadily declined between 2013 and 2020, as detailed in Table 5.

Table 5: Foreclosure Filings in New York City, 2013-2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	10,643	11,409	9,618	7,819	6,128	5,660	5,115	1,632
Bronx	1,882	1,651	1,384	1,155	888	771	738	224
Brooklyn	2,792	3,749	3,175	2,560	2,153	1,997	1,723	536
Manhattan	374	380	314	229	229	253	267	123
Queens	4,043	4,041	3,428	2,849	2,006	1,906	1,711	547
Staten Island	1,552	1,588	1,317	1,026	852	733	676	202

Source: NYS Office of Court Administration.

Table 6: Foreclosure Cases Pending in New York City, 2013-2020

	2013	2014	2015	2016	2017	2018	2019	2020
NYC	31,016	28,914	28,215	22,355	16,379	13,741	11,089	9,230
Bronx	4,515	4,925	4,724	4,112	2,453	1,678	1,517	1,361
Brooklyn	11,554	11,110	11,622	9,570	7,184	6,169	5,102	3,870
Manhattan	907	807	727	470	438	519	355	351
Queens	12,454	10,692	10,011	7,460	5,571	4,467	3,241	2,840
Staten Island	1,586	1,380	1,131	743	733	908	874	808

Source: NYS Office of Court Administration.

Legal Representation for Homeowners in Foreclosure Proceedings

The New York State Office of Court Administration reports that during the court's 2020 term, ¹⁵ 49.4 percent of New York State homeowners appearing for foreclosure settlement conferences did so with legal representation. ¹⁶ Although this represents a decline from the 55 percent statewide rate reported for 2019¹⁷, it is a marked increase over the rate of 33 percent reported in 2011, ¹⁸ reflecting increased availability of legal assistance for homeowners during this period

¹⁵ October 7, 2019 to October 5, 2020.

¹⁶ 2020 Report of the Chief Administrator of the Courts on the Status of Foreclosure Cases, retrieved from https://www.nycourts.gov/legacyPDFS/publications/pdfs/ForeclosureAnnualReport2020.pdf.

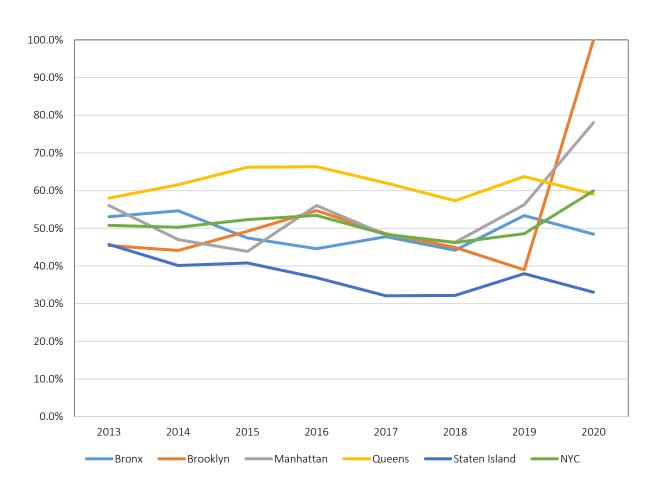
¹⁷ 2019 Report of the Chief Administrator of the Courts on the Status of Foreclosure Cases, retrieved from http://ww2.nycourts.gov/sites/default/files/document/files/2019-12/ForeclosureAnnualReport2019.pdf.

¹⁸ 2018 Report of the Chief Administrator of the Courts on the Status of Foreclosure Cases, retrieved from http://ww2.nycourts.gov/sites/default/files/document/files/2018-12/18 Foreclosure-Annual Report.pdf.

in which both the City of New York and the New York State Judiciary dramatically increased in investments in civil legal services.

According to reports by the State Office of Court Administration, the legal representation rate for New York City homeowners facing foreclosure, which lagged the statewide rate in 2018 and 2019, was 59.9 percent in 2020, a year-over-year increase from the 2019 rate of 48.6 percent. As detailed in Figure 6 below, representation rates in New York City continued to vary by borough, ranging from Brooklyn where 100 percent of homeowners facing foreclosure had counsel, to Staten Island where homeowners were represented by counsel in 33 percent of cases.

Figure 7: Foreclosure Settlement Conferences Appearances in New York City: Representation Rates, 2013–2020



Source: New York State Office of Court Administration

Legal services to assist homeowners in foreclosure in New York State have been funded primarily by the Homeowner Protection Program (HOPP), an initiative that was launched by the Office of the New York State Attorney General in the wake of the foreclosure crisis and which provides housing counseling and legal assistance to New York State homeowners at risk of foreclosure. In New York City, HOPP is administered by the Center for NYC Neighborhoods (CNYCN), a nonprofit organization. CNYCN distributes HOPP funding as well as philanthropic and other public funds to community-based organizations to provide housing counseling for homeowners in jeopardy of foreclosure and legal assistance to homeowners already in foreclosure proceedings. Statewide, HOPP was funded at \$20 million in both FY2020 and FY2021.

