



Testimony Of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committee on the Justice System
HRA’s Fiscal Year 2018 Preliminary Budget
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Good afternoon, Chairman Lancman. Thank you for inviting me to appear before the Committee on the Justice System today to discuss the work of the New York City Human Resource Administration’s (HRA) Office of Civil Justice. My name is Jordan Dressler and I am the Civil Justice Coordinator and in that capacity I oversee the Office of Civil Justice. I am joined by Department of Social Services (DSS)’s Executive Deputy Commissioner for Finance, Erin Villari and the Office of Civil Justice Executive Director of Legal Services Initiatives, Jaclyn Moore.

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

In administering these programs, HRA is at the forefront of this Administration’s efforts to combat poverty and address homelessness. Over the last four years, HRA has expanded rental assistance and emergency grants. Though September 2017, HRA’s rental assistance and rehousing programs helped over 71,000 families and individuals move out of or avoid entry into shelter. And through CY17 we provided emergency arrears grants to more than 217,000 households. Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical element in our prevention efforts. By investing in these important services, we are already seeing results: between 2014 and 2017, over 180,000 New Yorkers received legal assistance through the City’s legal services programs for tenants facing eviction, harassment and displacement. At the same time, residential evictions by marshals have declined by 27%.

In partnership with the Council, we are implementing the nation’s first Universal Access to Counsel program, representing an unprecedented investment in legal services to help New Yorkers stay in their homes. The Universal Access to Counsel initiative is just one of the many programs that the Office of Civil Justice oversees. Today in my testimony I look forward to updating you on the implementation of this program as well as providing updates on other key programs overseen by the Office. We are happy to be here today to discuss the work of the Office of Civil Justice and the City’s extraordinary investment in civil legal assistance for low-income New Yorkers in all five boroughs.

Office of Civil Justice

In 2015, Mayor de Blasio and the New York City Council amended the City Charter with the signing and passage of Local Law 61, which created the Office of Civil Justice (OCJ). Located within HRA, the Office currently includes 46 budgeted staff, including central administration, program development staff, our contract management team, and a group of HRA liaisons located in the Housing Courts to assist with identifying service-eligible tenants in need, connecting them with a legal services provider and also interfacing with the court and the legal services attorneys regarding assignments and logistics and linking them with HRA-administered benefits as needed.

Importantly, we function as an integrated unit within HRA's Homelessness Prevention Administration (HPA) and DSS. As part of the larger agency, OCJ is able to leverage the substantial resources that this integrated structure provides. We can take advantage of the broader DSS infrastructure in areas ranging from data and budget analysis, to legal counsel, from facilities management to payroll and human resources. Operating as an office within HRA provides us both capacity and flexibility. And as a unit within HPA, OCJ works in conjunction with HRA's comprehensive prevention services such as rental assistance, emergency grants, and the HomeBase program. The budget for these programs will be discussed in full at DSS's budget hearing on March 27; however, each of these programs is making a difference in the lives of our clients.

By working to ensure that clients have access to the benefits they are eligible for, such as Cash Assistance, SNAP (food stamps), Medicaid, and SSI, New Yorkers are connected to essential help thereby weaving a safety net to help lift them out of poverty. The prevention programs HRA oversees expand this safety net to include case management services like family mediation; educational advancement; employment; financial literacy services; early warning referrals from NYCHA, Adult Protective Services and City Marshals for tenants on the verge of eviction; and finally emergency grants and rental assistance to keep families and individuals in their homes and prevent and alleviate homelessness.

In testifying today about the work at OCJ providing legal services to low-income New Yorkers, I am happy to report that New York City is a national leader in providing access to justice for people in need. My testimony today will discuss key points laid out in our 2017 Annual Report and Strategic Plan. This report describes the growth in civil legal funding and programs in New York City over the last several years as well as strategies with regard to key areas of civil legal need – low-wage workers facing legal issues including wage theft, discrimination and other challenges, and low- and moderate-income New Yorkers who face legal jeopardy due to delinquent debt – as well as laying out our plans for continued implementation of Universal Access and detailing the emergent legal needs facing immigrant New Yorkers.

