



Statement Of Jordan Dressler, Civil Justice Coordinator,
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Before the Chief Judge’s Statewide Legal Services Hearing
September 23, 2019

Good afternoon, Chief Judge DiFiore, Chief Administrative Judge Marks, the Honorable Presiding Justices and the other esteemed members of this panel. My name is Jordan Dressler and I am the Civil Justice Coordinator for New York City. In that capacity I am honored to lead the City's Office of Civil Justice (OCJ), a unit of the New York City Human Resources Administration/Department of Social Services (HRA/DSS).

To start, I would like to thank the Office of Court Administration and the Judiciary for its stalwart leadership in the area of improving access to justice in New York City and State, particularly as we implement the historic universal access to counsel initiative. We are especially grateful to Chief Judge DiFiore for convening the Special Commission on the Future of the New York City Housing Court last year to identify ways to reform and reinvigorate the Court, and for implementing reforms to improve efficiency and effectiveness in the delivery of justice in one of New York City’s busiest courts.

Providing civil legal services for New Yorkers in need, in particular legal services for tenants, is a critical part of HRA’s efforts to advance our priorities of combatting income inequality and poverty, addressing homelessness and making New York City the fairest city in America. Expanding access to legal services for tenants facing potential eviction or displacement is not only a cost-effective and commonsense response to New York City’s homelessness challenge, it promotes a fair and equitable justice system, particularly in the City’s Housing Courts where tenants under threat of eviction have long faced an uneven playing field where the vast majority of landlords have been represented by legal counsel but most tenants have not been.

Our commitment to access to justice for tenants is reflected in a substantial increase in mayoral funding for these critical services. In City Fiscal Year 2013, mayoral funding for tenant legal services programs was approximately \$6 million. As of City Fiscal Year 2020, tenant legal services programs are funded by the Administration at over \$128 million. Along with that dramatic increase in investment, New York City established the Office of Civil Justice (OCJ) at the Human Resources Administration, creating for the first time a dedicated city office charged with implementing, allocating, overseeing and monitoring the impacts of these investments.

In August of 2017, New York City made history and became the first city in the United States to make a commitment to every tenant facing eviction in housing court and public housing

administrative proceedings that they would face this potentially life-changing legal challenge with the legal help and guidance they need, regardless of their means. New York City's Universal Access law mandates that the City provide access to legal services for every tenant facing eviction in New York City Housing Court and at administrative proceedings at the New York City Housing Authority (NYCHA).

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

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

In City Fiscal Year 2018, that last year for which we have analyzed data, OCJ-funded legal organizations provided legal assistance to approximately 33,000 households across New York City facing housing challenges, providing representation or advice to over 87,000 New Yorkers. This includes 26,000 households facing eviction in Housing Court and NYCHA administrative proceedings – 69,000 New York City tenants who were able to face the threat of eviction with the assistance of a legal defender. As of June 30, 2018, nearly a quarter-million New Yorkers had received free legal representation, advice, or assistance in eviction and other housing-related matters since the start of the de Blasio Administration in 2014 through tenant legal services programs administered by the Human Resources Administration.

When lawyers have represented tenants in court, they have been successful in preserving the homes of thousands; in Housing Court eviction cases resolved by OCJ's legal services providers, 84% of households represented in court by lawyers were able to remain in their homes, not only saving thousands of tenancies, but also promoting the preservation of affordable housing and neighborhood stability. As New York City dramatically increased its investment in legal services for tenants, residential evictions by marshals in New York City have dropped by 37%, from roughly 29,000 in 2013 to approximately 18,000 in 2018, representing an estimated 100,000 New Yorkers who remained in their homes as a result of decreased evictions.

In Housing Court, the uneven and unfair dynamic that left so many tenants unrepresented by counsel is changing through OCJ's implementation of Universal Access. In the last quarter of Fiscal Year 2018, 30% of tenants appearing in Housing Court for eviction cases were represented by attorneys in court. This is a substantial increase from the representation rate for tenants of 1% in 2013 as reported by the State Office of Court Administration. We are also seeing that increases

in housing legal services are having an impact in the courts. In New York City Housing Court, the number of eviction cases filed continues to fall, with approximately 29,000 fewer eviction proceedings filed in calendar year 2018 than in calendar year 2013, a decline of 12%. At the same time, court statistics provided by the New York City Housing Court reflect increased substantive litigation: the number of pretrial motions filed in 2018 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 by 24% over the same period.