Legal Services for Immigrant New Yorkers

Providing immigrant New Yorkers with access to legal assistance has always been a critical part of OCJ's mission since its establishment in 2015. OCJ administers a range of City-funded legal services programs legal advice, comprehensive screenings and risk assessments and full legal representation for immigrants both in the courts and before government immigration agencies.¹⁹ These programs have seen substantial investment and growth by both the Administration and the City Council, making New York City a national leader in the fight for the rights of immigrant Americans and access to justice.

In FY2020, the immigration justice system was transformed by the COVID-19 pandemic. As early as January 2020, the worldwide COVID-19 pandemic had started disrupting United States immigration operations globally, as the federal Executive Office of Immigration Review (EOIR) suspended most immigration court hearings involving non-detained respondents; the US Citizenship and Immigration Services (USCIS) suspended in-person services; and the Department of State suspended most visa services at U.S. embassies and consulates, effectively preventing reunification of family members applying for family-based visas, and placing employment-based visa applicants in limbo.

In March 2020, the city's immigration legal services providers immediately transitioned to a remote model of service delivery. Despite the unprecedented challenges posed by the pandemic, legal services providers supported by OCJ have been able to ensure the safe continuation of their critical work serving the city's immigrant communities. These programs cover a spectrum of services addressing myriad legal needs, from brief advice and screening to more complex representation in court, including a growing emphasis on and commitment to increasing access for immigrant New Yorkers facing deportation. The City's programs feature multiple and accessible entry points for immigrant New Yorkers to access these services, and they have flexibility to be responsive to emergent needs. Key City-funded programs include:

¹⁹ Information about federal immigration enforcement in the last year is included in the NYC Mayor's Office of Immigrant Affairs' annual report, available at https://www1.nyc.gov/site/immigrants/about/annual-report.page. Previously OCJ has reported on immigration court data retrieved through the Transactional Records Access Clearinghouse (TRAC), based at Syracuse University (https://trac.syr.edu/). Although TRAC has historically been regarded as a reliable source of data and analysis on federal immigration court activities, in recent years doubts and concerns have been raised about the completeness and reliability of information reported by TRAC, including by TRAC itself, due to the gaps and inaccuracies in the data received by TRAC from the U.S. Department of Justice's Executive Office for Immigration Review (EOIR).

ActionNYC

Since 2016, ActionNYC has provided immigrant New Yorkers across the five boroughs with free, comprehensive immigration legal screenings, legal representation, accurate and timely immigration-related information and referrals to City-funded and community-based resources and support services. Through its citywide hotline, centralized appointment making system and accessible service locations at community-based organizations, at NYC Department of Education schools, at public libraries and at NYC Health+Hospitals (H+H) locations, ActionNYC serves as New York City's entry point for New Yorkers seeking immigration legal services, including comprehensive immigration legal screenings and legal advice and representation as well as referrals to social services, connections with educational services and healthcare enrollment. ActionNYC providers also make referrals to OCJ-managed immigration legal programs to handle more complex immigration legal matters, including deportation and asylum.²⁰

In FY2020, MOIA and DSS/HRA issued a Request for Proposals (RFP) seeking community-based organizations and legal services providers to implement ActionNYC through ongoing multiyear contracts under HRA beginning in the third quarter of FY2021. This transition will ensure greater administrative efficiency and institutionalize the program at HRA to ensure that its array of services continues into the future. The RFP was designed to increase equitable access to immigration legal services citywide, and especially in hard-to-reach immigrant communities, by engaging a diverse mix of small and large community-based organization providers with demonstrated legal and navigation expertise. Following the RFP, MOIA and DSS/HRA selected 21 community-based organizations and legal services providers to provide ActionNYC services to New York City's immigrant communities beginning January 2021.

