

NEW YORK CITY HUMAN RESOURCES ADMINISTRATION
OFFICE OF CIVIL JUSTICE

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HRA PUBLIC HEARING

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November 12, 2019

HELD AT: 125 Worth Street
 2nd Floor Auditorium
 New York, NY 10013

DIGITALLY RECORDED PROCEEDING, TRANSCRIBED BY:
NATHALIE MOORE, CHARLENE G. GOLOGUCH, KAREN SCHIFF, UBIQUS

1 MR. JORDAN DRESSLER: Good evening.

2 FEMALE VOICE 1: Good evening.

3 MR. DRESSLER: Before we start with
4 introductions, I want to call up all the language
5 interpreters in the room so they can introduce themselves.
6 And, in addition to these interpreters, we also have a
7 CART caption screen next to us. Members of the audience
8 who are hearing-impaired will be able to read a running
9 transcript of the hearing in real time. Let's just start
10 lining up and we'll go one by one. Is it on? Well, turn
11 it a little to her.

12 [INTERPRETER INTRODUCTIONS]

13 MR. DRESSLER: Thank you. Thank you to all of
14 you and thank you to all of you who have come tonight.
15 Good evening and welcome to the City of New York's Second
16 Annual Public Hearing on the City's Universal Access to
17 Legal Services Program. We are convening this hearing
18 pursuant to New York City Local Law 136 of 2017. My name
19 is Jordan Dressler and I am the Civil Justice Coordinator
20 with New York City's Office of Civil Justice at the Human
21 Resources Administration. And I am joined tonight by
22 Jaclyn Moore, Executive Director for the Office of Civil
23 Justice or OCJ. Sara Zuiderveen, who is Deputy
24 Commissioner for Homelessness Prevention at HRA. And
25 Joseph Jones, who's Deputy Coordinator with OCJ. First, I

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1 just want to say a few words about the Human Resources
2 Administration or HRA. HRA is a part of the Department of
3 Social Services for the City and it is the largest Social
4 Services agency in the United States assisting more than
5 three million New Yorkers annually through the
6 administration of twelve public assistance programs.
7 Every day, in all five boroughs, HRA staff and programs
8 work to ensure that our services and benefits provide low-
9 income New Yorkers the assistance they need through a wide
10 range of supports including cash assistance, employment
11 services, SNAP, rental assistance, and eviction
12 prevention, including the provision of housing legal
13 services for New York City tenants in need administered by
14 OCJ. OCJ was established at HRA through legislation
15 enacted by the City Council and signed by Mayor De Blasio
16 in August of 2017 and our office is tasked with
17 overseeing, managing, and monitoring the City's civil
18 legal services programs for New Yorkers in need. Since
19 2014, we have made great strides in increasing, enhancing,
20 and making more efficient the delivery of civil legal
21 services for low-income New Yorkers who are facing legal
22 challenges that may jeopardize the "essentials of life"
23 including issues such as immigration, employment, and
24 housing. The subject of this evening's hearing, as you
25 all know, is the City's Universal Access to Legal Services

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1 Initiative. First and foremost, I want to thank everyone
2 who has come tonight to offer your views and feedback on
3 Universal Access. You know, no one is required to come to
4 a hearing like this. Maybe except for the folks on this
5 stage. So, if you're here, it means you share our
6 commitment to making Universal Access a program that
7 provides real, meaningful access to justice for thousands
8 of New York City tenants in need and does so efficiently
9 and effectively. I expect that we will hear tonight about
10 the progress, the implementation, the achievements, and
11 the challenges so far as we look back on the second full
12 year of implementation and about considerations for OCJ
13 and other system stakeholders as we look ahead to
14 continued implementation. Civil Local Law 136 of 2017,
15 which was sponsored in the City Council by council members
16 Vanessa Gibson and Mark Levine, and was signed into law by
17 Mayor De Blasio in August of 2017, was truly historic and
18 it made New York City the first city in the United States
19 to commit to making free legal services available to all
20 tenants facing eviction in housing court or NYCHA
21 administrative proceedings. This ground-breaking
22 legislation, the Universal Access Law, tasks OCJ with
23 implementing a program that would achieve this historic
24 milestone by 2022. I am happy to report that two years
25 into our program, we have made significant progress

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1 towards reaching this goal. Last week, OCJ issued its
2 second progress report on implementation of Universal
3 Access in our tenant legal services programming. There
4 are copies available in the front if you haven't received
5 one and you'd like to take a look. In City Fiscal Year
6 2019, the second year of our phase in implementation,
7 HRA's baseline budget included approximately \$128 Million
8 in funding for tenant legal services programs. Last year,
9 OCJ's legal services programs for tenants provided legal
10 representation advice--legal representation advice and
11 assistance to approximately 41,000 households across New
12 York City including 32,000 households facing eviction
13 proceedings in New York City Housing Court, up 24 percent
14 from the year before. Over a dozen non-profit
15 organizations, representatives of which are in this room
16 today, ranging from large, city-wide legal services
17 providers to smaller borough and community-based groups,
18 provided free legal services last fiscal year benefiting
19 over 105,000 New Yorkers. For the first time, city-funded
20 legal services for tenants in need assisted over 100,000
21 New Yorkers in a single fiscal year. In fact, as of the
22 end of the last fiscal year, more than 350,000 New York
23 City residents had received free legal representation,
24 advice, or assistance in eviction and other housing-
25 related matters since the start of the de Blasio

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1 administration through tenant legal services programs
2 administered by HRA. In addition, as we detailed in this
3 report, the proportion of tenants who face eviction in New
4 York City Housing Court, with the assistance of a lawyer,
5 continues to grow. In 2013, roughly one percent of
6 tenants facing eviction in Housing court had legal
7 representation. By the end of fiscal year 2019, 32
8 percent of tenants who appeared in eviction cases in
9 Housing Court, city-wide, were represented by counsel. In
10 the neighborhoods targeted to receive increased
11 availability of legal services through Universal Access,
12 the findings are even more striking. Looking at the first
13 twenty zip codes included in Universal Access, lawyers
14 represented 62 percent of tenants appearing in Housing
15 Court in their evictions proceedings in the last quarter
16 of Fiscal Year '19. These represent increases from the
17 year before and suggest that we are making good progress
18 toward fully implementing Universal Access by 2022. We
19 are seeing positive results for New Yorkers in need. As
20 detailed in the report, for cases that were completed in
21 Fiscal 2019, more than 28,000 New Yorkers whose tenancy
22 was threatened by eviction were able to stay in their
23 homes after OCJ-funded lawyers represented them in court.
24 In Housing Court eviction cases resolved by OCJ's legal
25 services providers, 84 percent of households represented

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1 in Court by lawyers were able to remain in their homes,
2 not only saving thousands of tenancies but also promoting
3 the preservation of affordable housing and neighborhood
4 stability. These indicators are consistent with other
5 findings reflecting change in dynamics and a more level
6 playing field for New York City tenants in need. As
7 access to legal services for New York City tenants has
8 increased, evictions across the city have decreased. In
9 2018, residential evictions by city marshals declined by
10 more than 30 percent compared to 2013, a period during
11 which New York City substantially increased funding for
12 legal services for low-income tenants. Looking ahead, we
13 will be adding additional zip codes to Universal Access
14 this year and we expect to realize increased access to
15 legal representation in these targeted neighborhoods and
16 city-wide. In addition, OCJ recently established on-site
17 Universal Access legal services for tenants in New York
18 City Housing Authority public housing facing
19 administrative termination of tenancy proceedings at
20 NYCHA. We have worked with legal provider partners and
21 NYCHA to develop a program model to effectively provide
22 comprehensive access to legal services for NYCHA tenants
23 facing these proceedings. As part of the first phase of
24 implementation in earlier this fiscal year, Fiscal Year
25 '20, OCJ, in partnership with our providers across the

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1 city, began providing access to legal services on-site at
2 NYCHA. In this first phase, all heads of NYCHA households
3 who are seniors, 62 years or older, and who are facing
4 termination of their tenancies in administrative
5 proceedings, have immediate access to these free legal
6 services on-site. This operational approach is expected
7 to serve as a model for expansion for all NYCHA tenants
8 facing termination of tenancy as Universal Access
9 implementation continues. And OCJ continues to work with
10 the Office of Court Administration and our legal services
11 partners to innovate with the goal of connecting more
12 tenants with eviction defense attorneys earlier in the
13 legal process. In September of this year, New York City
14 Housing Court implemented its new, revised, plain language
15 Notice of Petition form. This revised notice now includes
16 information that will guide and encourage tenants to
17 access OCJ's legal services. So, to further facilitate
18 access, OCJ has partnered with the Court's system to
19 establish a telephone hotline that is included on the
20 Notice of Petition for tenants to call and find out more
21 about Universal Access and connect with free counsel as
22 quickly as possible. With the use of this new form, we
23 are now monitoring the impact that this new pathway to
24 early access will have on OCJ's legal services programs.
25 So, as we put all of these initiatives into action, we

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1 know that communities beyond New York are watching us and
2 watching all of us. New York City is the first and, by
3 far, the biggest to do this and our city is at the
4 forefront of a growing movement to increase access to
5 justice for tenants facing eviction and create a fair and
6 even playing field in our courts. Cities such as Newark
7 and San Francisco have taken New York City's lead and have
8 adopted their own versions of Universal Access or right to
9 counsel legislation and other jurisdictions, including
10 cities ranging from Boston to Cleveland, to Los Angeles,
11 are exploring their own initiatives to increase access to
12 legal services for tenants facing eviction. New York City
13 leadership in this fight includes OCJ and HRA and it also
14 includes all of you, advocates, attorneys, academics,
15 elected officials, legal providers, other non-profits, and
16 very critically, tenants and residents. Therefore, to
17 ensure that we continue to serve New Yorkers effectively,
18 and with cities across the country following our progress,
19 it is important that we get it right. A critical part of
20 that process is this public hearing and hearing from you
21 today about your own experiences with the initiative, what
22 you believe is working, and where you may think there is
23 room for improvement. So, with that, we'll get started.
24 First, let me tell you a few words about how tonight's
25 hearing will go. This hearing is public. We invite

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1 anyone who wishes to be heard on the topic of Universal
2 Access and housing legal services to speak. We will not
3 be answering questions, nor will we be asking any
4 questions of speakers. This is an opportunity for the
5 public to be heard. If you would prefer not to speak in
6 public and would rather submit a statement in writing, we
7 are collecting all written statements and will make them
8 part of the record for this hearing which we will make
9 available to the public on our website, which is
10 www.nyc.gov/civiljustice, C-I-V-I-L, J-U-S-T-I-C-E, in the
11 future. Written statements can be submitted to OCJ staff
12 out at the sign-in table. Also, we will be making a
13 transcript of tonight's entire hearing and we'll be making
14 that transcript available on the website as well, once we
15 put it all together. Now, we will call speakers up based
16 on the sign-in list. If you want to speak but you're not
17 yet on the list, please give your name to our staff at the
18 sign-in table just outside the auditorium and we will add
19 your name to the list. In order to ensure that everyone
20 who wants to speak will have an ample opportunity to
21 speak, we must limit speakers to three minutes a piece.
22 So, if you're approaching the end of your time, one of our
23 OCJ team members will hold up a sign that says 30, meaning
24 that you have 30 seconds left. You can see it over there.
25 I think we'll start at one minute, then we'll show you 30

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1 seconds and then that'll tell you. If you speak a
2 language other than English and you need an interpreter,
3 please let our staff know at the sign-in table. We have
4 our interpreters present, as you know. Now, we're ready
5 to begin. I'm going to call a few names at a time. When
6 you hear your name, please be ready to speak and line up
7 by the microphone at the front of the room, which is going
8 to be over here, and be ready to present your statement.
9 And, now, let's begin. One more note before we get
10 started, since I got this note myself, we need to speak
11 slowly and clearly so that the CART, this transcriber
12 here, can take down everything and make sure that it's
13 accurate. So, I'll do that, and I ask you to do the same.
14 So, first we'll hear from Lourdes Rosa-Carrasquillo.
15 Next, Milagros Franco. Next, Sarah Cohen. And next,
16 Benjamin Levine. Thank you.

17 MS. LOURDES ROSA-CARRASQUILLO: Is this on?
18 Okay. My name is Lourdes Rosa-Carrasquillo, I'm the
19 Director of Advocacy for the Center for Independence of
20 the Disabled. I am here with my colleague from another
21 independent living center, Brooklyn Center for the
22 Independence of the Disabled, and we would like to share
23 the time. I submitted electronically to Joseph so I
24 apologize that I don't have it in writing and another
25 apology is I will have to leave immediately because this

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1 lighting is causing me severe pain, sorry. So, thank you
2 first for the reports. In the last two years, they've
3 been awesome and... Wait a second. I'm sorry? Oh, okay.
4 And we serve the majority... people with disabilities
5 throughout New York City and Brooklyn, our sister
6 organization does also. What we'd liked to focus or raise
7 an issue is... which I did last year but I didn't get to
8 be public is that we'd like to see stats of people with
9 disabilities that are being served in the zip code area
10 because we get much... many calls about not being able to
11 be served and we don't know what the barrier may be.
12 Also, we are part of the Right to Counsel Coalition. I
13 apologize, I didn't say that earlier. And we fully
14 support two bills of 1529, which Milagros...

15 MS. MILAGROS FRANCO: It's... it's the bill that
16 provides funding to community-based organizations such as
17 BCAD [phonetic], and Sidney, to help people with Housing
18 Court issues. They come to us before they go to the legal
19 people. So, we try to help before we send them off to you
20 and, sometimes, I go to Housing Court and I'm not legal
21 but if I can help somebody, that's one less person you
22 guys have to worry about. So, we need that funding just
23 like everyone else. I go to Housing Court and I speak to
24 different organizations and different things and I tell
25 people about the Right to Counsel. So, we'd like some of

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1 that funding, too. Thank you.