Civil Legal Services at OCJ

In Fiscal Year 2017, for the first time, New York City's overall investment in civil legal services for low-income City residents exceeded \$100 million. Fiscal Year 2018 marked the first time that Mayoral investment in programs providing free civil legal services exceeded \$100 million, including funding for the first phase of implementation of our Universal Access anti-eviction legal services initiative. In Fiscal Year 2019, with further investments in legal assistance for tenants in need and immigrant New Yorkers facing legal challenges, the Administration will be

committing \$124 million towards civil justice programs at OCJ. By comparison, in Fiscal Year 2013, *total* governmental funding – City, State and Federal funding – for civil legal services in New York City was *less than half* that amount, at \$60.4 million.

The Preliminary Budget Plan for FY19 includes baseline funding at OCJ as follows:

- **\$93.0 million** for legal services programs for tenants facing eviction, harassment and displacement, which includes \$56.6 million for eviction defense legal services for low-income tenants in Housing Court including further implementation of Universal Access and \$36.4 million for anti-harassment/displacement legal services, as well as administrative and staff support; and
- **\$30.5 million** for legal assistance programs for immigrant New Yorkers, which includes \$5.9 million for legal assistance programs including the Immigrant Opportunities Initiative (IOI) and \$2.1 million in immigration legal programs funded by Community Service Block Grants, as well as \$8.7 million for legal and navigation services and outreach through the ActionNYC program operated in partnership with MOIA and CUNY.

In addition to the Administration's commitment to supporting civil legal services, I want to acknowledge the ongoing commitment of the City Council to expanding access to justice by funding legal services. In FY18, HRA is overseeing \$24.2 million in discretionary funding added by the City Council for legal services for the working poor; immigration legal defense services for detained individuals, unaccompanied minors, and families with children facing deportation; assistance for survivors of domestic violence and veterans; and general support for civil legal services providers.

Together, the Administration and the Council have invested \$135 million in legal services at OCJ for low-income New Yorkers with civil legal needs. No other city allocates even a small fraction of what New York City is committing to provide access to civil justice. The City's financial and administrative commitment to these important services has perhaps never been more crucial to serving and assisting low-income New Yorkers. With funding for civil legal services in the State's budget for the Judiciary flat this year, and with the Trump Administration's proposed budget threatening to defund the main vehicle for federal funding for civil legal services in the United States, the Legal Services Corporation, and eliminate entirely the Community Services Block Grants used for civil legal services programs here in New York City, our City's commitment has never been more important. The loss of these funding streams, nationwide and in New York City, would be felt acutely by low-income litigants. We continue to monitor this situation and remain in close dialogue with our provider partners as we gauge the impact of any cuts to non-City civil legal services funding here in New York.

Legal Services for Tenants

The provision of quality legal representation for thousands of the City's low-income tenants facing eviction and displacement is a key component of our civil legal services initiatives. The de Blasio Administration has made new and expanded initiatives that provide access to free legal assistance to tenants facing eviction and other housing-related legal issues a core element of a

“prevention-first” approach to combatting poverty and addressing income equality and homelessness. Not only is preventing homelessness before it occurs critical to meeting the overarching goal of the City’s Turning the Tide plan to address homelessness that increased 115 percent from 1994 to 2014, it is also a cost-effective and commonsense response to New York City’s homelessness problem, and it promotes a fair and equitable justice system, particularly in the City’s Housing Courts where tenants facing eviction have long faced an uneven playing field where the majority of landlords are represented by legal counsel but the majority of tenants are not.

The centerpiece of our tenant legal services initiatives is Universal Access to Counsel. With Mayor de Blasio’s signing of Council Intro 214-b into law in August of last year, New York City has become the first (and only) city in the United States that will provide access to legal services to every tenant facing eviction in court. Local Law 136 of 2017 – the Universal Access law – establishes programs that will provide access to eviction defense legal services for all tenants in Housing Court and in New York City Housing Authority (NYCHA) administrative termination of tenancy proceedings. Implementation of the first phase of Universal Access is underway. Low-income tenants facing eviction proceedings in Housing Court in fifteen zip codes across the City, identified based on factors including high numbers of shelter entries, the prevalence of rent-regulated housing and the volume of eviction proceedings, have access to free full legal representation – a defense lawyer on their eviction case, from the beginning until the end of the case.