Immigrant Opportunity Initiative (IOI)

Since FY2017, the Administration and the City Council have jointly funded the Immigrant Opportunity Initiative (IOI) program, through which networks of nonprofit legal providers and community-based organizations conduct outreach across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application, to more complex immigration matters, including a growing number of asylum applications and removal defense work. A critical element of the IOI program has been its flexibility and responsiveness to emergent needs. OCJ's contracts with the IOI service provider consortia funded by the Administration allow for rapid deployment of staff and resources to address legal needs of the immigrant community across the continuum of service, from brief

 $^{^{\}rm 20}$ A list of ActionNYC providers is included at Appendix 6.

legal counseling sessions to full legal representation in removal and asylum matters. Together, the Administration and Council IOI program provided legal assistance in over 15,000 cases in FY2020; an analysis of the Mayoral IOI program in FY2020 appears later in this report.²¹

Deportation Defense: IOI, NYIFUP, ICARE and RRLC

Legal services for immigrant New Yorkers facing deportation proceedings have been a crucial component of the City's immigration legal services. During the Trump Administration, the federal government instituted drastic changes to immigration policy, procedure and enforcement, including substantially increasing raids and arrests by federal immigration enforcement authorities of noncitizen New Yorkers, with the most dramatic growth seen in immigration arrests of those with no criminal conviction history.²² Arrests by Immigration and Customs Enforcement (ICE) nationally and in the New York City were slowed by the COVID-19 pandemic during Federal Fiscal Year 2020,²³ and the Biden Administration has pledged to review and revise Trump-era civil immigration enforcement and removal policies.²⁴

Administration funding for legal representation in deportation proceedings through the Immigrant Opportunity Initiative (IOI) saw substantial baseline increases in FY2018 and in the outyears to respond to the pressing need for representation in removal proceedings, and to meet the urgent legal needs of children forcibly separated from their parents at the southern border, who were then placed in federal facilities under the Office of Refugee Resettlement (ORR) in New York City. The investment further increased capacity in the field to provide access to legal defense in deportation proceedings to separated and unaccompanied immigrant youth; increase the availability of social work and case management resources to address the acute needs of these children; and address legal screening and risk assessment needs of family members seeking to be sponsors of separated children in order to facilitate their release from ORR facilities in New York City.

New York Immigrant Family Unity Project (NYIFUP)

Launched in 2013 as a pilot program, the New York Immigrant Family Unity Project (NYIFUP) is the first publicly-funded legal representation program specifically for detained immigrants in the

 22 NYC Office of Civil Justice 2018 Annual Report, retrieved from

https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ Annual Report 2018.pdf.

 $^{^{21}}$ A list of IOI providers is included at Appendix 7.

²³ Mayor's Office of Immigrant Affairs Fact Sheet: ICE Enforcement in New York City, updated January 2021, retrieved from https://www1.nyc.gov/assets/immigrants/downloads/pdf/enforcement-factsheet-2020-01-22.pdf.

²⁴ Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities, retrieved from https://www.dhs.gov/sites/default/files/publications/21 0120 enforcement-memo signed.pdf

United States. Through NYIFUP, immigration attorneys at three legal service providers provide legal representation to low-income immigrants who are in detention and facing removal at the Varick Street Immigration Court. NYIFUP uses a "public defender" model in which low-income immigrants are identified and screened at their first appearance in court. NYIFUP provided legal assistance to approximately 1,600 individuals facing removal in FY2020. ²⁵

Immigrant Child Advocates' Relief Effort (ICARE)/Unaccompanied Minors and Families Initiative (UMFI)

Established in 2014 through a public-private partnership of the City Council, the New York Community Trust, and the Robin Hood Foundation, ICARE/UMFI provides legal and social services to unaccompanied immigrant children entering and living in New York City. The ICARE project was developed to provide legal advice and representation to this vulnerable population, including immigration legal screening, as well as attorneys experienced in seeking relief from removal through more complex processes available to immigrant youth such as Special Immigrant Juvenile Status (SIJS) applications. This program provided legal assistance to 2,100 immigrants facing removal in FY2020. ²⁶

Rapid Response Legal Collaborative

The Rapid Response Legal Collaborative (RRLC) is a city-state partnership that provides emergency legal assistance to those who are detained or at imminent risk of being detained and who may not have the right to see an immigration judge or are otherwise facing a fast-track to removal. The RRLC offers information, advice and full representation to those targeted in raids by federal immigration authorities as well as guidance to their communities and loved ones.²⁷

CSBG-Funded Legal Services

In addition to IOI, OCJ oversees immigration legal services programs funded through federal Community Service Block Grants, administered in partnership with the Department of Youth and Community Development (DYCD). OCJ's CSBG-funded programs include legal services for low-income immigrant New Yorkers, including legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers

²⁵ A list of NYIFUP providers is included at Appendix 8.

²⁶ A list of ICARE/UMFI providers is included at Appendix 9.

²⁷ A list of RRLC providers is included at Appendix 10.

at risk of exploitation and violations of their employment rights, and immigrant youth in foster care.²⁸

CUNY Citizenship NOW!