2 MS. ROSA-CARRASQUILLO: Also, the... I'm not
3 going to go through all the points that my colleagues from
4 Right to Counsel will, I'm just going to raise the key
5 ones. We fully support all of their things, with a few
6 amendments. They had requested that there be campaign via
7 subways and outreach, okay... and outreach, different
8 types of outreach and they mentioned robocalls. In many
9 venues with HRA, we've mentioned how robocalls don't work
10 for the deaf community so, something else has to be
11 factored in to assist that. Also, we're fully supporting
12 the passage of intro 1104, which would increase the
13 percentage for eligibility to 400. We have a lot of
14 people with disabilities that we serve are poor, but some
15 are employed and underpaid because they are disabled. So,
16 they fall into the cracks. So, we want to make sure they
17 can also have representation. And one more point that I
18 want to raise is the tenants that are homebound and that's
19 obviously a very important population to us and I just
20 want to make sure that marshals, when they go to the
21 facilities, to their homes, don't turn around and call
22 APS. We don't support that because many people with
23 disabilities are looked at already as lacking capacity and
24 for us, we've experienced a lot of times APS seeks City to
25 get involved for Article 81 and that's problematic. Thank

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1 you for your time.

2 MR. DRESSLER: Thank you. Sarah Cohen? And
3 just say your name clearly before you start. Thank you.

4 MS. SARAH COHEN: Good evening. My name is
5 Sarah Cohen. Thank you for the opportunity to testify
6 today. I'm a supervising attorney at CAMBA Legal
7 Services. CAMBA Legal Services is very proud to be one of
8 the legal services providers of the Universal Access to
9 Legal Services for tenants facing eviction in Brooklyn and
10 Staten Island. CAMBA Legal Services is also a member of
11 Leap, a coalition of 18 legal services providers in New
12 York City. CAMBA Legal Services congratulates the City
13 Council and the Mayor for adopting the Universal Access to
14 Legal Services for tenants facing eviction, the
15 administration for implementing the law and our partners
16 for working with us to make right to counsel a reality for
17 New York City tenants. We also would like to congratulate
18 and thank the Right to Counsel Coalition, the community-
19 based organizations, tenants, and community organizers
20 across the city whose hard work, diligence, and
21 persistence made this legislation possible. Right to
22 Counsel is already making a huge difference in the lives
23 of tenants and we see that every day in our work.
24 Congratulations to the Office of Civil Justice on
25 releasing the Year Two Implementation Report on Universal

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1 Access to Legal Services. As a community-based service
2 legal services provider, CAMBA Legal Services and our Leap
3 partners feel very strongly that a community-based
4 approach to implementation of Right to Counsel is
5 critical. Some of the components that we believe are key
6 to fulfill these implementations are the following.
7 Tenant awareness outreach and education is critical to the
8 long-term success of Right to Counsel. Many tenants never
9 make it to Housing Court and give up their apartments
10 through intimidation. With tenant representation in
11 Housing Court on the rise, we already see landlords
12 resorting to other means to get tenants to give up their
13 apartments. Also, (inaudible) best intake. While intake
14 in the courthouse has been a critical component of the
15 implementation of Universal Access that should continue,
16 there also needs to be neighborhood-based processes so
17 that the tenants can find an attorney before they go to
18 Housing Court. We all know that some tenants will not
19 make it to Housing Court on their own. They will,
20 however, come to their trusted neighborhood-based
21 providers ensuring Universal Access to Legal Services for
22 tenants facing eviction. I just want to give one quick
23 example. How much time do I have? One minute? Okay. I
24 just want to give one quick example of how this Universal
25 Access has helped a client. Just last week, I worked on

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1 intake in Housing Court and there was a tenant who had
2 already been evicted from her home, a post-evict case, and
3 she had filed a pro se order to show cause just to get
4 access (inaudible) get her things out of her apartment and
5 I met with her and I reviewed the case. And it became
6 apparent that the landlord never should have brought this
7 case against her. In fact, she had a lease, and which was
8 still in effect. As a result, I argued her pro se order
9 to show cause in front of the judge. I restored her to
10 possession immediately, that day, and the case was
11 dismissed. Had it not been for Universal Access, she
12 would have simply thought that she was there in court that
13 day just to get her stuff out of her apartment and she
14 would still be out of possession today. That's just one
15 example of how Universal Access has helped tenants in
16 Housing Court and I just want to thank you very much for
17 this opportunity to testify today. There's so much to be
18 proud of, to celebrate with our work and to be thankful
19 for. I really look forward to working together to ensure
20 that all tenants have a right to counsel to preserve their
21 housing. Thank you very much.

22 MR. DRESSLER: Thank you. Next up is Benjamin
23 Levine. I'm also going to call up the next several names
24 so they're ready. Next, we'll hear from--after Benjamin
25 Levine--Jessica Penkoff, Chaplain Sandra Mitchell, Andrew

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1 Darcy, and Nova Lucero [phonetic]. Thank you.

2 MR. BENJAMIN LEVINE: Good evening. My name is
3 Benjamin Levine, I'm a vice-president of the Civil
4 Practice of the Association of Legal Aid Attorneys, local
5 2325, of the United Auto Workers. I've worked as a staff
6 attorney at the Legal Aid Society for over three years and
7 I've represented tenants in the Bronx and Brooklyn. Our
8 union is comprised of a diverse group of compassionate,
9 driven, and remarkably intelligent attorneys at the Legal
10 Aid Society who believe in safeguarding the rights of
11 tenants. I thank the OCJ for allowing ALAA to testify
12 about our experiences at the frontline of implementing the
13 Right to Counsel program. We strongly believe in the
14 mission of the program and look forward to the day when
15 every tenant will have an attorney to zealously advocate
16 for them to keep them in their home. The City's report on
17 the program clearly demonstrates the dramatic impact of
18 this program but we believe that there is more to be done.
19 Since this hearing last year, we still lack the funding to
20 effectuate robust legal representation and to address the
21 injustices impacting our tenants' lives that have caused
22 them to come to court. Every day we witness the ways in
23 which the affordable housing crisis and community
24 displacement affects our clients. As attorneys, it is our
25 role to hold those landlords accountable for filing

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1 frivolous lawsuits, fight back against their harassment,
2 and to secure repairs. However, this legal work is often
3 not alone to keep tenants in their homes. Without the
4 proper funding for social workers, paralegals, and
5 administrative staff, our attorneys struggle to assist
6 tenants in keeping them in their homes. We need these
7 people to help us access benefits and to correct all lease
8 violations that would result in our tenants losing their
9 homes. By forcing attorneys to take on these roles, which
10 we're not trained for, we lose critical time necessary to
11 litigate and are pushed into becoming stipulation mills
12 where tenants in the city needless to say reward landlords
13 who collect illegal rents and fail to maintain their
14 buildings. Additionally, our low pay due to inadequate
15 funding and our large caseloads causes us to lose
16 experienced attorneys at an alarming rate. When this
17 occurs, our clients are forced into being represented by
18 inexperienced attorneys, drag multiple attorneys
19 throughout the duration of their case. The
20 disproportionate large number of inexperienced attorneys
21 places a greater burden on our supervisors who must spend
22 more time in court working with the new attorneys and
23 reviewing motions rather than helping to create and foster
24 creative litigation strategies to deter unjust evictions.
25 To further the mission of the Right to Counsel program,

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1 the city should expand the program by passing City Council
2 Bills 1104 and 1529. This city should pass Intro 1529 to
3 notify people about their right to counsel as well as to
4 prepare tenants before they come to court. Additionally,
5 the city should also pass Intro 1104 to expand the Right
6 to Counsel program to additional hearings, Supreme Court
7 ejectment, action, and appeals. Without the support for
8 that, the representation in Housing Court can often be
9 meaningless. We believe that more must be done to fully
10 achieve the purposes of the Right to Counsel programs and
11 tenants deserve more than just assistance in paying their
12 rent. They deserve workers who can assist them with their
13 benefits and attorneys who can effectively and creatively
14 litigate so that they can keep their home.

15 MR. DRESSLER: Thank you. Jessica Penkoff.

16 MS. JESSICA PENKOFF: Hi, my name is Jess
17 Penkoff and I'm a staff attorney at Volunteers of Legal
18 Service. VOLS was established in 1984 in response to
19 federal cuts in legal services funding. At that time, the
20 city's largest and most respected law firms teamed up with
21 the New York City Bar Association to establish VOLS whose
22 purpose was to leverage private attorneys to provide free
23 legal services to low-income New Yorkers hoping to fill
24 some of the gap left by cuts in federal funding. We are
25 now 35 years into our existence and VOLS runs five

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1 projects, including our Elderly Project& Veterans
2 Initiative. Our Elderly Project& Veterans Initiative
3 conducts regular free legal clinics in senior centers
4 around the city. We provide legal support to community-
5 based organizations serving low-income senior veterans.
6 We provide training to community-based organizations and
7 to the public regarding proper end of life planning. We
8 access the pro bono services of the private bar by
9 training, supervising, and pairing up volunteer lawyers
10 with low-income seniors and senior veterans. We are also
11 proud to participate in the New York City Veterans Law
12 Working Group and the Right to Counsel New York City
13 Coalition. We thank the Office of Civil Justice for
14 holding this important annual hearing on the progress and
15 impact of Universal Access. In November, we reflect on
16 those who served our nation and yesterday we celebrated
17 Veterans Day. As attorneys serving low-income elderly
18 veterans, we see every day the legal issues they face
19 including and especially those involving housing and
20 eviction. As has been widely reported, veterans make up a
21 disproportionate percentage of the nation's homeless
22 population and many of these homeless veterans suffer from
23 mental health conditions related to their military
24 service. Thanks to federal programs like HUD-VASH,
25 Section 8, and the support of services for veterans'

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1 families, as well as local efforts, in December 2015, New
2 York City became the largest city in the country to be
3 certified by the federal government for having ended
4 veteran homelessness. New York City had achieved
5 "Functional Zero," a designation where all new homeless
6 veterans are re-housed within 90 days of entering the
7 system. Sadly, we have experienced a backslide and New
8 York is no longer certified as a "Functional Zero" city.
9 When we talk about reducing homelessness, we need to be
10 asking what we are doing specifically for veterans as part
11 of that effort. The overall statistics about the impact
12 of Universal Access on eviction rights in New York City
13 are positive and impressive. What is missing from these
14 statistics is any measure of how UA has impacted veterans
15 and veteran homelessness. As an attorney who practiced
16 eviction defense for low-income tenants in Brooklyn for
17 years, I was surprised to recently learn that Universal
18 Access providers can apply for waivers, on a case by case
19 basis, to be able to represent a veteran that does not
20 reside in one of the zip codes or that has income above
21 200 percent of federal poverty. These waivers are an
22 essential tool in the effort to end veteran homelessness.
23 Without these waivers, disabled veterans may find
24 themselves facing eviction without counsel. Those who are
25 considered totally and permanently disabled due to

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1 injuries sustained in service, receive benefits from the
2 U.S. Department of Veterans Affairs in excess of 200
3 percent of the federal poverty level and are, therefore,
4 disqualified from receiving counsel under UA. These are
5 the veterans who sacrificed the most in service to the
6 nation and the guidelines for UA deny them access to the
7 program unless their attorneys know that they can apply
8 for a waiver. We must ask ourselves whether or not these
9 waivers are being sought, why if not, or whether they're
10 being granted and why, if not. What is HRA doing to
11 educate legal service providers about seeking exceptions?
12 Does HRA screen for military service before denying
13 someone? How, when, and where does an attorney from a
14 legal service provide seek an exception to represent a
15 veteran? How many veterans have been covered by UA? How
16 many waivers have been set? How many have been granted?
17 Why have certain waiver requests been denied? And does
18 HRA refer these individuals to providers who have other
19 funding to represent veterans? More broadly, we need to
20 know how UA has impacted veterans. How many vets have
21 stayed in their home due to UA? Has the number of
22 eviction proceedings filed against veterans decreased?
23 How many veterans were actually evicted in the last year
24 or the year before?

25 MR. DRESSLER: Can I ask you that?

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1 MS. PENKOFF: Oh, sorry, I'm not done yet.

2 MR. DRESSLER: It's okay.

3 MS. PENKOFF: We laud the achievements of the
4 tenants and advocates working within the Universal Access
5 program and encourage the city to take the above questions
6 into account in the continued roll-out of UA so that our
7 city can fulfill its goal of ending vet homelessness and
8 achieving "Functional Zero" on a sustained basis. Thank
9 you and happy Vets Day.