Universal Access provides for free legal representation in court to New Yorkers with household incomes below roughly \$50,000 (200% of the federal poverty level for a family of four), and we will be establishing a program to provide access to brief legal assistance – a legal counseling session to advise a tenant facing eviction about the law, possible defenses and next steps to take - to those households earning more. At full implementation in FY22, we estimate that 125,000 cases affecting 400,000 New Yorkers will be served under the program annually.

To launch the Universal Access program, OCJ increased funding to nonprofit legal services provider organizations already providing anti-eviction legal services in Housing Court through the Homelessness Prevention Law Project (HPLP). Through HPLP, HRA contracts with a dozen providers, including both large citywide providers and smaller community-based organizations, to provide free legal representation and advice to low-income tenants facing eviction. Through this program, legal service providers in each borough provide assistance and in-court representation of tenants in Housing Court eviction proceedings, as well as actions seeking repairs, proceedings following illegal lockouts or evictions, and administrative hearings that may result in the loss of tenancy or de-regulation of the rental unit. Until Fiscal Year 2017, HPLP primarily targeted low-income families with children who are at risk of eviction, with households without children making up only a portion of the caseload. With the advent of Universal Access, however, OCJ, participating legal providers and the Housing Court worked together to expand eligibility under the program to include low-income adults living alone or in families with adult children as well.

Although we are in the very early phases of implementation, we have already seen successes. Last year, as part of the implementation process, OCJ, the legal services provider organizations and the Housing Court collaborated to develop robust and reliable processes for tenants in zip codes targeted for Universal Access legal services to be connected with available counsel. This

effort built on the Expanded Legal Services (ELS) program established in FY16 as a precursor and pilot for Universal Access. In Brooklyn, the Bronx, Manhattan, and Queens, OCJ collaborated with Supervising Judges, Resolution Part Judges and non-judicial staff in each Housing Court as well as legal services providers, and developed intake processes to connect tenants in need of legal services with lawyers to provide those services. The courts started routing newly calendared cases drawn from the target zip codes to their own designated courtrooms. Legal service providers have established intake operations in or next to these designated courtrooms, allowing eligible tenants to access their services in an efficient and effective process. Provider staff receive court calendars showing tenants with court cases on the designated part on that day, speak with tenants, offer services and assess program eligibility, all within steps of the courtroom in which the cases are heard. If the tenant wants assistance, the providers then conduct a brief intake and an attorney files a notice with the court indicating that the tenant is represented.

Our investments, coupled with the refinements we made to case referral and intake processes, implemented in partnership with the Housing Court and legal providers in the last year, are already yielding meaningful results. Housing Court is becoming a significantly fairer place for tenants, who now have wider access to legal assistance. Based on an analysis of data provided by the Office of Court Administration, we are seeing substantially higher rates of legal representation in areas targeted for assistance. In the ten zip codes across the city that were initially selected for targeted legal resources in the expanded legal services program, the legal representation rate for tenants in those zip codes who were facing eviction in Housing Court has dramatically increased. In the beginning of FY16, roughly 16% of tenants in these zips facing eviction had counsel in Housing Court. Two years later, in the beginning of FY18, the rate of representation for tenants in these zip codes *tripled*, with 48% of tenants in court having counsel. These increases were seen in the four boroughs where we implemented these intake processes, and in December of last year we established the same process in Staten Island, establishing the Universal Access in every borough and on track for further implementation.

As access to legal services for New York City tenants has increased, evictions across the city have decreased. In 2017 residential evictions by city marshals declined by approximately 5% compared to 2016 and are down approximately 27% since 2013 — a period during which New York City substantially increased funding for legal services for low-income tenants. Over the four-year period of 2014 through 2017, an estimated 70,000 New Yorkers remained in their homes as a result of these decreased evictions.

We are also seeing that increases in housing legal services are having an impact in the courts. In the Housing Court, the number of eviction cases filed continues to fall, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of 7%. At the same time, court statistics provided by the Housing Court reflect increased substantive litigation: the number of pretrial motions filed in 2016 was 19% higher than in 2014, while emergency orders to show cause – requests by tenants for eviction cases to be returned to the court calendar after a judgment of eviction, to seek more time to pay outstanding rent or to raise new legal arguments newly identified, declined 16% over the same period.

