



**Testimony of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committee on the Justice System
On the Fiscal Year 2020 Executive Budget
May 18, 2020**

Good afternoon, Chairs Dromm, Lancman and Levin, and thank you for inviting me to appear before your Committees today to discuss the work of the Office of Civil Justice (OCJ) of the Human Resources Administration (HRA). My name is Jordan Dressler and I am the Civil Justice Coordinator and in that capacity I am proud to oversee the Office of Civil Justice. I am joined today by DSS Executive Deputy Commissioner Rosine Ferdinand.

As you know, OCJ is part of New York City’s Human Resources Administration (HRA)/Department of Social Services (DSS), the nation’s largest social services agency assisting more than three million New Yorkers annually through the administration of a range of public assistance programs. With the enactment of Local Law 61 in 2015, OCJ was established as a permanent office tasked with establishing, managing, overseeing and monitoring the City’s civil legal services programs. This year we are working with over 70 nonprofit legal services organizations and partners across the five boroughs to provide access to legal assistance to thousands of New Yorkers in need, critical services that provide low-income and other vulnerable residents the ability to access and preserve basic necessities of life, such as stable and affordable housing, legal immigration status, a fair and safe workplace, and access to government benefits.

We just issued our latest Annual Report, in which we describe the City’s work through OCJ to make legal services more widely accessible for New Yorkers in need. In the report, we detail how a combination of Administration and Council discretionary funding investments in civil legal services reached \$200 million in Fiscal Year 2020, an historic investment in access to justice for New York City residents that represents exponential increases in both Mayoral and Council support for civil legal services programs. The report describes the enormous success of our signature Universal Access legal services program for tenants, implementing the historic “tenant’s right to counsel” law passed by the City Council and signed into law by Mayor de Blasio in 2017. Specifically, the report includes the latest analysis of the rate of legal representation for tenants in Housing Court facing eviction: in the first half of Fiscal Year 2020, 38% of tenants citywide – nearly one in four – were represented by counsel in eviction proceedings in court, up from 32% at the end of Fiscal Year 2019 and up exponentially compared to the rate of 1% in 2013; and in the high-need neighborhoods targeted through Universal Access for in-court access for all low-income tenants to receive access to legal representation, 67% of tenants were represented by counsel in the first

half of FY2020 (up from 62% in the last quarter of FY2019). These gains in closing the “justice gap” for tenants have been mirrored in the unprecedented reduction in residential evictions by city marshals since 2013 – down over 40%, from approximately 29,000 in 2013 to 17,000 in 2019.

Our immigration legal services programs provided legal assistance to immigrant and new New Yorkers in approximately 33,000 cases, reflecting a substantial increase in the breadth and reach of programs; for example, the number of removal cases handled by immigration defense attorneys through the Administration’s IOI program grew tenfold with the impact of recent investments, from 200 in FY2017 to 2,000 in FY2019, part of a landscape of deportation legal defense services that includes the ActionNYC Rapid Response Legal Collaborative, managed by the Mayor’s Office of Immigrant Affairs (MOIA) and RFCUNY, and the Council-funded NYIFUP and ICARE programs to make New York City a leader in the fight against the Trump Administration’s deportation machine. And in FY2019, nearly 2,000 low-wage workers across the city received legal representation and advice through the City’s workplace rights legal services programs at OCJ, providing assistance to working New Yorkers facing violations of their rights by employers to fair wages, reasonable work hours, and a safe workplace free from discrimination and retaliation.

We are very proud of these milestones and achievements from the last year, but we recognize that these are from a different time, a time before COVID-19. All of our clients, neighbors and colleagues have been touched in some way by this crisis, and the aftershocks to the justice system will continue to be felt in the weeks and months to come. Today I am proud to discuss how OCJ and its legal services provider partners have stepped up and stepped in to address these challenges.

Our commitment to leveling the playing field for New Yorkers in the civil justice system, especially now, is demonstrated in our financial investment in these critical services. I am pleased to report that Fiscal Year 2021 includes the largest annual investment ever by a Mayoral Administration in civil legal services. OCJ’s budget for FY21 includes funding totaling **\$166.5 million**, which breaks down as follows:

- **\$135.6 million** for legal services programs for tenants, which includes **\$92.6 million** for eviction defense legal services for low-income tenants in Housing Court – including further implementation of the City’s “tenant’s right to counsel” law through the Universal Access initiative – as well as **\$42.9 million** for legal services to protect tenants and combat harassment. This budget reflects a savings of \$8.5 million, based on projected overall program underspending in FY21 due to annual lags in the hiring of staff by legal services providers to support program expansion. The program budget in FY21 reflects increases compared to FY20 and previous years, and this increased funding will support anticipated additional implementation of the initiative and growth in the availability of legal services.
- **\$30.9 million** for legal assistance programs for immigrant New Yorkers, which includes **\$20.1 million** in Administration funding for the Immigrant Opportunities Initiative (IOI) and **\$2.1 million** in immigration legal programs supported by Community Service Block Grant (CSBG) and City Tax

Levy (CTL) funding, as well as **\$8.7 million** for legal and navigation services and outreach through the ActionNYC program operated by MOIA in partnership with DSS.