With these encouraging results, we are now looking towards the future as we continue our five-year phased implementation of Universal Access. This rollout is now underway. Currently, all low-income tenants facing eviction proceedings in Housing Court in twenty ZIP codes across the City, identified based on factors including the number of evictions, the prevalence of rent-regulated housing, numbers of homeless shelter entries and the number of eviction proceedings, have access to free full legal representation, accessible in court and in the community. OCJ is establishing Universal Access through implementation by ZIP code, identifying neighborhoods across New York City where eviction and displacement risks and pressures are acute, and focusing first on these communities.

This “ZIP-by-ZIP” approach has enabled us to partner with the Housing Court administration and legal services providers to facilitate meaningful and effective methods of providing access to counsel, and we have seen a substantial impact in these communities in need. Whereas the legal representation rate for tenants appearing in Housing Court to face eviction cases was 30% citywide at the end of City Fiscal Year 2018, the rate was 56% for tenants in the fifteen ZIP codes targeted in the first full year of implementation of Universal Access. Furthermore, earlier this year, the Community Service Society (CSS), a nonprofit advocacy and research organization, examined the growth in tenant legal representation in New York City Housing Court as a result of the Universal Access initiative, and the impact Universal Access has had on evictions in New York City. CSS compared ZIP codes that had already implemented Universal Access to similar ZIP codes that have not yet implemented Universal Access in an effort to evaluate impact. The key finding from the CSS study was that the majority share of New York City’s citywide eviction decline occurred in Universal Access ZIP codes – specifically, that evictions had fallen more than five times faster in ZIP codes covered by the city’s Universal Access initiative than in similar ZIP codes without it.

In addition to expanding Universal Access for tenants in Housing Court to additional ZIP codes later this year, we are also looking forward to gauging the impact of increased awareness of the availability of free legal assistance through the Housing Court’s new revised “plain language” notice of petition form. We are grateful to the Judiciary and the Office of Court Administration for championing this critical reform, which was one of several key recommendations made by the Chief Judge’s Special Commission on the Future of New York City Housing Court, and we appreciate the opportunity we have had to work with the Court on the new Notice. This will be the first thing a tenant sees in every eviction case properly filed in New York City Housing Court,

and with the Court's leadership and assistance, it now includes information that will guide and encourage tenants to access OCJ's legal services. Specifically, we have partnered with the court system to establish a telephone hotline that is included on the Notice of Petition for tenants to call and find out more about free legal assistance in New York City, learn about program eligibility and connect with free counsel as quickly as possible. With the use of the new form starting last week, we are now monitoring the impact that this new pathway to early access will have on demand for the legal services we provide.

Finally, we are also monitoring the implementation of Universal Access legal services for tenants in NYCHA public housing facing administrative termination of tenancy proceedings. OCJ worked with legal provider partners and NYCHA to develop a program model to effectively provide comprehensive access to legal services for NYCHA tenants facing termination of tenancy proceedings. As part of the first phase of implementation, OCJ has launched a pilot program in partnership with legal services providers from across the city that provides access to legal services on site where NYCHA administers termination proceedings. In this first phase, all heads of NYCHA households who are seniors and who are facing termination of their tenancies in administration proceedings have access to these free legal services. This operational approach is expected to serve as a model for expansion for all NYCHA tenants facing termination of tenancy as Universal Access implementation continues.

Universal Access is expected to be fully implemented in 2022, at which point all tenants in eviction proceedings in Housing Court and at NYCHA will have access to free legal services. At full implementation, Universal Access will be supported by a projected \$166 million in mayoral funding annually, and is expected to provide free legal services in approximately 125,000 cases per year to 400,000 New Yorkers.

Thank you again for the opportunity today to discuss New York City's work providing access to justice for tenants in need. We look forward to continuing working alongside New York City's legal services providers and other stakeholders towards the goal of a fair and equitable justice system for all.