This year we are also working with legal provider partners to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. Following the recent proposal by Chief Judge DiFiore's

Special Commission on the Future of Housing Court that Staten Island serve as a bellwether for Universal Access implementation, this is expected to begin this spring. A pilot program focusing on NYCHA tenants in Staten Island facing termination of tenancy proceedings is expected to provide such tenants with access to legal services and subsequently serve as a model for expansion across the city.

And over the course of this year the City's Tenant Support Unit (TSU) is building a dedicated 15-person team of tenant specialists to conduct outreach in neighborhoods targeted for Universal Access services to reach low-income tenants facing eviction in Housing Court, notify them of their access to free legal representation and connect them to services. TSU and OCJ will also launch a multilingual paid advertising campaign in these neighborhoods to ensure that tenants are aware of their access to legal assistance.

Looking ahead, additional new investments will be implemented and phased in over the next four fiscal years, with an additional \$16 million in FY19, totaling \$93 million in funding for tenant legal services next fiscal year and growing in the out years. At full implementation, the City's investment in tenant legal services will total \$155 million, by far the largest commitment to legal services for tenants in need of any city in the United States.

OCJ's anti-eviction legal services initiatives also include the Housing Help Program (HHP). In this program, the Legal Aid Society, the sole provider selected through a competitive bidding process, employs a court-based "open door" model offering full representation and brief legal services coupled with social work services including assessment, counseling, referrals, and benefits advocacy. The HHP work is funded by HRA at \$3 million for FY19. Eligibility for HHP services is targeted to low-income clients residing in one of a number of "high-risk" ZIP codes (as determined by rates of shelter entry in these areas).

The Anti-Harassment and Tenant Protection (AHTP) legal services program was launched at HRA by the de Blasio Administration in January of 2015. Whereas the anti-eviction legal services programs target tenants who are already involved in housing court proceedings, this program also provides resources for tenant outreach and pre-litigation services with the goal of preventing eviction and displacement. AHTP legal services providers offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits.

Currently, AHTP services are primarily targeted to neighborhoods across the City identified as posing a high risk for landlord harassment and/or tenant displacement. AHTP providers work closely with the City's Tenant Support Unit to assist households identified through TSU's outreach campaigns as in need of legal assistance. AHTP, launched in FY15 with a \$4.6 million initial startup allocation, is funded at \$33.9 million in FY19, including \$500,000 annually to support legal staff in all of the City's Family Justice Centers (FJCs), to protect survivors of domestic and intimate partner violence and their families by providing housing legal assistance and representation. The FJCs are the City's comprehensive resource and support centers for survivors of domestic and intimate partner violence, and this additional funding for this program has enabled our legal provider partners to provide legal intake and advice services at all five of the FJCs. Since the launch of this initiative in November of 2017, legal staff has provided assistance through referrals from the FJCs in cases ranging from providing legal advice on housing and eviction issues to representation of survivors in seeking to have their abuser's name

removed from an apartment lease and thus retaining a safe and stable home. In partnership with our colleagues at the Mayor's Office to Combat Domestic Violence, OCJ is helping to ensure that these survivors have access to trained and skilled legal advocates to assist them to remain in homes that are safe and stable for them and their families.

This year, OCJ will be working with legal services provider partners, the courts and other City agencies to study the Anti-Harassment and Tenant Protection legal services program. OCJ will develop a plan to harmonize the Universal Access program with the legal services work for low-income tenants facing displacement pressures that is a part of the AHTP program.

In total, since January of 2014, as the Administration's tenant legal services programs were brought under HRA's supervision and the investment and support for these services were dramatically increased, over 180,000 low-income New Yorkers in over 60,000 households have received free legal advice, assistance, and representation.

As we continue to expand our services, and more and more tenants receive access to legal services, we are also developing, in partnership with legal providers and experts in the field, a robust set of performance indicators for our tenant legal services programs. We want to ensure that, as programs grow and the reach of the services increase, we have the tools to appropriately assess the outcomes of legal assistance and the impact of the initiative. To that end, we are fortunate to be working with experts in housing law and court process as well as our legal services provider partners to develop information collection standards and protocols that we expect to begin implementing in Fiscal Year 2019. We hope that this approach will provide insights into program implementation and results as well as accountability.