10 MR. DRESSLER: Thank you. Now, we'll hear from
11 Chaplain Sandra Mitchell.

12 CH. SANDRA MITCHELL: Good evening, everyone.
13 My name is Chaplain Sandra Mitchell and a chaplain is like
14 a community pastor. I live at [REDACTED], in
15 the Bronx, and I've been there for two years. I am a
16 proud member of CASA, Community Action for Safe
17 Apartments, and also the Northwest Bronx Community Clergy
18 Coalition in the Bronx. I've been in my apartment for two
19 years after spending two years in the shelter. I walked
20 away from my apartment after winning my case facing
21 eviction because I couldn't take the trauma of the
22 harassment, even though I won my case. The right to
23 counsel did not exist then. So, as I would go to my small
24 bed in the shelter, and I would leave there and come to
25 the CASA meetings, when we decided that we were going to

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1 fight for something like this not to happen to the working
2 poor, and/or someone with a disability like myself, I was
3 fueled with fire so that no one would go through what I
4 went through. Even though I won my case, I had no
5 representation and the trauma and the subsequent mini
6 strokes that followed, landed me in the shelter. I had to
7 leave my apartment; I couldn't stay there anymore. I am
8 mental health counselor and I am a wellness coach and I'm
9 proud of my profession to go and help people in their time
10 of crisis and need and emotional turmoil. But when I
11 needed someone, when I was going through what I was going
12 through with my eviction, there was no one. So, I sought
13 help in CASA and Northwest Bronx Community Coalition and
14 clergy coalition, and I received the help and the power
15 and the empowerment that I needed so that, even though I
16 didn't have a place of my own--not yet, I could make a
17 difference. So, I know that the Right to Counsel is
18 extremely important for the safety and wellbeing of New
19 Yorkers, both people with disabilities, both people who
20 are working and who may fall below the standard that has
21 been set. But we need to change that standard from 200
22 percent of the federal poverty level to 400 percent. I
23 made too much money. If the Right to Counsel was in
24 effect when I needed help, I would have made too much
25 money. We have to double the income eligibility level so

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1 that almost everyone who is facing an eviction would be
2 eligible from 200 percent to 400 percent. Also, we need
3 to expand the law to cover more eviction cases like HPD
4 administrative cases, for Mitchell-Lama Residents, Supreme
5 Court ejectment cases, housing development fund and
6 corporation cases. All low-income tenants facing
7 eviction, it doesn't matter what type of case, should have
8 the right to a lawyer. Also, we have to support community
9 organizing. Like I said, CASA and Northwest Bronx
10 Community Coalition saved my sanity. Even though I was
11 going through so much trauma... I lost my job, I couldn't
12 work and if it wasn't for the organization, the community-
13 based organizations, I would not be here today. I was the
14 one with CASA and Northwest Bronx doing the surveys in the
15 courtrooms and people did not know about the Right to
16 Counsel and they were so traumatized, they would walk away
17 from us. It was heartbreaking to know that we could help
18 them, but they were so traumatized they couldn't accept
19 help. They were falling into despair. I saw some
20 veterans, I saw some seniors, and I saw some very young
21 people who maybe just fell behind one month in their rent
22 because they just got a job or they just lost their job
23 and especially the veterans, it really hurt my heart to
24 know that they put their lives on the line and now they
25 would be thrown to the curb. So, community-based

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1 organizations like CASA and the Northwest Bronx Community
2 Coalition--Clergy Coalition we need sustained funding.
3 Sustained funding. Because there's so many people that we
4 have helped but there's so many more who had to leave
5 because of the trauma and because of not knowing what to
6 do. They're on the streets right now, they're in the
7 train stations, and they're in shelters. Please, we need
8 sustained funding for the community-based organizations.
9 And thank you.

10 MR. DRESSLER: Thank you. Before we move to
11 Andrew Darcy, I just want to say one thing. It occurs to
12 us, we don't have a time's up sign, which is probably for
13 the best. I will take the liberty of gently interrupting
14 if we're beyond the thirty seconds or we're really out of
15 time and I will politely ask you to try to wrap it up at
16 that point, if you're a speaker so, thank you for
17 indulging me. We'll now hear from Andrew Darcy. Thank
18 you. And actually, Andrew, as you're coming up, if you
19 don't mind, I understand we've had one person change their
20 minds. We'll call up four more names, just to be ready
21 following Andrew Darcy. Floriberto, Katie Brennan,
22 Yoselyn Gomez, and Orlando Berra. Thank you.

23 MR. ANDREW DARCY: Thank you. Good evening
24 everyone, it's a pleasure to be with you today. My name
25 is Andrew Darcy, I'm a supervising attorney at

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1 Mobilization for Justice. I work specifically in our
2 Bronx housing unit. MFJ envisions a society in which
3 there is equal justice for all. Our mission is to achieve
4 social justice, prioritizing the needs of people who are
5 low-income, disenfranchised, or have disabilities. MFJ is
6 a member of the Leap Coalition and is thankful for the
7 opportunity to share with OCJ, and with all of you,
8 information about the great work that it has done through
9 the Universal Access to Counsel program as well as some
10 thoughts about how the implementation can be improved.
11 So, MFJ participates in the Universal Access program in
12 the Bronx where there are currently three court parts
13 dedicated to Universal Access. And so, every Monday, a
14 team of about ten of us go up to the Bronx to perform
15 intakes for anywhere between thirty to forty tenants who
16 have eviction cases. And, in part because of UAC and our
17 connection with the Bronx community, MFJ has made a
18 substantial impact in preserving tenancies and
19 neighborhoods in the Bronx. For example, in calendar year
20 2019, MFJ has prevented approximately 500 evictions while
21 further helping 500 additional tenants. We've had these
22 successful outcomes in part because of the tremendous
23 benefits advocacy that we, our attorneys and our
24 paralegals do. Just to throw another statistic at you, in
25 Fiscal Year 2019, MFJ was able to obtain somewhere around

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1 three and half million dollars through rental arrears
2 assistance grants and programs like FEPS. And, indeed,
3 we've had over 250 FEPS applications that were approved.
4 MFJ does not just do benefits advocacy. We also are
5 zealous litigators and we have seen a lot of situations in
6 which but for our zealous legal representation, we think
7 tenants would have succumbed to the massive eviction
8 machine that we all know exists. And, indeed, we're
9 regularly on trial, we're regularly filing motions and
10 doing appeals. We're thankful to the Universal Access to
11 Counsel program because it helps Mobilization for Justice
12 fulfill our mission. However, we do believe there are a
13 few ways in which the implementation of the program can be
14 improved to allow us to better serve our clients. One of
15 those ways is that tenants need to be able to connect with
16 counsel prior to the filing of an answer. Currently, in
17 non-payment cases, tenants, or at least most of them, do
18 file answers without the advice of counsel and, in doing
19 so, they may waive defenses that could be dispositive in
20 their case. And while there may be ways that we can clean
21 up or fill in things that they left out, it does
22 complicate cases and sometimes there may be defenses that
23 judges will deem to have been permanently waived which
24 might mean that they lose the case simply because they
25 didn't have the advice of a lawyer when they were filing

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1 this very important document. I mentioned earlier the
2 referral process. We do believe that the referral process
3 on intake days does need to be consolidated and somehow
4 systematized. Right now, as it stands, when we go to do
5 Universal Access, we have a large calendar intake but we
6 also get referrals from judges at their discretion and
7 without any system in place, sometimes those referrals can
8 be overwhelming and we're not able to perform adequate
9 intakes for every single person that's both on the
10 calendar and referred to us on a given day. So, we think
11 that some sort consolidation and systematizing of that
12 would be very helpful to ensure we perform adequate
13 intakes. MFJ is also one of the few providers that
14 doesn't have any space in the courthouse. So, as it
15 stands now, we have to find somewhere to sit or stand with
16 some of the many tenants that we are meeting for the very
17 first time and that raises privilege and confidentiality
18 concerns as well as just general discomfort. The Housing
19 Court wasn't--the hallways of the Housing Court weren't
20 built to do such intakes and so, space does need to be
21 provided for all providers. And, finally, I mentioned
22 FEPS applications earlier. We do believe that our
23 paralegals should be able to do these FEPS applications
24 in-house. Having to outsource these applications creates
25 inordinate delays, which sometimes actually places tenants

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1 more at risk of eviction than if they could be done in-
2 house. So, in closing, we're thankful for this
3 opportunity to share our thoughts and we're thankful for
4 the opportunity to participate in the program and we look
5 forward to continuing to work together.

6 MR. DRESSLER: Thank you. Floriberto? Come on
7 up. It's okay.

8 MR. FLORIBERTO GALINDO ALVARADO (THROUGH
9 INTERPRETER): Good night. Hello. My name Florentino
10 [sic] Alvarado. I am the leader of the tenant association
11 of [REDACTED] in the Bronx and a member of the
12 coalition of the Northeast of the Bronx. I've been living
13 for fifteen years in my apartment. It's been a year that
14 my association has tried to eliminate the MCIs. Our
15 owner, Morgan Group, remodeled the bathrooms, the
16 kitchens, but it cost us a lot of other problems like
17 leaks, water leaks, and the toilets are clogged, and
18 everything became smaller. We've been paying a high rent
19 and which it's not possible for us to pay a lawyer to
20 fight the case. It's important for us to have this right
21 so we can fight our rights as tenants. I came tonight to
22 ask for help and ask for more resources to all these
23 community organizations that are present this night. We
24 need more resources in order to help the tenants and the
25 lawyers. Two of my neighbors have already received help

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1 for legal representation to fight their case. They went
2 to court and they won the case thanks to the lawyers that
3 are helping the coalition to fight for our rights. I
4 agree with the list of demands that the coalition of
5 rights representatives are representing. I think it will
6 be a better improvement to make legal improvements and
7 justice for the tenants in these ways. Make aware the
8 tenants of all their rights they have. So, they can know
9 their rights. The city must put wall boards or billboards
10 with information regarding this issue. And start a
11 campaign of sharing more information. Coordinate
12 messages. We all know it as the right of legal
13 representation. The city must name it like that way
14 instead of universal access. It should also apply to
15 other cases and not only to eviction. And not only to
16 defense of eviction. Okay. Allow the tenants to find
17 legal representation or legal help before going to trial,
18 before the cases start. We are not able to pay for the
19 MCIs and also pay for the lawyers. That's why it's so
20 important to expand this right. Thank you so much for
21 your attention and your help. Have a good night
22 everybody. Thank you.

23 MR. DRESSLER: Katie Brennan.

24 MS. KATIE BRENNAN: Good evening. Thank you for
25 the opportunity for speaking at tonight's meeting. My

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1 name is Kathleen Brennan, I'm a supervising attorney at
2 the Tenant's Rights Unit at the New York Legal Assistance
3 Group. The groundbreaking Universal Access for tenants
4 facing eviction program has already made an incredible
5 impact on the lives of low-income tenants in New York.
6 Access to counsel exponentially increases the chances that
7 tenants will be able to stay in their homes or at least be
8 given the time they need to find alternative housing. Now
9 that we're more than halfway to full implementation, the
10 program continues to make an enormous difference in the
11 lives of our clients especially with the rights and
12 protections that the state's Housing Stability and Tenant
13 Protection Act gives our clients. For example, shortly
14 after the passage of HSTPA, a NYLAG attorney made a motion
15 to dismiss an owner's use holdover proceeding. The tenant
16 had lived in her apartment her whole life. The holdover
17 is predicated on the grounds that the owner's son wanted
18 to live in the apartment with his potential future
19 children and needed a larger apartment. The recent
20 changes through the HSTPA made that claim invalid. After
21 a number of court appearances, rather than an attempt to
22 oppose the motion, the landlord withdrew the case, and the
23 client was able to continue living in her home of many
24 decades. Without a lawyer, it is highly unlikely that the
25 client would have been able to assert her rights under the

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1 recent technical legal change and would have faced the
2 loss of an affordable apartment to which she has always
3 lived. The data clearly shows that access to a lawyer in
4 Housing Court is key to avoiding eviction. As UA
5 expansion continues, the HSTPA affords tenants significant
6 additional rights in areas such as challenging over charge
7 claims and the regulatory status of their apartments. It
8 is likely that those dramatic declines in eviction will
9 continue in the new zip codes covered by UA expansion.
10 However, in order to continue building on the success of
11 the program, it is crucial that Universal Access expands
12 to allow providers the discretion to represent tenants in
13 HP proceedings, appeals, Article 78 proceedings, and in
14 administrative proceedings. There are many instances in
15 which representation in Housing Court will not prevent a
16 tenant's eviction or stabilize a tenant's housing
17 situation if the tenant is not also able to obtain
18 representation in proceedings other than eviction
19 proceedings. As an example, NYLAG recently represented a
20 client who would have been evicted from her home of many
21 decades but for the advocacy and other forms.

22 MR. DRESSLER: (inaudible).

23 MS. BRENNAN: The landlord had commenced a
24 holdover proceeding against the client. They were facing
25 eviction based on a chronic rent delinquency proceeding.

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1 The holdover proceeding was initially settled pursuant to
2 a provisional agreement. Subsequently, the client was
3 late in making one of the payments but with NYLAG's
4 assistance she was able to make the payment, her city FEPS
5 benefits were substantially increased and she became
6 current with her monthly rent. Despite all this, the
7 Housing Court judge ordered the client and her family
8 evicted from their home of almost four decades. NYLAG
9 filed an appeal at appellate term, obtained a stay of the
10 eviction proceeding pending the outcome of the appeal,
11 briefed and argued the appeal. The appeal was ultimately
12 successful and appellate term stayed the client and her
13 family's eviction from their home. Without the attorney's
14 tireless appellate advocacy, the client and her family
15 would have lost their home of nearly four decades, being
16 forced to enter the shelter system. In addition to
17 appeals, administrative Section 8 voucher termination
18 proceedings at HPD, DHCR, or NYCHA are often vital to
19 maintaining stable housing. If the provider is
20 representing a UA client in a Housing Court proceeding and
21 a Section 8 voucher termination proceeding is commenced in
22 which the client has legal defenses, it is critical for
23 the client to be represented in the voucher termination
24 proceeding as the loss of the voucher will surely result
25 in the loss of the housing. After several years of

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1 experience with implementing UA, OCJ is uniquely well-
2 situated to work with providers to advocate with the state
3 senate and assembly for additional resources and legal
4 changes that will ensure the success of UA in New York
5 City and serve as a model of excellence for the expansion
6 of similar programs to other areas of the state where
7 tenants face immense housing instability and displacement
8 pressures. While OCJ has undertaken tremendous efforts to
9 ensure UA implementation is as seamless as possible, given
10 the current resources and infrastructure available to the
11 Housing Court system, it is clear that without significant
12 infrastructure resources and the passage of legislation
13 that would standardize and systematize the way Housing
14 Courts operate, it would be extremely challenging for
15 landlord and tenants, counsels, judges, and litigants to
16 realize the vision of UA in which Housing Court becomes a
17 respected venue for true housing justice. I (inaudible)
18 welcome the opportunity to meet with OCJ along with other
19 providers and stakeholders to discuss changes needed to
20 this on a state level to ensure the program can meet the
21 goal of ensuring that all low-income tenants in New York
22 City have access to counsel in Housing Court.

23 MR. DRESSLER: Katie.

24 MS. BRENNAN: Once again, NYLAG truly
25 appreciates the opportunity to be a part of the

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1 implementation of the UA program which will provide a road
2 map to cities across the country in revolutionizing access
3 to justice. Thank you.