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

NYCitizenship

NYCitizenship was launched in FY2016 with support by the City and philanthropic partners the Robin Hood Foundation and Citi Community Development. Administered by HRA and MOIA, the citywide program provides citizenship legal services and financial counseling at public library branches and at select HRA sites across the five boroughs. New Yorkers received free services that included appointments with an attorney for help with citizenship applications, information sessions about the citizenship process and its benefits, and free and confidential financial counseling. Starting in FY2021, DSS/HRA began funding and managing the NYCitizenship at DSS program. Now fully funded by the City, with contributions from the Mayor's Office of Economic Opportunity and DSS/HRA, the program provides targeted citizenship legal assistance to vulnerable public assistance recipients. Library-based services for immigrant New Yorkers are also City-funded and are now part of the ActionNYC in Libraries program.

Legal Services for Immigrant Survivors of Domestic Violence

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

 $^{^{28}}$ A list of legal services providers in OCJ's CSBG-funded programs is included at Appendix 11.

access to these services in communities and build capacity within community-based groups, providing them with tools to identify and respond appropriately to these issues.²⁹

Administration-Funded Immigration Legal Services in FY2020

The following tables present an analysis of FY2020 case-level data provided to the City by the legal services organization engaged in the Administration-funded legal services programs discussed above: ActionNYC, the Administration's Immigrant Opportunity Initiative (IOI), and federal Community Services Block Grant (CSBG)—funded services administered by OCJ. The data provide an overview of the reach and impact of the programs; the volume and characteristics of individuals being served; and of the cases being handled. Our analysis showed:

- Administration-funded legal programs served immigrant New Yorkers in 28,608 cases in FY2020, an increase of over 12 percent compared to the year before and nearly double the number of cases handled in FY2017, before substantial investments were made by the Administration to expand legal assistance for immigrant New Yorkers.
- As in previous years, clients of IOI and CSBG-funded programs predominantly resided in Queens (30 percent) and Brooklyn (27 percent), and the number of cases involving assistance for Bronx residents increased by 13 percent in FY20 compared to the previous year.
- The Administration's IOI program provided full legal representation to clients in over three-quarters (76 percent) of the cases handled in FY2020.
- In FY2020, the Administration's IOI program continued to provide legal representation to New Yorkers facing removal proceedings in high numbers (roughly 2,200 cases, an increase of 4 percent from FY2019 and up more than tenfold from FY2018) and saw substantial increases in handling applications for permanent residency (up 20 percent) and providing legal representation to immigrant youth seeking legal status (up 20 percent) compared to the year before.
- Administration-funded legal services providers continued to assist immigrants from all over the world, including from over 170 countries in FY2020. As in past years, the largest number of cases involved clients from Mexico and the Dominican Republic.

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²⁹A list of program providers is included at Appendix 12.

The tables below present this analysis in greater detail.

Table 7: Legal Services Cases Handled through Mayoral Immigration Programs, FY2020

Program	#	%
ActionNYC	14,660	51.2
Mayoral IOI	12,325	43.0
CSBG-Funded	1,623	5.7
Total	28,608	100.0

Sources: OCJ and MOIA Administrative Data.

Table 8: Applications to USCIS for Immigration Status Filed through Mayoral Immigration Programs, FY2020

Applications Filed with USCIS	8,616
Applications Decided by USCIS	5,573
Applications Granted by USCIS	5,324
Applications Denied/Other by USCIS	249

Table 9: Client's Borough of Residence in Legal Services Cases (Mayoral IOI and CSBG-Funded),* FY2020

	#	%
New York City	13,816	99.1
Bronx	3,460	24.8
Brooklyn	3,704	26.6
Manhattan	1,766	12.7
Queens	4,112	29.5
Staten Island	774	5.5

^{*}Excludes cases in which borough of residence is unknown.

Source: OCJ Administrative Data.

Table 10: Client's Age Group in Legal Services Cases in Mayoral Immigration Programs, FY2020*

	#	%
21 or younger	4,860	19.0
22 to 34	6,648	26.0
35 to 44	5,138	20.1
45 to 54	3,829	15.0
55 to 64	2,836	11.1
65 and older	1,917	7.5

^{*}Excludes cases where age is unknown.