Legal Services for Immigrant New Yorkers

OCJ also contracts for an array of legal services programs for immigrant New Yorkers in need of assistance. We work in close partnership with our colleagues at the Mayor's Office of Immigrant Affairs (MOIA) and with the legal services providers and community-based organizations (CBOs) to understand the legal needs experienced by immigrant New Yorkers to design the fastest and most effective service responses to these needs.

As we reported in our latest Annual Report, in FY17, Administration-funded legal services programs including ActionNYC, the City's community-based immigration legal assistance program and entry point for New Yorkers seeking City-funded immigration legal services operated jointly by MOIA, HRA, and the City University of New York, the Administration's Immigrant Opportunity Initiative (IOI) program, and federal Community Services Block Grant-funded services provided legal representation, advice, comprehensive immigration legal screenings and assistance in approximately 15,000 cases. Immigrant New Yorkers served in these cases were from over 170 countries and were assisted in matters including comprehensive legal screenings and providing legal advice; citizenship and permanent residency applications; Deferred Action for Childhood Arrivals (DACA) and Special Immigrant Juvenile Status (SIJS) applications; as well as asylum applications and removal actions. In FY18, the Administration increased its baseline funding commitment for immigration-related legal services programs to \$30.5 million, and with the Council's investment in legal services programs for immigrants facing removal and other legal needs, the City's total investment in legal assistance programs for

immigrants stands at over \$47 million in FY18, a dramatic increase from \$7 million in Fiscal Year 2013.

OCJ administers contracting and program implementation for two key baselined legal services programs for immigrant New Yorkers: the Immigrant Opportunity Initiative (IOI) and our suite of legal programs for immigrants funded through Community Service Block Grants. Importantly, our IOI program is flexible and can respond to emergent needs. OCJ's contracts with the IOI service providers allow for rapid deployment of staff and resources to address legal needs of the immigrant community across the continuum of services, from brief legal counseling sessions to full legal representation in removal and asylum matters. Since FY17, the Administration has funded the IOI program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency applications, to more complex immigration matters.

The program was initially funded at \$3.2 million annually but in FY17, in recognition of the need for additional quality legal representation for immigrant New Yorkers in more complicated legal cases, IOI providers received supplemental Mayoral funding of \$2.7 million to provide representation in 1,000 complex immigration cases, including asylum applications, SIJS proceedings, and U and T visa applications. This funding was renewed for FY18 and is now baselined as part of the Administration's \$16.4 million increase in immigration legal services funding this year. Mayoral funding for immigration legal services programs was dramatically increased for FY18 to include additional baseline funding to respond to the pressing need for representation in removal proceedings and assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as the increasing challenges posed by a shifting landscape for federal immigration law and policy.

In addition to IOI, OCJ oversees immigration legal services programs funded through \$2.1 million in federal Community Service Block Grants, administered in partnership with the Department of Youth and Community Development (DYCD). With CSBG funding, legal services organizations provide a range of services such as legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers at risk of exploitation and violations of their employment rights, and immigrant youth in foster care. Notably, the Trump Administration has proposed to eliminate this source of funding, an issue that we are monitoring as the federal budget process continues.

OCJ also oversees immigration legal services programs funded through Council discretionary grants. The New York Immigrant Family Unity Project (NYIFUP) is funded by \$10.0 million in FY18 in City Council discretionary grants supporting legal representation for low-income detained immigrants facing removal proceedings, primarily at the immigration court at Varick Street. The Unaccompanied Minors and Families Initiative (UMI) / Immigrant Children Advocates Relief Effort (ICARE) is funded at \$2.0 million in FY18 and was developed by the City Council in partnership with the Robin Hood Foundation and the New York Community Trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides counsel to unaccompanied immigrant and refugee children and families with children to pursue relief from removal, as well as the opportunity to receive social, medical and mental health services.

The breadth of work conducted within the Office of Civil Justice is remarkable considering that only five years ago in FY13 the City's baseline and discretionary funding investment in civil legal services was only \$22.6 million. With the initial decision to place OCJ at HRA brought with it the opportunity to leverage resources across the agency which now include those resources of DSS. Today OCJ is implementing historic programs across the City which have extraordinary impacts on the lives of our clients. With the partnership of this Council our unprecedented investments to these programs continues to place New York City as a leader in ensuring that low-income New Yorkers have access to justice. Thank you for the opportunity to testify today, and I look forward to your questions.