4 MR. DRESSLER: I'll call out four more names.
5 Yoselyn Gomez. Oh, wait. I kind of called these already,
6 I'm sorry. Yoselyn Gomez, Orlando Berra, and then finally
7 Ms... folks, Xiomara Loarte and Andrew Scherer. So,
8 first, we'll hear from Yoselyn Gomez. Apologies if I'm
9 mispronouncing there.

10 MS. YOSELYN GOMEZ (THROUGH INTERPRETER): Good
11 evening. My name is Yoselyn Gomez. I live at 750 Grand
12 Concourse. Do you know that that building is the worst?
13 Is the number one landlord that kicks the tenants out of
14 the buildings. That's why I'm here. Because in my
15 building there are sixteen families ready to be kicked
16 out, out of their buildings. So, they are constructing
17 more buildings in the Bronx and I want to tell the members
18 of the city, I don't know where to find more lawyers to
19 represent us if it's not because of the organizations like
20 CASA and a number of organizations are here, present this
21 night. I don't know if they're gonna say this, but the
22 money that you guys are providing, you guys got to provide
23 also to the organizations from the town. Because if you
24 went to the Bronx--I think this audience should actually
25 be in the Bronx, because that's where, that's where we

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1 are. That's where everybody live, the people that are in
2 Housing Court. Those are the people that are going to
3 tell you there is a need for representation from the
4 lawyers in the Housing Court. Those are the people, those
5 are who we are, the people that are being kicked out of
6 our apartments. These are the people that need the
7 lawyers that are facing eviction and be kicked out of the
8 buildings. I'm here tonight, even though my husband's
9 very ill at the hospital tonight. Because I want to tell
10 the city that calling 3-1-1, that's a waste of time. To
11 find a lawyer to represent me, I can never find it. I go
12 to Casa--that's my organization--every Thursday. There
13 are very few lawyers helping us there. So, what is it you
14 do with the money? You provided it to offices and
15 lawyers, instead of providing it to us, the people, the
16 community that needs lawyers in the Bronx. The
17 (inaudible) the court, especially the Bronx court, it's
18 over-populated. My landlord lives [phonetic] there, if
19 you want to know. That's where you have to go pay the
20 rent. When I saw the lawyers from the Housing Court
21 outside, if you don't have a lawyer behind you, especially
22 behind my people, the people that don't speak the
23 language, basically (inaudible), basically you have no
24 power against them. But if you have a lawyer, that truly
25 represent the interest of the tenant, we would feel more

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1 comfortable. We need lawyers, not just the people that
2 make \$20,000 a year, for anybody, any (inaudible) any
3 income. We need lawyers, because we all need a place to
4 live. That's the amount of income that they have. The
5 (inaudible) in the name of several people that I talked
6 to; we need the money. We need the city to provide the
7 money, not to the lawyers that (inaudible). We need the
8 money for the lawyers that represent in the Casa and the
9 other coalitions that are here tonight to help the Bronx.
10 Thank you very much. Go to the Bronx and (inaudible).
11 You'll see what's going on over the country.

12 [Applause]

13 MR. DRESSLER: Thank you. Orlando Berra.

14 MR. ORLANDO BERRA (THROUGH INTERPRETER): Good
15 evening. My name is Orlando Berra. And I live in the
16 Bronx, 344 East 148th Street, from 2006 till now.

17 MR. BERRA (WITHOUT INTERPRETER): The new
18 owners, (inaudible) because they said (inaudible) buy out,
19 and I'm willing to sell. My wife and I not willing to
20 sell. So (inaudible) address it. Oh, I'm sorry. I say
21 that whenever see those. I'm sorry.

22 FEMALE VOICE: They have been very aggressive.

23 MR. BERRA (THROUGH INTERPRETER): Yeah, but
24 (inaudible) waiting for us to sell our apartments. Yeah,
25 the right. That's the right for the--that's what the

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1 contract says. This is the fourth time I'm going to
2 court, this coming Thursday. Casa, last week, they're the
3 lawyers, they told me and make me understand what it is I
4 have to do. I have all my records, rent, all my receipts
5 of my rent that has been paid. But last time in court,
6 they were ready to send marshals to me. Because God is
7 good, I've been praying for them. Yes. And I will thank
8 you for you guys as well, for the effort that you guys are
9 putting to defend all of us. And a blessing to you guys
10 and knowledge and strength for you guys, for you guys.
11 And I know the Lord will help me with this. Thank you.

12 MR. DRESSLER: Xiomara Loarte? No? Oh, okay.
13 Andrew Scherer. And I'll call out four more names to be
14 ready. Ignacio Juareguilorda, Regina--I apologize, I
15 can't read this name--Shaney [phonetic], Catholic
16 Migration Services. Regina? Oh, she's--okay. She knows
17 who she is. Okay, sit tight. Sean Willis, I believe.
18 Wims? Wims? Okay. And Nakeeb Siddique. Come on up.

19 MR. ANDREW SCHERER: My name's Andrew Scherer.
20 I'm a professor at New York Law School. I am also the co-
21 chair of the City Bar Task Force on the Civil Right to
22 Counsel. And tonight I'm testifying on behalf of the New
23 York City Bar Association. The task force was established
24 by the New York City Bar Association in 2018 to work
25 toward the most effective implementation of the right to

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1 counsel in housing in New York City, to work towards the
2 expansion of the right to counsel to other areas of law,
3 and to work towards the expansion of the right to counsel
4 on housing to other parts of the state and the country.
5 Since we first convened we've been meeting with
6 stakeholders, visiting the Housing Court, and working on a
7 variety of different issues having to do with the
8 implementation of the law in New York City. Tonight, I'm
9 just going to speak about a few of the issues that we've
10 targeted for this testimony. The first is language
11 access. The fact that the--I mean, tonight, it was
12 remarkable sitting here at the beginning of the hearing,
13 how well organized this was about making sure that people
14 have access to the information being presented tonight in
15 a wide range of languages. That's not true in the New
16 York City Housing Court. And the fact that they're aren't
17 adequate interpreters and that they're not available when
18 people need them really slows down the process, makes it
19 very difficult for the advocates and the providers to
20 represent and for the process to move in a way that
21 actually adequately protects the interest of the tenants.
22 Another issue that I want to briefly address is the lack
23 of sufficient information, the lack of adequate signage in
24 the courts, the lack of consistent--and some of the parts
25 where the right-to-counsel cases are being heard will

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1 announce the availability of counsel in some boroughs that
2 happens. In some courthouses it doesn't happen. That
3 should be made uniform across the board. The providers
4 are not being given advance lists of--except for in Staten
5 Island--the cases that are going to be eligible for the
6 right-to-counsel the following day. That should be
7 uniform throughout the boroughs. There's a real problem
8 that persists in landlords' attorneys reaching out to
9 unrepresented litigants before court starts or at the
10 beginning of the day, when these are folks who might very
11 well be eligible for counsel. That's a matter that needs
12 to be addressed. And then there's an enormous problem
13 with space in the courthouses. The courthouses were built
14 with the expectation that one side would be represented
15 and the other wouldn't. And the courts are just not
16 designed to accommodate the needs of this new era where
17 there's a right to counsel. There's not enough private
18 spaces for attorneys to interview clients and speak with
19 clients. The fact that the people have to try to scream
20 out their client's names and interview them in the Bronx
21 in the hallway, and in the other boroughs as well, also
22 really impedes the progress and the effectiveness of the
23 program. Those are the points that are made in our
24 written testimony. Just a couple of other additional
25 points. One is that the City Bar strongly supports HR's

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1 1529 and 1104 and will be submitting memos on that. And
2 then I just want to make one more personal point, which is
3 that--let's call it the "right-to-counsel." It is the
4 right-to-counsel. It's not simply, "Universal access,"
5 which is something that is sort of a meaningless phrase.
6 Three other jurisdictions have now adopted the right-to-
7 counsel. They call it the right-to-counsel. The mayor,
8 when you hear him talking on the radio, refers to it as
9 the right-to-counsel. The city's new Office to Protect
10 Tenants has been putting up posters referring to it as a
11 right-to-counsel. And frankly, it's most important
12 because this administration won't be here forever and
13 people will understand something that's a right. Unless
14 you extend the term limits again, like Bloomberg did,
15 you're not going to be here forever. And people
16 understand that they have a right and people will fight
17 for that right if some subsequent administration starts to
18 threaten it in some way, legislatively or in some other
19 way. So anyway, we really should all be referring to this
20 as a right-to-counsel, 'cause that's what it is. And
21 that's what's going to enable us to protect it in the long
22 run. Thank you.

23 [Applause]

24 MR. DRESSLER: While I still have a job, I will
25 call up the next name: Ignacio Juareguilorda. Thank you.

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1 MR. IGNACIO JUAREGUILORDA: Thank you, good
2 evening. My name is Ignacio Juareguilorda. I just want
3 to see that on the screen. No? All right. Thank you for
4 the opportunity to provide testimony today. I will try to
5 keep my--I will try my best to keep my comments to the
6 allotted time limit, so I refer you to our written
7 testimony for greater detail. The Center for Court and
8 Innovation works to create a more effective and humane
9 justice system by launching operating programs to test new
10 ideas and solve problems, performing original research and
11 providing expert assistance to justice reformers around
12 the world. We operate programs in all five boroughs,
13 ranging from community-based violence prevention programs
14 to re-entry initiatives, civil access to justice programs,
15 and court-based programs that reduce the use of
16 unnecessary incarceration, just to name a few. In all of
17 our work we start with understanding a full range of needs
18 of our communities. I oversee Legal Hand [phonetic] and
19 the Jonathan Lippman Access to Justice fellowships, two
20 projects at the Center. What do we do? Well, one of the
21 things we do is eviction prevention. As in the case in
22 Housing Courts everywhere in both Harlem and Red Hook, two
23 of our community courts, eviction proceedings initiated by
24 landlords in the forms of non-payment cases represent the
25 majority of our cases. In 2018, Harlem handled 2,578 non-

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1 payment cases and Red Hook handled 822. In all of our
2 work we take a problem-solving, individualized approach to
3 cases, meeting the human and not just legal needs of the
4 litigant. We don't just ask the "what," but the "why."
5 To respond to their needs, we have transformed our Red
6 Hook and Harlem Housing Courts into not just a forum for
7 adjudicating their cases, but a true resource hub.
8 Another all too common reason families face evictions is
9 due to default judgments. In Red Hook, we have launched
10 several Housing Court attendance strategies that have
11 contributed to our low rate of default judgments. In
12 2018, only one in ten warrants in Red Hook were issued by
13 default, compared to one in four citywide. All of our
14 work is animated by the principals of procedural justice,
15 which is, at its essence, is treating people with dignity
16 and respect. Tenants in Red Hook have increasingly come
17 to come to court to file HP actions on housing maintenance
18 issues, including health hazards of lead paint, mold and
19 chronic leaks. Citywide, in 2018, tenant-initiated HP
20 actions accounted for less than 30% of total housing
21 filings, while in Red Hook, 18% were initiated by tenants.
22 Our Legal Hand project has become a model in the city for
23 increasing access to justice for tenants outside of the
24 courts by bringing justice to the neighborhoods they live
25 in. Legal Hand empowers community residents to support

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1 their neighbors with free legal information. Our trained
2 local volunteers at storefront centers directly support
3 eviction prevention, addressing habitability issues and
4 assistance finding housing. There's a substantial need
5 for this kind of non-court-based prelitigation service.
6 Legal Hand, through our five sites, have worked on 4,545
7 matters with our visitors in 2019, year-to-date. That is
8 up from last year when we saw 4,273 for the whole year.
9 Without stable housing and protected-tenant rights, a
10 returning citizen faces the likelihood of returning to
11 incarceration. The re-entry programming at the Harlem
12 Community Justice Center operates on the immediacy of
13 providing preventive support to individuals reentering the
14 community. Yet 30% of Harlem's clients returning to
15 community list a homeless shelter as their address.
16 Secure and stable housing is the foundation on which
17 successful reentry is built. However, returning citizens
18 seeking housing faces a shortage of available supportive
19 or transitional housing, which is often exacerbated by
20 restrictive criminal background policies. The promise of
21 universal access is incredible. As a former legal
22 services attorney specializing in Housing Court, I
23 consistently observe better outcomes when tenants have
24 legal counsel, even in cases where the tenant does not
25 retain their apartment. Unfortunately, universal access

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1 is not at this point yet universal and is not the only
2 necessary service. We strongly support the inclusion of
3 public housing residents within universal access, because
4 access to legal services makes a difference for public
5 housing residents in both L and T [phonetic] Court and in
6 NYCHA Administrative Termination of Tenancy Hearings.
7 Tenants of all housing types benefit from legal services
8 when facing evictions and is needed for public housing
9 residence now more than ever. Additionally, we strongly
10 encourage the city to consider ancillary services,
11 including pre-court information that could prevent the
12 need for Housing Court litigation and clinical services,
13 that can ensure that clients are served in a wholistic
14 matter. Thank you for the time.

15 [Applause]

16 MR. DRESSLER: Regina--and I'm not going to
17 attempt the last name because I can't read it. And I
18 apologize. That's my fault.