Table 11: Client's Country of Origin in Legal Services Cases in Mayoral Immigration Programs, FY2020

Country	#	%
Mexico	3,335	11.7
Dominican Republic	2,859	10.0
Honduras	2,546	8.9
Ecuador	1,752	6.1
Guatemala	1,333	4.7
Jamaica	1,219	4.3
Colombia	921	3.2
El Salvador	840	2.9
China	696	2.4
Haiti	641	2.2
Trinidad & Tobago	475	1.7
Guyana	438	1.5
Venezuela	438	1.5
Pakistan	366	1.3
Peru	312	1.1
Egypt	283	1.0
Bangladesh	234	0.8
Nigeria	231	0.8
Russia	205	0.7
Guinea	189	0.7
South Korea	188	0.7
Other	9,107	31.8
Total	28,608	100.0

Table 12: Client's Region of Origin in Legal Services Cases in Mayoral Immigration Programs, FY2020

Region	#	%
Africa	2,158	7.7
Asia	2,176	8.6
Caribbean Islands	5,845	23.1
Central America	5,034	16.4
Europe	721	3.1
Middle East	354	1.1
North America	3,371	13.6
Pacific	7	0.0
South America	4,159	16.2

Table 13a: Levels and Types of Legal Services Provided in Mayoral Immigration Programs, FY2020

All Mayoral Programs	#	% of Total	% of Full Legal Representation
Comprehensive Immigration Legal Screenings/ Legal Advice/Brief Assistance*	10,771	37.7	N/A
Asylum and Refugee Issues	900		5.0
Citizenship	2,594		14.5
DACA	1,351	62.3	7.6
Legal Services for DV and Trafficking Survivors	878		4.9
Legal Services for Immigrant Workers	2,784		15.6
Legal Services for Immigrant Youth	1,129		6.3
Permanent Residency	4,108		23.0
Removal Defense	2,191		12.3
Other	1,902		10.7
Total	28,608	100.0	100.0

^{*}This category includes legal representation and assistance with matters including Freedom of Information requests, and applications for fee waivers.

Table 13b: Levels and Types of Legal Services Provided, ActionNYC, FY2020

ActionNYC	#	% of Total	% of Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance*	7,727	52.7	N/A
Asylum and Refugee Issues	209		3.0
Citizenship	1,830		26.4
DACA	843	47.3	12.2
Legal Services for DV and Trafficking Survivors	238		3.4
Legal Services for Immigrant Workers	336		4.8
Legal Services for Immigrant Youth	87		1.3
Permanent Residency	2,785		40.2
Removal Defense	0		0.0
Other	605		8.7
Total	14,660	100.0	100.0

^{*}This category includes legal representation and assistance with matters including Freedom of Information requests, and applications for fee waivers.

Table 13c: Levels and Types of Legal Services Provided, Mayoral IOI, FY2020

Mayoral IOI	#	% of Total	% of Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance*	2,964	24.0	N/A
Asylum and Refugee Issues	661		7.1
Citizenship	478		5.1
DACA	440		4.7
Legal Services for DV and Trafficking Survivors	418		4.5
Legal Services for Immigrant Workers	1,947	76.0	20.8
Legal Services for Immigrant Youth	921		9.8
Permanent Residency	1,195		12.8
Removal Defense	2,184		23.3
Other	1,117		11.9
Total	12,325	100.0	100.0

^{*}This category includes legal representation and assistance with matters including Freedom of Information requests, and applications for fee waivers.

Table 13d: Levels and Types of Legal Services Provided, CSBG-Funded Immigration Legal Services, FY2020

CSBG-Funded Programs	# of cases	% of Total Cases	% of Full Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance*	80	4.9	N/A
Asylum and Refugee Issues	30		1.9
Citizenship	286		18.5
DACA	68		4.4
Legal Services for DV and Trafficking Survivors	222	95.1	14.4
Legal Services for Immigrant Workers	501		32.5
Legal Services for Immigrant Youth	121		7.8
Permanent Residency	128		8.3
Removal Defense	7		0.5
Other	180		0.0
Total	1,623	100.0	100.0

^{*}This category includes legal representation and assistance with matters including Freedom of Information requests, and applications for fee waivers.

Legal Services for Low Wage Workers

OCJ supports legal assistance programs for immigrant workers through the IOI and CSBG-funded legal services discussed above. A 2006 study found that seven out of every ten low-wage workers in New York City are foreign-born — a proportion that is even higher in some industries, such as the domestic industry, where an estimated 99 percent are foreign-born.³⁰ Protecting and vindicating workers' rights is an important component of the City's legal services programs for immigrant New Yorkers. Moreover, immigrant workers can face heightened threats to their wage stability and employment; one study found that immigrant low-wage workers in New York City were twice as likely to experience minimum wage violations.³¹

In FY2020, the City continued its support of programs to protect the rights of low-wage workers.³² Legal representation and advice services, funded through OCJ's IOI program at \$2.0 million in both FY2020 and FY2021, has enabled nonprofit legal services providers to provide thousands of low-wage workers across the City with a range of employment-related legal services, including individualized legal advice and full legal representation in proceedings such as pre-litigation settlement negotiations, unemployment insurance hearings, and individual and group cases in state or federal court or at administrative agencies. City Council grants totaling \$500,000 in FY2020, also administered by OCJ, funded community-based organizations and legal providers to conduct outreach and education for low-wage workers as well as referrals to legal services for those who need assistance.