In addition, OCJ is working with its provider partners to develop and implement a plan to analyze and address recruitment and retention challenges faced by legal providers for low-income New Yorkers and to compare attorney pay at provider organizations to appropriate and comparable positions within the New York City Law Department. The Administration is providing initial funding for providers in FY2020 and will be working together with legal providers to build a full implementation plan to reach an equitable attorney pay structure that will also take into consideration the changing dynamics as a result of legal reforms and programs and services that seek to increase fairness for low income New Yorkers.

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 FY20, HRA is overseeing nearly **\$35.4 million** in contracts for discretionary funding added by the City Council for legal and educational services for low-wage workers; 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.

In response to the COVID-19 emergency, OCJ has been well positioned to help address legal issues immediately faced by New Yorkers in need. Because of our central role in contracting and administration of City-funded civil legal services programs, OCJ has been able to coordinate among and between legal services providers, the courts and other city offices efficiently and effectively, ensuring that legal providers and their clients have had access to reliable information about court and agency operations. All of OCJ's legal services programs have been impacted by the COVID-19 due to the changes in the operations of the courts, the pivoting of law office operations to remote/telework approaches to intake and casework consistent with health and safety guidelines, to meet the continuing needs of New Yorkers for legal assistance in civil matters. OCJ's providers have successfully pivoted to provide legal intake, advice, research and advocacy/representation services remotely by phone, videoconference and electronic filing during the emergency. To support our providers, their clients and the community during this time, OCJ has worked with providers to make changes to program scopes of work in the wake of the COVID-19 emergency. These changes have ensured continued representation of existing clients and have also broadened the kinds of legal services that can be provided to meet emergent needs as well as the ways that legal services are permitted to be delivered (e.g., by including telephonic consultation and advice as well as remote/virtual court appearances). Our revised scopes of work have simplified data reporting protocols and have included accommodations for the collection of electronic signatures and other alternative forms of documentation consistent with health and safety requirements during the emergency.

And New York City's legal services providers are open for business and available to assist New Yorkers in need, through phone hotlines and remote conferencing during this emergency. The City's ActionNYC program, managed by MOIA and RFCUNY, remains open and accessible for New Yorkers to receive free immigration legal screenings and assistance through trusted community partners, and OCJ's legal and CBO

partners continue to provide an array of immigration-related and employment-related legal services through our IOI and CSBG-funded programs. Employment legal providers offer assistance for workers facing challenges related to wage theft, leave issues and discrimination in the workplace, among others, as well as advice and assistance in cases where unemployment insurance or other employment-related benefits are challenged by an employer or denied by labor authorities. And legal organizations across the City continue to offer free legal advice and assistance for homeowners facing foreclosure, seniors, people facing consumer debt challenges and survivors of domestic violence, among others.

In my testimony today I also want to focus on and emphasize how we have adapted our housing legal services for tenants during this emergency. New York City is a national leader in providing access to legal help for tenants, and in the wake of the pandemic we have worked closely with housing justice system stakeholders to step up and make access to legal services widely, efficiently and safely available. With the limitation of Housing Court operations, effective in March, to filing of emergency cases like illegal lockouts and emergency cases for repairs, OCJ was able to quickly stand up a case referral protocol with OCA and our providers to connect all tenants who file emergency cases in court with free legal representation and we recently expanded that referral process to include cases in which unrepresented tenants face and respond to new motions in court using the court's new electronic filing protocols.

Building off the existing infrastructure of the Universal Access initiative in court, OCJ has established access to live phone-based legal advice and counsel provided by our tenant legal services partners. Access to these services are currently available via 311 through the City's Tenant Helpline operated by the Mayor's Office to Protect Tenants and the Public Engagement Unit and the access is indeed universal - services are free and confidential, and they are available to all NYC residential renters with housing questions or issues regardless of income, geography/ZIP code or immigration status.

OCJ maintains ongoing dialogue with OCA, the tenant legal provider community and other system stakeholders about both the eviction moratorium and changes to court operations and we are confident that our programs are well resourced to work in partnership with the courts and other system stakeholders to ensure access to legal assistance for tenants now and in the future as the courts begin to reopen. As we move forward, OCJ will continue to monitor and assess the legal needs of tenants in the wake of the COVID-19 emergency and is prepared to make adjustments to the Universal Access program model and implementation plan as appropriate.

As we move forward and face unprecedented, and likely unexpected, challenges, the Office of Civil Justice stands committed to continuing to work hand in hand with all justice system stakeholders to make civil legal assistance available and effective for clients. Now more than ever, New Yorkers need a justice system that is fair and accessible, and we are grateful to the City Council for your support in helping us achieve that goal. Thank you and I would be happy to take your questions.