19 AUDIENCE: Go Regina.

20 MR. DRESSLER: One name's all it takes. Thank
21 you.

22 MS. REGINA SHANGLEE: Good evening. My name is
23 Regina Shanglee [phonetic]. I want to thank you for
24 allowing me to present the Catholic Migration Services,
25 tenant leaders team testimony and right to counsel

1 implementation. Tenant leadership team is very pride and
2 excited to have fought alongside our families, neighbors
3 and allies, and won the right-to-counsel for tenants
4 facing eviction in Housing Court. We believe this is a
5 very important step towards changing the culture and
6 increasing our chances of finding justice in Housing
7 Court, and ultimately shifting power so the courts are no
8 longer controlled by landlords. Even though we still have
9 a long way to go, we are so excited about the success
10 right-to-counsel has already shown. We know that many
11 more tenants are getting representation. Landlords are
12 suing fewer people. Evictions across the city have
13 decreased. And the most exciting part is that tenants are
14 organizing and taking stronger actions to assert their
15 rights and defend their homes. However, there is still a
16 lot to do to improve the implementation and to increase
17 the success of the right-to-counsel. Many tenants who are
18 already covered by the right still don't know that they
19 have it or how to use it. The majority of tenants learn
20 about it when they get taken to court. That's too late,
21 because many of the tenants are afraid to appear in court
22 so they don't go. Others go but decline representation
23 because they only have time enough to appear and get back
24 to work or pick up their kids. We need the city to
25 implement a robust, public-awareness campaign now so

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1 everyone who qualifies for the right-to-counsel knows
2 about it and can assert it. We're happy to have the
3 support of attorneys from legal service organizations.
4 They have worked with our communities for many years and
5 are skilled around the housing laws. Many of us are in
6 need of assistance around other areas to be able to defend
7 our cases and to stay in our homes. Therefore, we call on
8 the city to fund right-to-counsel at a level that supports
9 a wholistic model so organizations can have social
10 workers, public benefits--public specialists, paralegals,
11 et cetera, and attorneys, to (inaudible), feel more
12 supportive. This next piece I'm going to address a
13 question to the audience. Who attended the tribunal on
14 evictions last week?

15 [Audience]

16 MS. SHANGLEE: We had a lot of people and brave
17 tenants who got to publicly call on the worst evictors
18 [phonetic] they stopped. You're not allowed to keep using
19 court as a weapon in a business tactic. And the city
20 should join us by investigating the worst evictors.
21 According to the data, these landlords are responsible for
22 a big percentage of the evictions that happen in the city
23 and are suing everyone who is housed by them. They're
24 suing tenants over and over again. But the worst part is
25 that the city allows for this horrible behavior to happen

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1 and it needs to stop. So again, we call on the city to
2 investigate these worst evictors. And while the
3 investigation goes on they shouldn't be allowed to bring
4 cases to Housing Court. Lastly, but equally as important,
5 is that we need to pass bills HR 1004 and HR 1529, if you
6 want right-to-counsel to really give most New Yorkers an
7 opportunity to defend their homes. Many hardworking
8 tenants who earn minimum wage currently do not qualify for
9 the right-to-counsel, but they also don't earn enough
10 money to hire a private attorney. So, the passing of 1104
11 would increase the income threshold to 400% of the federal
12 poverty line and allow for those families to be covered by
13 the right-to-counsel law. Housing Court's not the only
14 space where eviction cases are brought. There are tenants
15 who are taken to Supreme Court or have administrative
16 hearings. But if right-to-counsel only applies to Housing
17 Court, many of the other tenants, again, will be left out
18 of that fighting chance. HR 1104 will cover all types of
19 cases where an eviction is possible and will cover
20 appeals, which right now it doesn't do. And with more
21 tenants winning their cases, the right needs to be
22 expanded to cover appeals so we don't end up at square one
23 again. HR 1529 also needs to be passed so that trusted
24 community organizations can reach community members about
25 the right-to-counsel. In this way, tenants can get

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1 connected to attorneys before going to court, and because
2 community organizations already known and trusted for
3 their work, as community members we feel more comfortable
4 letting them into our buildings and learning about our
5 rights through them. And again, if we don't know about
6 our rights we're going to continue to be pushed out and
7 harassed by our landlords. We hope your office and the
8 city hears our suggestions and asks and continues to
9 include us in the process of implementing the right-to-
10 counsel so we can continue the work of making New York
11 City eviction free. Thank you.

12 [Applause]

13 MR. DRESSLER: Next up is Sean Wims, and then
14 I'll start calling out the following names: first one of
15 the next four is actually a special (inaudible) council
16 member, Vanessa Gibson, we're lucky enough to have here.
17 You heard me mention her name earlier as one of the prime
18 sponsors of the Right-to-Counsel Coalitions, so
19 Councilmember Gibson, we're happy to have you here. We
20 look forward to hearing from you. Following Councilmember
21 Gibson will be Nakeeb Siddique, then Gwen Black, and then
22 Meaghan Whyte. Mr. Wims, take it.

23 MR. SEAN WIMS: Good evening. My name is Sean
24 Wims. I've been a long-time resident of the Bronx, 10453
25 zip code, [REDACTED]. I'd like to thank the Office

1 of Justice for the Tenant's Rights project that they
2 initiated. Okay. However, I've run into the issue of I
3 have now been locked out of a tenant's referral unit for
4 HRA. None of the organizations at this point want to
5 actually represent on my case, where there has been a 20-
6 year issue of noncompliance from the landlord for getting
7 repairs done. I've gone to various organizations up in
8 the Bronx that have taken monies for the project, for the
9 Tenant's Right project. However, I'm at the point now
10 where most of the agencies say that they don't have the
11 resources to help me in my particular instance. I'm
12 dealing with an issue now with non-repair with something
13 that's referring to a new local law, 55 [phonetic] of
14 2018, which no one seems to be very versed in. However,
15 I'm trapped with trying to maintain and deal with the
16 landlord's issues in court on my own, now that I'm
17 unrepresented once again. The two organizations that I
18 picked up wouldn't continue with it. So, I'm now self-
19 representing again. I'm on disability now and my income
20 is not at the level where I can pay for an attorney.
21 However, the issues within this apartment aren't something
22 that I can deal with my own because there's underlying
23 issues that have affected my health at this point. And I
24 just wanted to bring to attention to your office, the
25 Office of Civil Justice, that some of the agencies are

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1 getting the monies for the program, however, they're not
2 continuing with these cases on an ongoing basis because
3 they say they don't have the resources to do it, and I
4 understand that. However, the tenants who are left in
5 this predicament are still facing eviction, such as I am.
6 And once again, I'm not here to nag or complain about the
7 tenant's organization, Tenant's Right Council. I'm just
8 here to let them know there are still tenants in the
9 situation that cannot afford counsel who can't be serviced
10 fully to the full extent that they need because they just
11 don't have the resources to do so. But I'd like to thank
12 you for allowing me to speak. Thank you for your
13 (inaudible). Thank you.

14 [Applause]

15 MR. DRESSLER: Nakeeb?

16 MR. NAKEEB SIDDIQUE: Yes.

17 MR. DRESSLER: Oh, sorry. Go ahead.

18 Councilmember? You're up if you're ready. Sorry.

19 COUNCILMEMBER GIBSON: Hey, everyone. Good
20 evening. Thank you so much to everyone for coming out
21 from the Bronx and the Board. Thank you, thank you for
22 coming out really tonight to this very important hearing
23 as we continue to talk about universal access, a/k/a
24 right-to-counsel. Thank you, Andy Scherer for saying
25 that, 'cause I've been struggling with the correct term

1 because I've always known it to be right-to-counsel. So,
2 I want to thank you to the Office of Civil Justice. Thank
3 you to our coordinator, Jordan Dressler and your team,
4 really, for allowing us (inaudible). So, I'll talk to you
5 about right-to-counsel and the two-year implementation
6 where we are. And I appreciate all of the advocates and
7 organizations that are representing on behalf of so many
8 tenants across New York City. This was something that was
9 led by tenants way back in 2014, due to the fundamental
10 belief that housing should always be a right and not a
11 luxury. And I am so thankful for this journey. I am
12 thankful for walking with so many tenants that struggled
13 themselves, that endured so much from their own landlords,
14 that took their pain and turned it into a real plan and
15 purpose. And so here we are, years later, talking about
16 the implementation of right-to-counsel and the local law
17 and just a couple of particulars that I got from the
18 report. And I definitely did look at it and really tried
19 to further understand some of the things that we talked
20 about. And the legal organizations that we have provided
21 funding to have really served over 100,000 New Yorkers in
22 approximately 41,000 households across New York City, many
23 dealing with eviction cases, but also lack of repairs,
24 landlord harassment and many other threats to their
25 tenancy. And we know that this is about a 24% increase in

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1 households compared to the prior year and a 74% increase
2 compared to FY '17, before the implementation of right-to-
3 counsel. And so, fast-forward to where we are today. And
4 as of June 2019, as we ended the fiscal year, more than
5 350,000 New Yorkers have received free legal
6 representation, consultation, advice and assistance in
7 eviction cases and other housing-related matters since
8 2014. Residential evictions are at historic lows in 2018
9 and the majority of tenants were represented in court
10 through universal access right-to-counsel. So, we have
11 shown through data, through real-life experiences, that
12 right-to-counsel is working and it is successful, and I am
13 grateful for that. And in a number of cases in FY 2019,
14 94% of households that were served in housing court or
15 eviction proceedings were income eligible as defined under
16 our law, but I also want (inaudible) that we recognize
17 that there were about 477 households in the Bronx that
18 exceeded the 200% income. And so that is another reason
19 why we are at the city council. Mark Levine and myself,
20 are looking at right-to-counsel 2.0, because we know that
21 if we change the threshold from 200% to 400% of the
22 federal poverty level, we're going to reach even more
23 households that are equally as important. These are
24 working families and we want to recognize that as we raise
25 the minimum wage and we raise income wages in our

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1 household, we also want to make sure we recognize that
2 families are still struggling today. And so, moving
3 forward, I wanted to offer up a series of recommendations
4 that I believe that the Office of Civil Justice should be
5 looking at as we continue to implement right-to-counsel.
6 So first, we need your support HR 1109 and HR 529--1104,
7 I'm sorry. We need your support on both of those pieces
8 of legislation, not just to change the threshold, but also
9 to focus on tenant organizing and organizing on the
10 ground. And that is something that has been done
11 successfully by the Right-to-Counsel Coalition and many
12 organizations. Too many to call, but certainly on behalf
13 of the Bronx, I have to recognize Casa Bronx and Northwest
14 Bronx Community (inaudible) Coalition. Those two
15 organizations have been the foundation by which we've done
16 this work in the Bronx. And so, expanding outreach, I
17 want to see public service campaigns, just like we have
18 Thrive NYC and its billboards everywhere on subways and
19 bus ads. I want to see us focus on universal access and
20 talking about it. The NYC kiosks that we have all across
21 the city--we should be talking about the eligibility and
22 encourage tenants to come forward, because it's
23 unfortunate that tenants only find out about right-to-
24 counsel when they go to Housing Court. And so, we have to
25 do better in expanding our outreach, our promotion,

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1 education and empowerment. Number two, as it was
2 mentioned, we have a space issue in our Housing Courts,
3 and I reference the Bronx. You have a capacity issue.
4 You have attorneys meeting with their clients in the
5 hallway, in the bathroom. It is a zoo if you go to Bronx
6 Housing Court on any given day of the week. And I know
7 they're working very closely with OCA, and as we continue
8 to do that I want to make sure we recognize we have to
9 provide privacy space, confidentiality space so that
10 clients can meet with their attorneys. Language access
11 was brought up, so I just want to emphasize the importance
12 of that. Expanding right-to-counsel to fully be eligible
13 for NYCHA residents. And I know right now it's focused on
14 seniors, head of households 62 and older, for non-
15 administrative cases. And that's a good start, but it's
16 not the end. And I want to make sure we do focus on all
17 tenants that live in New York City public housing. I want
18 the Office of Civil Justice to play close attention to the
19 rent regulation laws that were passed by the legislature
20 this June. The Tenant Protection and Housing Stability
21 Act of 2019. I want you to pay very close attention and
22 look at trends that you may see as landlords and owners
23 have to comply with this new law. We've heard some, you
24 know, information, and things on the ground about
25 landlords wanting to try to circumvent the law and do

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1 everything they can to get around it. And so, I want us
2 to be ahead of the game and see what is happening on the
3 ground as it relates to the new regulation laws. I
4 mentioned that some legislation items to talk about and I
5 also want to say that this has been a journey and a
6 movement for many of the tenants and the organizations.
7 But we, in New York City, are leading the way and other
8 localities are looking at New York City in terms of how to
9 follow. And looking at best practices that we have
10 implemented here. So, we see places like San Francisco,
11 (inaudible), that have already implemented similar
12 messages. And most recently, shout out to Cleveland,
13 Ohio, because their Cleveland City Council successfully
14 passed right-to-counsel in Cleveland. And so, this is
15 something to me that's getting national attention for all
16 of the right reasons. And what better place to lead the
17 effort than New York City. And I know our transition was
18 a challenge at first. We learned a lot of the lessons of
19 the past, things that we didn't do, things that we can do
20 better. And now that we are looking at expanding and
21 further going to more zip codes, I again want you to look
22 at the promotion, the outreach, government regulation,
23 look at what's happening inside Housing Court, also what's
24 happening outside of Housing Court, and really make sure
25 that this continues to be successful. I think we

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1 appreciate the progress that has been made, the members
2 that are showing that when you provide legal
3 representation to tenants facing eviction, it saves their
4 home. It provides the stability that they deserve. And
5 that is something that speaks volumes to this
6 administration and to all of the advocates that are here.
7 And so, once again as we continue to move forward, in my
8 two final years in the city council, I look forward to
9 working with you on passing both of our pieces of
10 legislation because we want to make sure that more people
11 can be covered and are covered and are protected, and we
12 reduce the likelihood of families living in shelters and
13 being on the street, and we provide the one thing that we
14 know is a fundamental part of our democracy, and that is
15 access to affordable and quality and stable housing. And
16 if we do that, it has a domino effect on their education,
17 their livelihood, their quality of life, where they live,
18 how they live. It has an incredible impact on the lives
19 of our tenants and their families and their children. And
20 so, I urge you to continue to listen to the residents who
21 are coming before you tonight, but also more importantly,
22 continue as you have been in your commitment in working
23 with the Right-to-Counsel Coalition and with all of the
24 advocacy groups as we continue to expand our universal
25 access a/k/a right-to-counsel. I thank you for your time.

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1 I look forward to working with you. Thank you all for
2 coming out tonight. Thank you.