These legal services were especially critical in Fiscal Year 2020 as the severe economic impact of the COVID-19 pandemic was felt across New York City. According to the NYC Department of Consumer and Worker Protection (DCWP), the City's unemployment rate, which in 2019 never rose above 4.3 percent, soared to over 20 percent by June 2020 during the pandemic's first wave before easing to roughly 13 percent in October 2020.³³ DCWP's analysis of United States Census data suggests that the economic downturn was felt acutely by the city's low-wage workers. For example, according to the study 80 percent of those earning less than \$35,000 annually reported

³⁰ Annette Bernhardt, Siobhán McGrath, and James DeFilippis. (2007.) *Unregulated Work in the Global City*. Brennan Center for Justice, at 63; Domestic Workers United and Datacenter. (2006). *Home Is Where the Work Is: Inside New York's Domestic Work Industry*. Retrieved from http://www.domesticworkersunited.org/homeiswheretheworkis.pdf.

³¹ Bernhardt, Polson, and DeFilippis. (2010). Working without Laws.

³² A list of participating providers in OCJ's Legal Services for Low Wage Workers program is included at Appendix 13.

³³ Uneven Impact: What Job Loss During COVID-19 Means for New Yorkers Now and into the Future (December 2020), NYC Department of Consumer and Worker Protection, retrieved at https://www1.nyc.gov/assets/dca/downloads/pdf/partners/Uneven Impact.pdf.

a loss of income since March 2020, compared with 46 percent for those earning \$35,000 or more.

In FY2020, the Administration's Legal Services for Low-Wage Workers program provided legal assistance to individuals in roughly 2,200 cases, an increase from FY2019 of roughly 22 percent. As detailed in the tables below, in FY2020, the second year of the initiative, employment legal services providers assisted working New Yorkers in 2,201 cases, with clients receiving full legal representation in approximately 48 percent of cases.

Table 14: Legal Services for Low-Wage Workers: Cases Handled and Services Provided, FY2020

	#	%
Legal Advice/Brief Assistance	1,141	51.8
Full Legal Representation	1,060	48.2

Source: OCJ Administrative Data

Table 15: Legal Services for Low-Wage Workers: Residence of Client, FY2020

	#	%
Bronx	296	13.4
Brooklyn	612	27.8
Manhattan	423	19.2
Queens	664	30.2
Staten Island	147	6.7
Other/Employed in NYC	59	2.7

Source: OCJ Administrative Data

Table 16: Legal Services for Low-Wage Workers: Age of Client, FY2020

	#	%
21 years old and younger	38	1.7
22 to 34 years old	595	27.2
35 to 44 years old	531	24.2
45 to 54 years old	486	22.2
55 to 64 years old	396	18.1
65 years old and older	145	6.6

Source: OCJ Administrative Data

Table 17: Legal Services for Low-Wage Workers: Client Household Size and Composition, FY2020

	#	%
1 person	1,035	47.0
2 to 4 people	941	42.8
5 or more people	225	10.2
Households with One or More Children	715	32.5
Households Without Children	1,486	67.5

Source: OCJ Administrative Data

The Low Wage Worker Initiative funded by the City Council targets low-income workers in need of employment-related information and assistance and connects them with education and referral services. The program provides outreach and legal education programs designed to inform workers about their rights and the availability of City-funded legal assistance programs. In addition, providers hold legal clinics at which workers receive legal advice and referrals to free legal services providers. In FY2020, Council-funded providers held over 50 outreach and educational events, reaching more than 1,400 individuals.

Conclusion

In the last year, despite the challenges caused by the COVID-19 pandemic, New York City nonetheless reached new milestones in providing access to legal assistance and continuing to close the "justice gap" for those who need legal help. As OCJ's implementation of key programs continues, New Yorkers can expect even wider access to the legal services they need most, and to a justice system that is fairer and more equitable because of these efforts.

As documented in this annual report, the City of New York is a national leader in supporting and championing this work, reflecting our firm and continued commitment to increasing fairness and equity in the justice system. HRA's Office of Civil Justice is proud to continue expanding access to justice for all New Yorkers.