3 [Applause]

4 MR. DRESSLER: Thank you very much. Next, we'll
5 here from Nakeeb Siddique.

6 MR. SADIG: Good evening, everybody. And thank
7 you to Mr. Dressler [phonetic] and your team at the Office
8 of Civil Justice for not just listening to us this
9 evening, for everything that you all have done and that
10 you do every single day, on behalf of the Legal Aid
11 Society and on behalf of our mutual clients. My name is
12 Nakeeb Siddique. I'm the director of our housing unit at
13 the Brooklyn Neighborhood Office of the Legal Aid Society,
14 and I'm also a proud immigrant son of Brooklyn and very,
15 very happy to be with you all to speak briefly about year
16 two, going into year three, of the right-to-counsel. And
17 I've submitted my testimony here for the Office of Civil
18 Justice, so I won't necessarily go into the background.
19 But just very briefly, the Legal Aid Society, we are the
20 largest and oldest legal service provider in the country
21 and providing increase access to justice is something that
22 the Legal Aid Society has done for a very long time,
23 longer than any of us in this room have been alive, and
24 certainly representing low-income tenants in Housing Court
25 has been a part of our bread-and-butter, something that we

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1 have done for decades and decades. And in the course of
2 that, one of the things the Legal Aid Society has been at
3 the forefront of is to expand access to justice in Housing
4 Court, as well as in other areas, for all low-income New
5 Yorkers. That is sort of the spirit and principle by
6 which we operate. We believe that our organization, the
7 Legal Aid Society, exists for one simple reason, to ensure
8 that no New Yorker is denied their right to equal justice
9 on account of poverty. Now, the Legal Aid Society is very
10 proud to be part of the right-to-counsel NYC coalition
11 which has won this incredible right-to-counsel here in the
12 city of New York. And now that we are at sort of the
13 midway point of the five-year rollout, right? The law,
14 the right-to-counsel law provides that by July 31, 2022,
15 in all five boroughs anybody who is under the poverty
16 guideline and is a tenant is entitled to free legal
17 representation. We're going into year three. And so one
18 thing I also want to say here is, and I feel very strongly
19 about this and I, you know, I think I got the sense of the
20 room over here is that, you know, now that we're going
21 into year three, we should really, I think, collectively
22 work towards making the right a natural thing, you know, a
23 kind of a part of the infrastructure of the city, part of
24 our social justice/social services infrastructure, like no
25 different from subway, right? We didn't have that 200-

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1 and-some years ago; now we take it for granted. Wouldn't
2 that be amazing if a few years from now the right-to-
3 counsel is not something that we really think that much
4 about. Like you walk over to Criminal Court, of course
5 you expect that there's going to be a lawyer who will
6 represent you for free if you can't afford representation.
7 Well, that is something how it should be in Housing Court
8 and perhaps in other areas of law. And so, I think that
9 is one thing I would sort of say, is that we are at a very
10 exciting moment here for tenants' rights, but not just
11 tenant's, any kind of poor New Yorkers who are struggling
12 to make ends meet in New York City. We have had this
13 Housing Stability and Tenant Protection Act passed by
14 Albany in June. That is the anvil for tenants and many
15 low-income New Yorkers. The hammer is, if you will, the
16 right-to-counsel law. It gives the ways--you know,
17 there's the means and--there's the ways and there's the
18 means. Right? So, we can bring the two of them together.
19 We have an incredible opportunity here and I would
20 encourage all of us to work across all the stakeholders,
21 certainly the Office of Civil Justice, but also with the
22 court system and HRA, the part of HRA that provides, you
23 know, public services to our clients. And also,
24 community-based organizations, to make the most of this
25 moment in history. So, the recommendations I've sort of

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1 had that the society is putting forward are in the
2 testimony. Every single recommendation I've heard this
3 evening, 100%, absolutely can agree with. I'll just say
4 sort of three main things. One if which is that HRA--I
5 think we would like HRA to work with our clients, tenants
6 or whoever they are, in Housing Court to provide sort of a
7 one-stop-shop for public benefits where they can get
8 assistances from the city, 'cause frankly, a lot of the
9 cases are about people needing assistance for non-payment
10 proceedings, so some infrastructure where you can get that
11 at court, where you're there anyway where you don't
12 necessarily have to take another day off to go halfway
13 across town. Second thing I think is that to work with
14 the courts. The Office of Civil Justice certainly works
15 with the courts. We, as legal services providers do. But
16 the courts are hearing what is going on. They're making
17 incredible reforms that I never thought we would ever see.
18 It may not be so obvious to tenants, but we need to sort
19 of push that and make sure that we have language access,
20 make sure that we have the space to do this right, make
21 sure that people are treated with dignity and don't leave
22 because it's just a hard, terrible place to be in. And,
23 you know, the third thing I will say is that, you know,
24 again, certainly I think it should be expanded to other
25 forms of tenant advocacy and tenant representation--the

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1 right-to-counsel, that is. But one thing I would
2 encourage to all of us to maybe take a look at is perhaps
3 all the stakeholders, jointly, could work together on a
4 series of continuing education programs centered around
5 the right-to-counsel to really reinforce that this is
6 happening; it's not going away. Right? I mean, I feel
7 like when our adversaries and the court, when everybody
8 thinks, "Of course, of course you have a right to a
9 lawyer." That's when we know that we will have one. And
10 we're not quite there, but I think as we go into year
11 three, I hope that we all think in those terms. Thank you
12 all.

13 [Applause]

14 MR. DRESSLER: Next up, Gwen Black.

15 MS. GWEN BLACK: Good evening. Hi. My name is
16 Gwen Black. And unfortunately, the right-to-counsel did
17 not exist back in 2016 when I was facing eviction and
18 ultimately evicted from my rent-controlled apartment on
19 Riverside Drive an 144th Street. When I sought the help
20 from several service providers, I was turned away with
21 many excuses, such as they did not have enough lawyers,
22 and some of them didn't fully understand succession
23 rights. The rule was you had to live in the apartment for
24 two years, but not many of them were aware of the law that
25 if you have a person with disability it was only one year.

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1 So here I was in the court facing the judge by myself and
2 no legal representation. I could not defend myself. When
3 I tried to defend myself, the judge said to me, "Ms.
4 Black, put your hand down because we're not in college."
5 How unfair was that? Very sad. And so, I was pressured
6 into a settlement that was one-sided. And although I
7 couldn't keep the whole part of the settlement, neither
8 did the landlord. They did nothing according to
9 settlement. So, I eventually had to go to the appeal
10 process. I was given a stay twice. But because, again, I
11 didn't have a lawyer at that time, I didn't get a third
12 stay. So, my recommendation is that it should be
13 mandatory by law to prevent any judges from moving forward
14 in the case if a tenant does not have legal
15 representation. You cannot defend yourself. We don't
16 understand the law and you cannot understand everything
17 that the judge is saying. So, if there's some kind of law
18 in place that would say, "Judges, you cannot allow a
19 tenant to sit here in the courtroom without any
20 representation," I think that will help prevent more
21 evictions. Also, I think it should be more transparent
22 what these service providers are doing. How many cases
23 are they winning? How many cases are they losing? And if
24 they cannot take a person's case, who can they turn to?
25 Is there a hotline or is there going to be someone in the

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1 courtroom? I mean, my case was in 2016, so I don't know
2 if some of those things are now in place. And lastly, it
3 is my hope that OCJ will take a look at past evictions
4 prior to 2017 and see how unfair some of those evictions
5 were and what can be done to right the wrong of some of
6 those cases, cases whether (inaudible) in appeals or with
7 the Supreme Court or whatever. We still need an office
8 that can help us to say, "This case was unfair." Lawyers
9 looked at my case just last week and they said, "This was
10 wrong. This was wrong and this was wrong." But here I
11 was without any legal representation. So that caused the
12 (inaudible) for me to be evicted. But I'm happy to see
13 the Office of Civil Justice, but I really hope that you
14 can go backwards, before 2017, and see what can be done to
15 right some of the evictions. Thank you.

16 [Applause]

17 MR. DRESSLER: Next up with have Meaghan Whyte.
18 And I will call out for more names following Ms. White.
19 Kim Statuto, Marika Dias, Dian Hawkins and Judith Bernard.
20 Apologies if I misread them. Thank you.

21 MS. MEAGHAN WHYTE: Thank you to OCJ for hosting
22 this hearing and the Right-to-Counsel Coalition for
23 mobilizing folks to highlight the improvements that can be
24 made to the right-to-counsel initiative, as it rolls out
25 to the goal of full representation in 2022. I'm just

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1 going to read my highlights, 'cause I know I'm going to go
2 over. My name is Meaghan Whyte and I'm a staff attorney
3 at Mobilization for Justice. As my colleague, Mr. Darcy,
4 said earlier, MFJ is a right-to-counsel provider in the
5 Bronx. We also serve tenants in Kings County and New York
6 County as well. However, tonight I'm speaking on behalf
7 of the legal workers, paralegals, social workers, process
8 servers, support staff and attorneys who make up Legal
9 Services Staff Association 2320, staff at Mobilization for
10 Justice and Legal Services NYC. We provide right-to-
11 counsel representation in every borough of New York City.
12 Our members, some of whom have been doing housing work for
13 decades and others who are brand new to Housing Court have
14 recognized a number of issues that the implementation of
15 right-to-counsel has raised. Of primary concern to our
16 membership, for right-to-counsel to work properly the city
17 must make funding available for people other than lawyers.
18 Right now, I'm a lawyer, a social worker, a financial
19 counselor, a real estate broker and a benefit specialist.
20 However, I'm only trained and qualified to be one of those
21 things. The legal services providers who provide right-
22 to-counsel have a history of providing wholistic
23 representation. But the funding that our organizations
24 receive has created a great imbalance of lawyers versus
25 other essential staff at our organization. Though the

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1 city has provided millions of dollars in right-to-counsel
2 funding, this funding still only covers roughly half of
3 what it would cost to properly and fully staff the work
4 and provide the full level of quality services that
5 tenants in this city deserve. The city's partial funding
6 of the workforces or organizations to cut corners and not
7 hire staff other than lawyers and forces the lawyers to
8 spend less time on each case than the time it deserves.
9 Social workers, paralegals, organizers, benefit
10 specialists and process servers are vital to our practice.
11 I cannot stress enough how much these folks are needed.
12 To throw money at lawyers without hiring other staff
13 creates a system in which cases are settled without
14 support for the tenant. A system in which actual systemic
15 issues of rent overcharges are unaddressed, tenants are
16 left on their own to navigate social services
17 bureaucracies, are not screened for additional needed
18 benefits or are not given the attention they may need
19 because of their attorney's caseload is a system that does
20 not put the tenant first. To that end, I say that case
21 caps should be lowered. In order to provide full
22 representation, numbers must be lowered. Our members
23 recognize that quality representation can only be provided
24 to our clients when our caseload is under a certain
25 number. We are not a factory. Our organizations want to

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1 provide meaningful, quality representation to our clients,
2 representation that includes defense in Housing Court, but
3 also sometimes affirmative litigation, full litigation of
4 counterclaims and defenses, and may take more time than
5 just a few court appearances to settle a case. It is not
6 just for our clients to agree to pay in exchange for
7 repairs and for us to close their cases before their
8 repairs are fully made or the relief to which they're
9 entitled is not realized. Reducing case counts would
10 allow us to help our clients exercise their rights fully.
11 In addition, there's a real need for the city to address
12 issues with the landlords' bar. It is patently unjust
13 that landlords' attorneys are able to speak with
14 unrepresented folks in the hallway of Housing Court before
15 the doors to the courtrooms open, if the landlords'
16 attorneys even deign to arrive before 11 a.m. to harass
17 tenants or encourage them to settle their cases without
18 being able to assert their right to an attorney.
19 Especially in the Bronx, the landlords' bar exhibits
20 racist misogynistic and transphobic attitudes openly and
21 without consequence. Civility issues abound in the Bronx
22 and there has been little-to-nothing done to deal with
23 them. Oh, just one thing. The Right-to-Counsel Coalition
24 recommends raising the income limit to 400% of the federal
25 poverty level. Right now, New York City law mandates a

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1 15-hour [sic] minimum wage, however, a single person
2 working full-time on that salary is ineligible for right-
3 to-counsel rep. As I mentioned earlier, our membership
4 represents folks who do right-to-counsel citywide, and
5 we're very concerned about the physical state of Housing
6 Court itself. Often times, the first time a tenant meets
7 their lawyers in the hallway of Housing Court and there
8 are insufficient facilities for lawyers or legal workers
9 to do intake in private. Many intakes are conducted in
10 the hallways of Housing Court, where there are real
11 concerns about confidentiality and unintentional waiver of
12 privilege. Further, our members have real concerns over
13 the way the tenants are treated by court staff. Tenants
14 often wait in lines that stretch around the block of the
15 courthouse. They are not allowed to bring in food or
16 drink into the courthouse, though they are often there for
17 hours. There is often insufficient seating in the
18 hallways of the courthouse, as well as the courtrooms
19 themselves. In fact, Kings County recently removed all
20 seating in the hallway of the courthouse. Many courtrooms
21 do not allow folks to have their cell phones out, even if
22 they're on silent. And tenants who bring children to
23 court are often yelled at by court personnel if their
24 children get fussy or start to speak in the courtroom. It
25 is a rare occasion that the court treats tenants like

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1 humans. And this is an institutional practice that must
2 change. And I would refer everyone to my written
3 comments, as I see that my time is up. Thank you very
4 much.

5 [Applause]

6 MR. DRESSLER: Kim Statuto?

7 MS. KIM STATUTO: That's me.

8 MR. DRESSLER: Thank you.

9 MS. STATUTO: Good evening. My name is Kim
10 Statuto. I'm attended at [REDACTED], Bronx, New
11 York. First and foremost, we have been without gas for 14
12 months. No cooking facility. Yet Housing Court lets the
13 landlord continue to get continuations and access for more
14 days to fix nothing. How does that make me feel? How
15 does that make 46 other tenants in my building feel? I
16 wait. We don't have a voice in the courtroom. Right-to-
17 counsel helped give us that voice. Okay? It's not only
18 about evictions, 'cause we're not facing eviction. We're
19 facing no gas, 14 months, not able to cook; with a \$10
20 hotplate that if it burns out you are on your own to
21 replace it. Ms. Gibson can speak to it. Okay? So, when
22 we talk about right-to-counsel, it's not only about
23 eviction. It's about representing tenants that have no
24 repairs being done in their apartment--okay? My building
25 had over 500 violations. That ain't right, but he still

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1 gets a right to collect his rent and take his tenants to
2 court. But we don't. We stand there and we try to figure
3 out, "Well, why didn't I pay my rent? 'Cause I can't use
4 my bathroom, 'cause I can't use my kitchen." And what
5 does the judge say? "Well, you need to come up with some
6 money," or, "You need to find an agency to help you come
7 up with money." Not right. We've been fighting or
8 they've been fighting--we've all been fighting for the
9 passing of HR 1529 to give more community organizers,
10 community organizations more money to help fund the work,
11 letting other people know that you have a right. Housing
12 is a human right. It is not a luxury. I was evicted 26
13 years ago and I think I heard somebody speak in here
14 because I didn't know the law, standing in the street with
15 four children. Okay? I didn't know the law. And my
16 landlord (inaudible) my rent checks and evicted me 26
17 years ago. Now I'm standing in an apartment, 26 years
18 later, with no gas and the court is allowing him to treat
19 me inhumane. Unacceptable. We have to get these bills
20 passed. We have to understand that tenants have rights
21 also, not just landlords. I have a right to live
22 decently. This young lady right here is my granddaughter.
23 I cannot bring her to my home and cook for her. I have to
24 go to her house and visit her. She can't come spend the
25 night at my house, 'cause I don't have the proper cooking

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1 facility to feed her. And anybody in this room who knows
2 me, you see me, you see her. Okay? It's not fair. We
3 have to get these bills passed. We have to do something
4 about allowing landlords to railroad tenants and put them
5 in positions that they don't need to be in. I am almost
6 homeless because I have Section 8, and guess what Section
7 8 tells me? "Oh, we can't pay them rent because you have
8 no gas. That's against our rules and policy." Is it my
9 fault? No. I urge everybody or Office of Civil Justice,
10 look at these bills. Pass them. Give money to--so that
11 we can go out here and educate people and educate the
12 court system on what is happening to the tenants. Thank
13 you.

14 [Applause]

15 MR. DRESSLER: Marika Dias. And thank you, Ms.
16 Statuto. Thank you.

17 MS. MARIKA DIAS: Yeah, I'd like to (inaudible)
18 that. Good evening. Good evening, everyone. I'm Marika
19 Dias and I'm the director of the Tenants' Rights Coalition
20 at Legal Services NYC, which is a civil services provider
21 providing right-to-counsel representation across the city.
22 And you know, we're really dedicated to the pursuit of
23 social justice, so we're honored to be part of this
24 initiative and we're excited to work with OCJ and our
25 fellow legal services organizations and the Right-to-

1 Counsel Coalition and the tenant community to implement
2 the right-to-counsel. We, through our work, are
3 continuing to see the right-to-counsel as a powerful tool
4 for preventing evictions, for preventing tenant
5 displacement. And that's, you know, also reflected in the
6 OCJ annual report. You know, we're also continuing to see
7 an increase in the law favoring tenants. And you know,
8 the law that's upholding tenants' rights as a result of
9 right-to-counsel. And you know, we now also have this
10 really large cohort of tenant attorneys who themselves are
11 now fighting back in an organized way against the racism
12 and the sexism that's really rife in Housing Court. I
13 mean, all of those things are a result of right-to-
14 counsel. You know, we're really committed to ensuring
15 that right-to-counsel ensures and realizes the full
16 potential for building tenant's power and making Housing
17 Court a place where tenants can fight for their rights.
18 And you know, so it's really in that spirit that we want
19 to raise, you know, some of the challenges and factors
20 that are impacting the successful implementation of right-
21 to-counsel. And I'm going to touch on a few things.
22 There are a whole bunch more in our written testimony that
23 we've submitted. But you know, the first thing I want to
24 touch on is just, you know, we appreciate the efforts that
25 OCJ is making to work with the tenant advocacy community

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1 to really ensure the funding levels for right-to-counsel,
2 reflect the true cost of providing high-quality wholistic
3 legal services. You know, we hope that we're able to
4 continue that work and land in a place where we've got
5 funding levels that ensure that we can have sufficient
6 attorneys so that the caseloads are humane and so that
7 tenants get the absolutely best possible legal services.
8 We want funding levels that ensure adequate paralegal
9 support, funding for public benefits advocates, social
10 workers, all the things that tenants need to fight for
11 their rights, and the types of resources that actually
12 also factor in, the increased infrastructure that we need
13 to be able to do right-to-counsel, which includes
14 everything from IT and HR to management and space, and all
15 of those things. You know, a bunch of people have talked
16 about the inadequate Housing Court facilities and it
17 really is the case that, you know, there've been some
18 incremental improvements, but we're nowhere near where we
19 need to be in terms of confidential intake spaces,
20 sufficient space. There's continued overcrowding in terms
21 of lines in the courtroom hallways. And there's quite a
22 number of providers or other services, over in the Bronx
23 in particular, that don't have intake space at all which
24 is absolutely unacceptable. And so, we're really looking
25 forward to working with OCJ to really address this issue

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1 and get OCA on the same page in terms of what we need to
2 make this successful.

3 And in particular, in light of the fact that
4 they're now proposing to do compulsory alternative dispute
5 resolution, allocate space to that, when they have for
6 years now met with us and told us that there isn't enough
7 space for right to counsel intake.

8 And then in addition to that, you know, there
9 are still issues about connecting tenants with right to
10 counsel and the legal services organizations. Some of
11 those relate to consistency around the procedures in
12 housing court, but, you know, with also OCJ but also, you
13 know, in particular from the Office of Court
14 Administration personnel. It really isn't efficient to
15 have attorneys and advocates roaming the hallways and the
16 courtrooms calling out tenants' names and looking for
17 tenants when they could be meeting with the tenants that
18 are waiting in line to see them. We really do need some
19 sort of central coordinator role, someone from the Tenant
20 Advocacy Community to play this role to connect tenants
21 with legal counsel.

22 And it really shouldn't just be in housing
23 court. We need to work together to work out a way where
24 tenants can connect with lawyers in their neighborhoods.
25 And part of then showing that connection is also all about

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1 the messaging and making sure that we're all calling it
2 'right to counsel' which is what tenants in communities
3 understand. And finally, I just want to quickly raise
4 some issues around cooperation from the New York City
5 Housing Authority. I'm not sure in terms of the phrasing
6 of the right to counsel, but (inaudible) tenants and
7 termination of tenancy proceedings, there are a lot of
8 ways in getting this ramped up and we know that the Office
9 of Civil Justice has worked hard to try to do that.

10 But, you know, we're still not seeing the kind
11 of cooperation that we would like to see. There are NYCHA
12 attorneys intercepting tenants in the hallways much like
13 any other landlord attorneys and telling them they'll get
14 `unfavorable outcomes if they lawyer up. I'm not sure
15 attorneys intercepting tenants who are waiting to see as--
16 such as not informing tenants of their right to counsel in
17 the papers the tenants receive. The new location of the
18 administrative hearings offices is relatively prohibitive.
19 He stalls every time I'm there. Tenants are talking about
20 all the impediments to getting to that location and the
21 expenses they've incurred to do that.

22 And, you know, we're still not--we're not able
23 to get five copies from that, so there are a lot of things
24 that could really make right to counsel in the admin
25 hearings office a lot more successful than it currently

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1 is. And so I've used up my time out and I will refer you
2 to my written remarks.

3 MR. DRESSLER: Thank you. Diane Hawkins?
4 Deonne Hawkins; I apologize.

5 MS. DIAN HAWKINS: Hello and good evening,
6 everyone. I'm from the Office of Adjusters. Our council
7 member that spake (sic) earlier, CASA, and all the
8 representatives. My name is Dian Hawkins. I'm from the
9 Bronx. I reside in my residence over 35 years. And prior
10 to--prior to--all right. Prior to right to counsel, the
11 ordeal that I underwent with my landlord, you know, I do--
12 it did have an impact on the left over from PTSD because
13 we have lived there over the past years and since the
14 rezoning and everything has happening, the landlord, they
15 tried to get us out and they didn't repair where there was
16 ceiling collapsing in the bathroom. And actually, the
17 longer they tried not to do repairs, so we've been back
18 and forth to court several times and, you know, to face
19 eviction, even just for \$35. I was very stressed. I
20 suffered from anxiety to the point where whenever I even
21 heard the landlord's name mentioned, you know, I just got
22 stressed, okay? Then I came in contact with, you know,
23 CASA which actually, you know, got an attorney, you know,
24 through them which really helps me through the process
25 which helps to deflate, you know, the stress and

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1 anxieties. You know, there's a lot of tenants in my
2 building that's (sic) have left--you know, left because of
3 the harassment, but because of persistence and resilience
4 I stayed there and I fight. So, actually the right to
5 counsel--actually it would have significant impact on--you
6 know, to keep tenants together, you know, in their homes
7 and it also would help to deflate homelessness. And also,
8 I think--I know that implementation of the right to
9 counsel could be improved to achieve justice for tenants
10 by coordinating message. We all know this right to
11 counsel. And so they should call it that instead of
12 'universal access.' Better enforcement of landlord
13 intimidation and unethical behavior by landlord attorney,
14 and allow tenants to find attorneys outside of court
15 before their cases begins (sic). And also, to pass ensure
16 in leveling or allow for the increased income eligibility
17 threshold and right to counsel could apply to more kinds
18 of housing court cases. Also pass Intro 1529 for
19 community based organizing groups to do outreach and
20 education. Thank you.

21 MR. DRESSLER: Thank you. Next, we'll hear from
22 Judith Bernard. And following Ms. Bernard, we'll hear
23 from Steven Koch, Jenny Laurie, Dennis Donnelly, and Nova
24 Lucero.

25 MS. LAUREN SPRINGER: Good evening. Okay. Hi.

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1 I'm Lauren Springer.

2 MS. JUDITH BERNARD: I'm Judith Bernard from
3 CMS, Catholic Mission Services, and also a proud member of
4 your Right to Counsel Coalition.

5 MS. SPRINGER: Okay. So, on behalf of the Right
6 to Counsel NYC Coalition, we commend the City for passing
7 RTC. This is a groundbreaking legislation that made us
8 the first in the nation to guarantee a right to counsel
9 and put income-eligible tenants in housing court eviction
10 proceedings. We also applaud the City as well for its
11 creation of the hotline.

12 Two years' worth of data shows that RTC is
13 working. Eighty-four percent of tenants who had RTC
14 stayed in their homes, eviction volumes are down,
15 evictions based on (inaudible) entries are also down. But
16 while RTC has proven to be working, there is still more
17 that still needs to be done to improve it, to make it
18 stronger and more effective. Other cities are watching
19 and we need to do more.

20 MS. BERNARD: I'm going to speak on behalf of
21 RTC New York Coalition. And I'm asking for the following.
22 Increase and strengthen rights to counsel. We are
23 (inaudible) asking for separate recommendations and I
24 think that it could be passed on 1114 and 1529. Increased
25 (inaudible)--we are asking for the increase of the

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1 threshold to 400 percent of the federal poverty line.
2 (Inaudible) why the majority of tenant in housing courts
3 are eligible for the right to counsel and they coming up
4 to 200 percent this Fall. A single New York single woman
5 \$15 which per hour is not. That being--that income
6 threshold would remove everyone's--everyone who is
7 listening in housing court would be right--we have the
8 right to counsel. Explaining the type of increased
9 (inaudible) why this eviction occurred outside the New
10 York City courts. Hundreds of aliens are held in high
11 courts on administrative hearing in (inaudible), including
12 the speedy administrative hearing from (inaudible) from
13 one of residents. Supreme court ejection cases and
14 housing development from corporation. Next covering
15 appeals. Through the (inaudible) guarantees (inaudible)
16 gets an attorney for the entirety of the case. It does
17 not cover (inaudible). Push for (inaudible) than ever
18 deal represented and really the cases (inaudible) are
19 filing all their appeals without legal representation to
20 the defendant, that the evictors tend to be left alone
21 when the final bills (inaudible) decision is made.

22 MS. SPRINGER: The RTC and RC Coalition released
23 a list of the worst evictors city-wide. Some landlords
24 are suing more tenants than apartments owned. They have
25 weaponized housing court in the last 10 years and are

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1 driving that eviction crisis. We ask the City to actively
2 investigate these landlords, issue injunctions, and bar
3 them from bringing (inaudible) lawsuits into their case
4 until it's resolved. I just want to echo something that my
5 fellow comrades have said, and that's that we urge the
6 City to adopt RTC language. Universal access is an
7 amorphous term. It means nothing. So we all send in
8 materials, we want that language used, so that the tenants
9 clearly understand their right and claim its protection
10 and power. Thank you.

11 MS. BERNARD: Thanks to everyone.

12 MR. DRESSLER: Thank you.

13 MS. BERNARD: Thanks for coming.

14 MR. DRESSLER: Thank you. Thank you for
15 coming. Steven--Steven Koch, or I hope I'm saying that
16 right.

17 MR. STEVEN KOCH: Good evening. I'm Steven Koch
18 and I'm a staff attorney in civil action practice at the
19 Bronx Defenders. And behalf of BXD, I wish to thank the
20 Office of Civil Justice for the opportunity to testify
21 tonight. The Bronx Defenders is a public defender non-
22 profit that aims to radically transform how low-income
23 people in the Bronx are represented in the legal system
24 and in doing so, to transform the system itself. Our
25 interdisciplinary teams of lawyers, social workers,

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1 benefits specialists, and other advocates serve more than
2 20,000 low-income Bronx residents every year.