Appendices

Appendix 1: Judiciary Civil Legal Services (JCLS) Grantee Organizations for FY2020-FY2021

- Advocates for Children of New York
- Asian American Legal Defense and Education Fund
- Association of the Bar of the City of New York Fund Inc.
- Brooklyn Bar Association Volunteer Lawyers Project, Inc.
- Brooklyn Defender Services
- Brooklyn Legal Services Corporation A
- CAMBA Legal Services, Inc.
- Catholic Charities Community
 Services, Archdiocese of New York
- Catholic Migration Services, Inc.
- Center for Family Representation
- Central American Legal Assistance
- Child and Family Services
- Community Service Society of New York
- Family Center Inc.
- Her Justice, Inc.
- Housing Conservation Coordinators, Inc.
- Jewish Association for Services for the Aged
- Latino Justice PRLDEF
- Legal Action Center
- Legal Information for Families Today
- Legal Services NYC
- Lenox Hill Neighborhood House
- Make the Road New York

- Mobilization for Justice, Inc. (w/ Partnership for Children's Rights)
- New York Center for Law and Justice
- New York Lawyers for the Public Interest, Inc.
- New York Legal Assistance Group, Inc.
- Northern Manhattan Improvement Corporation
- Pace University
- Part of the Solution
- Pro Bono Net
- Queens Volunteer Lawyers Project
- Richmond County Bar Association Volunteer Lawyers' Project
- RiseBoro Community Partnership
- Safe Horizon, Inc.
- Safe Passage Project Corporation
- Sanctuary for Families, Inc.
- The Door A Center for Alternatives, Inc.
- The Bronx Defenders
- The Legal Aid Society
- The Neighborhood Defender Service of Harlem
- Touro College
- Urban Justice Center
- Vera Institute of Justice
- Volunteers of Legal Services, Inc.
- Youth Represent

Appendix 2: New York City-Based Interest on Lawyer Account (IOLA) Fund Grantees for FY2020–FY2021

- Advocates for Children of NY
- African Services Committee, Inc.
- Association of the Bar of the City of New York Fund, Inc.
- Brooklyn Bar Association Volunteer Lawyers Project, Inc.
- Brooklyn Defender Services
- Brooklyn Legal Services Corporation A
- CAMBA Legal Services, Inc.
- Catholic Charities Community
 Service, Archdiocese of New York
- Catholic Migration Services, Inc.
- Center for Family Representation
- Central American Legal Assistance
- Community Service Society
- Day One
- Goddard Riverside Community Center
- Her Justice, Inc.
- Housing Conservation Coordinators, Inc.
- Human Rights First
- Jewish Association for Services for the Aged
- LatinoJustice PRLDEF
- Lawyers Alliance for New York
- Legal Action Center of the City of New York, Inc.

- Legal Information for Families Today
- Legal Services NYC
- Lenox Hill Neighborhood House
- Make the Road New York
- Mobilization for Justice, Inc.
- National Center for Law and Economic Justice
- New Economy Project
- New York County Layers Association
- New York Immigration Coalition
- New York Lawyers for the Public Interest
- New York Legal Assistance Group (includes Self Help)
- Northern Manhattan Improvement Corporation
- Pro Bono Net
- RiseBoro Community Partnership
- Safe Horizon, Inc.
- Safe Passage Project Corporation
- Sanctuary for Families, Inc.
- The Bronx Defenders
- The Door A Center for Alternatives, Inc.
- The Family Center
- The Legal Aid Society
- Urban Justice Center
- Volunteers of Legal Services
- Youth Represent

Appendix 3: Housing Help Program and Assigned Counsel Project Providers (FY2020)

- Legal Services NYC/Brooklyn Legal Services
- Mobilization for Justice
- The Jewish Association for Services for the Aged
- The Legal Aid Society

Appendix 4: Anti-Harassment and Tenant Protection (AHTP) Program Providers (FY2020)

- LEAP
- Brooklyn Defender Services
- Brooklyn Legal Services Corporation A
- CAMBA Legal Services, Inc.
- Catholic Migration Services, Inc.
- Communities Resist
- Goddard Riverside Community Center
- Jewish Association for Services for the Aged
- Lenox Hill Neighborhood House
- Make the Road New York
- Mobilization for Justice, Inc.
- Northern Manhattan Improvement Corporation
- TakeRoot Justice
- The Bronx Defenders
- Urban Justice Center
- Legal Services NYC
- The Legal Aid Society

Appendix 5: Anti-Eviction/Universal Access Legal Services Providers (FY2020)

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

Appendix 6: ActionNYC Providers (FY2020)

- Arab American Association of New York
- Atlas: DIY
- BronxWorks
- CAMBA
- Caribbean Women's Health Association
- Catholic Charities New York
- Center for Family Life
- Center for the Integration and Advancement of New Americans
- Chhaya CDC
- Chinese-American Planning Council
- CLINIC
- Council of Peoples Organization
- Gay Men's Health Crisis
- Jacob A. Riis Neighborhood Settlement