3 Within the civil action practice, our work
4 focuses on defending tenants from eviction, so we're proud
5 to be one of the legal services providers participating in
6 the implementation of the right to counsel. We're also
7 proud to participate in the Right to Counsel NYC
8 Coalition, and our testimony incorporates and will largely
9 echo that submitted by the Coalition. To briefly
10 summarize our written testimony which we submitted earlier
11 today, I'd like to address three key topics the BXD sees
12 as critical to implementation of the right to counsel:
13 continuing obstacles to early legal intervention,
14 expanding eligibility, and courthouse resources. First,
15 continuing obstacles to early legal intervention. Many
16 tenants are still unaware of the right to counsel and
17 those who are often decide to litigate their cases pro se.
18 We recommend that the City pass Intro 1529 to fund and
19 support neighborhood-based outreach and education about
20 the right to counsel. We also recommend that OCJ and OCA
21 work together to help tenants connect with lawyers as
22 early as possible, ideally in advance of their first court
23 appearance. Second, the right to counsel is still too
24 restrictive. Working class New Yorkers do not qualify
25 under the current 200 percent FPL income threshold, and

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1 tenants who need help with affirmative litigation to
2 address dangerous living conditions still cannot get free
3 legal assistance. We recommend that the City pass Intro
4 1104 to increase the income threshold to 400 percent of
5 the FPL. We also recommend that the right to counsel be
6 expanded to cover additional categories of cases like HP
7 actions. Third, courthouse resources. The proposed move
8 of the Bronx Housing court to 851 Grand Concourse presents
9 a unique opportunity to improve upon the inadequate
10 facilities at 1118 Grand Concourse. We encourage close
11 collaboration between OCJ, OCA, legal services providers,
12 and the Right to Counsel Coalition NYC to ensure that the
13 new Bronx housing court has clear signage, is accessible
14 to the handicapped, and has confidential space adjacent to
15 courtrooms for tenants to meet with their lawyers. Thank
16 you very much.

17 MR. DRESSLER: Thank you. Jenny Laurie?

18 MS. JENNY LAURIE: Thanks very much and thanks
19 to all the tenants who came out tonight. It's freezing.
20 You know, if it's an OCJ hearing it's going to be horrible
21 weather, right? Last year it was a snowstorm. My name is
22 Jenny Laurie. I'm the executive director of Housing Court
23 Answers. We run information tables in the five county
24 housing courts and we currently operate a hotline. We
25 operate the hotline number, the City's number, that's

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1 currently on the Notice of Petition and the postcards, is
2 going into our hotline so we're talking to a lot of
3 tenants who are facing eviction and who need legal
4 counsel. I also submitted written testimony and I just
5 want to touch on a couple of points from it. One, I think
6 the news in your latest report is really fantastic. I
7 think it's pretty amazing that 90 percent of the tenants
8 in the Bronx who had legal representation avoided eviction
9 and got to stay in their homes. I think that's really
10 amazing. And I also think it's great that representation
11 for NYCHA tenants has finally been implemented or started
12 the implementation. The NYCHA tenants in housing court
13 are clearly getting representation now, who live in the
14 zip codes, and there's a start--or a rocky start to the
15 representation for NYCHA tenants in termination
16 proceedings. We have a staff person who goes to 803
17 Atlantic Avenue and it takes her eight minutes to walk
18 there because she lives near there. And she says she's
19 talked to people who literally took--one woman who took
20 three--it took her three hours to get to her hearing case
21 because of where she lived and I think in the Bronx, and
22 she has to take Access-A-Ride and she had to do a bunch of
23 different things. So, I don't think that the whole right
24 to counsel process at 803 Atlantic Avenue is going to be--
25 have a very smooth implementation probably because of

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1 where it is and probably because of resistance from some
2 of the staff at NYCHA. Your staff is great there by the
3 way. So, yeah, so I think that we'll need to watch that.
4 Housing Court Answers supports the expansion of the right
5 to counsel to tenants at 400 percent of the federal
6 poverty level. And of course we support funding for
7 organizing so that more tenants understand what a right to
8 counsel is, so fewer tenants default on their cases.
9 Because right now a lot of tenants never show up in
10 housing court because they don't know about it. And all
11 the other recommendations--excuse me, in 1104 and 1529.
12 We'd also urge the Office of Civil Justice to work with
13 your friends at OCA to create better intake places
14 particularly, say, in Queens and in the Bronx where the
15 intake process is--the rooms themselves that the tenants
16 end up in are fine, but it's sort of the process of
17 calling out tenants and explaining it to them what right
18 to counsel is very chaotic.

19 And I hope that you will oppose the plan to
20 implement the alternative dispute resolution. I think
21 it's insulting of the court system, after so many tenants
22 have fought blood and tears to get right to counsel, that
23 the court is then going to implement this, you know,
24 increasing quality, access to justice, by bringing in
25 mediation. Mediation doesn't work between two parties;

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1 one who has all the power, the landlords and their
2 lawyers, and an unrepresented tenant. So, I hope that
3 you'll oppose the proposal for ADR. Thank you very much.

4 MR. DRESSLER: Thank you. And before we call
5 the next man, I just want to take this opportunity to
6 point out we're actually coming close to the end of the
7 list. We have folks who have signed up, so if you do wish
8 to speak and you haven't spoken yet, now would be the time
9 to sign up. We've still got folks available. If not,
10 we've got just really two names to go and then we'll wrap
11 up. And while I have your attention, I want to say thank
12 you to my staff and my team at the Office of Civil
13 Justice, some of whom are up here; some of whom are lining
14 the wall there. All of them worked together to put on, in
15 my opinion, a flawless hearing this evening. These
16 logistics are not easy, as you remember working within the
17 City logistics around the City are never easy, but this is
18 the second year in a row that so far so good, and
19 notwithstanding the very, very cold weather outside. So
20 I'd actually ask you all since we've all been clapping
21 tonight, if you could give them a round of applause for
22 the hard work that they do. Thank you. And with that,
23 Dennis Donnelly. Sorry. I gave you a little hard act to
24 follow.

25 MR. DENNIS DONNELLY: Good evening, everyone.

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1 Thank you to OCJ and thank you to everyone who's come and
2 already spoken. My name is Dennis Donnelly. I'm a staff
3 attorney with Communities Resist, a recently founded legal
4 services non-profit focused in North Brooklyn. Our work
5 and our model of legal advocacy is based on group
6 representation of tenants and community organizing. What
7 this means for tenants is that we represent tenant
8 associations both in individual eviction defense cases as
9 well as in group affirmative cases for repairs and
10 essential services, and against landlord harassment and
11 discrimination. We're here in solidarity with New York
12 Right to Counsel Coalition of which we're a proud member,
13 and in enthusiastic support of both Intro 1529 and 1104.
14 Expanding the income guidelines and the types of cases
15 covered is absolutely necessary as you've heard much
16 testimony about already, but providing funding and support
17 for community organizing and local CBOs is absolutely
18 necessary for our model of work and for right to counsel
19 to be successfully implemented city wide. Without
20 community organizing, tenants do not gain the full power
21 and advantages of the right to counsel. But--and city
22 government and the court system lose out on efficiencies
23 and benefits for them as well. Our office is founded on
24 the model that the law is what you can get away with, and
25 for those of you who go to housing court you see that all

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1 the time. As this applies to the justice that our clients
2 receive, we understand that the neighborhoods that we
3 serve have the best shot at preventing further
4 displacement by being proactive and taking the fight to
5 bad actor landlords who abuse the court system as another
6 part of their business model. Without the community-based
7 organizations that we partner with and the organizers that
8 they field, I quite simply could not conduct the legal
9 services work that I do on behalf of tenants throughout
10 North Brooklyn. Every step of the way in a campaign to
11 affirm the right to fair and safe and decent housing, from
12 door knocking to the formation of a tenant association, to
13 around-the-clock communication between attorneys and
14 tenants, to language access and translation and court
15 support, I could not do the work that I do unless tenant
16 organizers and the community organizations that employ
17 them create the path that I can then follow. This
18 organizing work is essential to the success of right to
19 counsel. OCJ's efforts and the efforts of organizations
20 like Housing Court Answers have done so much to educate
21 tenants and spread awareness, but many tenants still do
22 not know about their right to an attorney in housing court
23 because they don't hear about their rights from trusted
24 community organizations that they already frequent for
25 other needs in their communities. Often tenants don't even

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1 go to their first court date because they can't find
2 coverage for child care. They can't afford to take off
3 from work for another day to wait around all day, to even
4 see a landlord's attorney before 4:30. As many people
5 have said already, the signage in housing court, even in
6 English, is often inadequate and other language support is
7 very inadequate. The tenants that we serve and throughout
8 New York City should be able to find a legal services
9 attorney through trusted, long-standing community benefit
10 organizations in their neighborhood before they even go to
11 court on the first or second or third court appearance
12 which already has caused other impacts and detriments in
13 their lives and families. We ask the City to also go with
14 many other people's suggestions to embrace the term 'right
15 to counsel.' It's far more concrete. Everyone
16 understands it, and it centers the fact that every New
17 York City resident should have a right to housing as well.
18 Thank you.

19 MR. DRESSLER: Thank you. Every time. Nova
20 Lucero?

21 MS. NOVA LUCERO: Hi. My name is Nova Lucero.
22 I'm a tenant organizer at the Northwest Bronx Community
23 and Clergy Coalition. Right to counsel has been really
24 helpful for my family, friends, and neighbors. This year
25 alone a number of close friends and family have faced

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1 eviction and are still currently fighting their cases. It
2 has been the only way to fight back and actually win and
3 get (inaudible) line with very abusive practices. We are
4 all know it's a really long process with HCL, with HPD,
5 and we know that even if you win an HP action case in
6 housing court, they're asking for more ways of enforcement
7 of any fines or repairs and justice is rarely seen. For
8 this reason, community groups and legal service
9 organizations are the only resources that share tenants'
10 rights information, but we are all underfunded so our
11 reach is not far. And often it's only for those who have
12 already filed their housing court cases. So we need your
13 support to pass Intro 1529 and fund community organizing
14 to reach more people through more organizers that will
15 conduct more workshops, outreach, and one-on-one
16 counseling and referrals. The right to counsel has been
17 so important to providing tenants with a more effective
18 way to fight injustice. But we all know that it is only
19 effective when more people can take advantage of it. So
20 this is why we need the right to counsel recommendations
21 that have been shared with you about housing court to be
22 implemented. Issues like poor signage in housing court,
23 about right to counsel, judges not telling tenants about
24 their rights, landlord attorneys still intimidating
25 tenants in hallways before courtrooms are open shouldn't

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1 still be happening.

2 Right to counsel attorneys should not be forced
3 to have confidential meetings in crowded hallways.
4 Tenants shouldn't have to spend entire days in court
5 waiting to be seen, losing money, or getting more sick and
6 spending entire days indoors waiting anxiously. Landlords
7 should have to start the paperwork again if they're going
8 to play these games with tenants. Every week my team and
9 I do door knocking on buildings owned by some of the worst
10 evictors like Steven Finkelstein and the Morgan Group. We
11 are currently seeing tenants in Bronx Housing court and
12 week after week we find that these buildings have recently
13 just become homeless shelters or co-ops or that they're
14 recently vacant due to evictions both informally and
15 through intimidation, construction, harassment, rent
16 increases, or formally through housing court evictions.
17 If the City is unable or unwilling to do an MTA ad
18 campaign or some other like wide--widely reached campaign,
19 then we can at least do like a (inaudible) campaign about
20 the right to counsel to tenants because we all have, you
21 know, the addresses of these buildings owned by some of
22 the worst evictors and these are the places that we have
23 information about from people who are, like, currently
24 being sued in housing court. People who have right to
25 counsel and people in general, tenants in general, need to

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1 have this information about their rights to be able to at
2 least get resources from their local tenants' rights
3 organization. We also need your help to pass Intro 1104
4 so other neighbors and longtime friends who have SSI, SSD,
5 and who make a little bit more than \$15 an hour can have
6 an attorney. A majority of tenants that I work with are
7 people who just barely make \$15 an hour working two jobs
8 or who receive a disability benefit through SSI. And if
9 you are having (inaudible) a growing number of people
10 living in shelters who are doubled up or--or street
11 homeless who come from the service industry or who are
12 elderly or disabled. And this expansion of right to
13 counsel is important to ensure that a growing number of
14 this homeless population stops growing. The vulnerability
15 and health risks of these specific neighbors of ours
16 increases when they are housing insecure or homeless. I'd
17 also like to share that CASA in Northwest Bronx have
18 recently published a report about recommendations for
19 housing court, and if you haven't already done so, you
20 should read it alongside of the right to counsel
21 recommendations. We plan on engaging both of your Offices
22 of Civil Justice and Court Administration to use the power
23 of influence of your offices to ensure impactful changes
24 are done immediately for tenants with right to counsel and
25 for all tenants across New York City. All of these

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1 tenants are fighting for their homes in and out of housing
2 court so we should too. Thank you.

3 MR. DRESSLER: Thank you. We have one name on
4 the list left. Monica Grijalva? Grijalva. Monica G?
5 No? Okay. Is there anyone else who would like to speak?
6 You can just step right up. Okay. It is seven--sorry.
7 Eight--about 8:38 and I think we'll call this hearing
8 completed and adjourned. Thank you all very, very much
9 for coming out tonight.

10 (Proceeding Concluded)

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C E R T I F I C A T E

I, Nathalie Moore, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: 

Date: November 14, 2019

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C E R T I F I C A T E

I, Charlene G. Gologuch, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: *Charlene E. Gologuch*

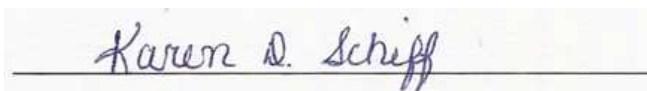
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C E R T I F I C A T E

I, Karen Schiff, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, HRA Public Hearing was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature:

A rectangular box containing a handwritten signature in blue ink that reads "Karen D. Schiff". The signature is written over a horizontal line.

Date: November 14, 2019