- Korean Community Services of Metropolitan New York
- LSA Family Health Service
- Lutheran Social Services of New York
- Make the Road New York
- Mercy Center
- MinKwon Center for Community Action
- New York Immigration Coalition
- New York Legal Assistance Group
- Northern Manhattan Improvement Corporation
- Pro Bono Net
- Sauti Yetu Center for African Women
- Street Vendor Project (SVP)
- Immigrant Justice Corps

Appendix 7: Immigrant Opportunity Initiative (IOI) Program Providers (FY2020)

- African Services Committee, Inc.
- Asian Americans for Equality, Inc.
- Association of the Bar of the City of New York Fund, Inc.
- Atlas DIY Corporation
- Boro Park Jewish Community Council
- Boys & Girls Club of Metro Queens, Inc.
- Brooklyn Chinese-American Association, Inc.
- Brooklyn Defender Services
- CAMBA Legal Services, Inc.
- Caribbean Women's Health Association, Inc.
- Catholic Charities Communities Services, Archdiocese of New York
- Catholic Migration Services, Inc.
- Central American Legal Assistance
- Comprehensive Development, Inc.
- Council of Jewish Organizations of Flatbush, Inc.
- Emerald Isle Immigration Center, Inc.
- Gay Men's Health Crisis, Inc.
- HANAC Inc.
- HIV Law Project, Inc.
- Housing Conservation Coordinators, Inc.
- Immigrant Justice Corps, Inc.
- Kids in Need of Defense
- Legal Services NYC
- Make the Road New York
- Mobilization for Justice, Inc.
- New York Legal Assistance Group, Inc.
- Northern Manhattan Coalition for Immigrant Rights
- Northern Manhattan Improvement Corporation

- Polish and Slavic Center, Inc.
- Queens Community House, Inc.
- Safe Horizon, Inc.
- Safe Passage Project Corporation
- Sanctuary for Families, Inc.
- SBH Community Service Network, Inc. (Sephardic Bikur Cholim)
- Southside Community Mission, Inc.
- TakeRoot Justice
- The Ansob Center for Refugees
- The Bronx Defenders
- The Door A Center for Alternatives, Inc.
- The Legal Aid Society
- United Jewish Organizations of Williamsburg, Inc.
- Urban Justice Center
- West Bronx Housing and Neighborhood Resource Center, Inc.
- Youth Ministries for Peace and Justice, Inc

Appendix 8: New York Immigrant Family Unity Project (NYIFUP) Providers (FY2020)

- Brooklyn Defender Services
- The Bronx Defenders
- The Legal Aid Society

Appendix 9: Immigrant Child Advocates' Relief Effort (ICARE) / Unaccompanied Minors and Families Initiative (UMFI) Legal Services Providers (FY2020)

- Catholic Charities Community Services, Archdiocese of New York
- Central American Legal Assistance
- Human Rights First
- Kids in Need of Defense, Inc.
- Safe Passage Project Corporation
- The Door A Center for Alternatives, Inc.
- The Legal Aid Society
- The Young Center for Immigrant Children's Rights

Appendix 10: Rapid Response Legal Collaborative (RRLC) Legal Services Providers (FY2020)

- Make The Road New York
- New York Legal Assistance Group, Inc.
- UnLocal

Appendix 11: Community Service Block Grant (CSBG)-Funded Legal Services Providers (FY2020)

Services for Victims of Domestic Violence and Trafficking

- Sanctuary for Families, Inc.
- Urban Justice Center

Services for Immigrants

- Bronx Legal Services (Legal Services NYC)
- Brooklyn Defender Services
- CAMBA Legal Services, Inc.
- New York Legal Assistance Group, Inc.
- Queens Legal Services Corporation (Legal Services NYC)
- Northern Manhattan Improvement Corporation
- Sauti Yetu Center for African Women, Inc.
- Youth Ministries for Peace and Justice, Inc.

Services for Immigrant Workers

- Catholic Migration Services, Inc.
- Make the Road New York
- Take Root Justice
- Urban Justice Center

Services for Immigrant Youth

- Brooklyn Defender Services
- The Door A Center for Alternatives, Inc.

Appendix 12: Program Providers and Partners - Legal Services for Immigrant Survivors of Domestic Violence (FY2020)

- Ai Forney Center
- Grameen PrimaCare, Grameen Promotoras
- La Colmena
- North Brooklyn Coalition Against Family Violence
- Sanctuary for Families
- Sapna NYC
- Urban Justice Center
- Voces Latinas

Appendix 13: Legal Services for Low-Wage Workers Providers (FY2020)

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