

**Testimony of Jordan Dressler, Civil Justice Coordinator
Before the New York City Council’s Committee on General Welfare
“DSS Preparation for Expiration of the Eviction Moratoriums”
January 25, 2021**

Good afternoon Chair Levin and members of the General Welfare Committee and thank you for the opportunity to testify about the Department for Social Services’ work on rental and eviction prevention support during the COVID-19 pandemic. My name is Jordan Dressler and I represent the Office of Civil Justice (OCJ) of the Human Resources Administration, where I am proud to oversee our work as the Civil Justice Coordinator. I am joined today by Bruce Jordan, HRA’s Chief Homelessness Prevention Officer, and Sara Zuiderveen, Deputy Commissioner for Prevention and Housing Assistance at HRA.

The Homelessness Prevention Administration’s mission is to execute programs and services aimed at keeping New Yorkers stably housed, ensuring they are connected to resources they are eligible for, such as rental assistance and legal services. Within the Homelessness Prevention Administration are the Housing and Homeless Services/Initiatives Division, the Rental Assistance Program, the Early Intervention Outreach Team, and the Office of Civil Justice, all of which are vital in assisting New Yorkers in need.

As part of HRA/DSS, the Office of Civil Justice launches, manages and monitors the City’s civil legal services programs for low-income and other vulnerable New Yorkers in need. OCJ is currently working with over 70 nonprofit legal service organizations to ensure thousands of New Yorkers in need across the five boroughs have access to legal services, in legal matters involving housing, immigration, and the workplace.

DSS’s Eviction Prevention Work to Date

New York City has taken an aggressive and multipronged approach to help New Yorkers stay in their homes and secure stable affordable housing. DSS has leveraged its programs to specifically address housing stability and eviction prevention. Through these initiatives we’ve built a strong foundation enabling us to effectively serve unstably housed New Yorkers across the five boroughs. Among these programs, we want to highlight the following:

Legal Services for Tenants and the City’s Right-to-Counsel Law: New York City has become the national leader in ensuring that tenants facing housing instability have access to quality legal

assistance to help them preserve and protect their homes, first through dramatic multi-year investments in expanding legal services for tenants implemented in partnership with over twenty nonprofit legal services organizations across the city, and culminating in the City's enactment and HRA's implementation of the nation's first right-to-counsel initiative, ensuring that tenants facing eviction in Housing Court or in NYCHA administrative proceedings have access to free legal services.

The impacts of these efforts have been dramatic and positive. Residential evictions by city marshals fell by over 40% between 2013 and 2019, while nationwide evictions trended upwards, and the percentage of tenants facing eviction in court with the help and protection of legal representation stood at 38% at the end of 2019, up from only 1% in 2013. Moreover, in the overwhelming majority of cases, when tenants have lawyers in eviction proceedings, they get positive results: in resolved cases in FY2020, 86% of households represented in Housing Court and public housing proceedings by OCJ-funded tenant lawyers were able to remain in their homes.

Every day, OCJ partners with legal services providers, court administrators, judges and other system stakeholders to bolster access to legal assistance. This effort has led to hundreds of thousands of tenants facing eviction proceedings being able to leverage the support of high-quality and free legal assistance through our programs. To date, over 450,000 New Yorkers have received free legal representation, advice, or assistance in eviction and other housing-related matters since 2014 through HRA's legal services programs.

Rental assistance programs: first, through reestablishing rental assistance programs and then streamlining them into one program aligned with the State's FHEPS rental assistance program, we have increased access to rental assistance for New Yorkers struggling to bridge the gap between income and rent. By consolidating prior programs, it is now easier for tenants to request and secure rental assistance. For landlords, fewer programs means easier access and an increased willingness to work with us. We've invested in building out a landlord management system, making it easier for landlords to receive rent payments and easier for DSS to manage caseloads. Additionally, we have worked to expand the accessibility of emergency rent arrears grants (also known as 'one-shot deals') – a program designed to support housing stability by flexibly meeting the circumstances of a household, which may be in need of rent, utilities and mortgage payment support to address arrears, thereby maintaining their housing.

Homebase: we have nearly doubled the number of Homebase centers across the five boroughs, where New Yorkers experiencing housing instability can be connected to various homeless prevention services, as well as where families and individuals transitioning from shelter to permanent housing can receive aftercare support.

The programs mentioned highlight our prevention-first approach to addressing housing instability, and due to the work of our staff and service providers, we have connected more than 155,000 New Yorkers to rental assistance and rehousing programs and also helped nearly 60,000 rent-burdened households annually pay back rent or utilities.

DSS's Eviction Prevention Work During COVID-19

While we are proud of our work to increase housing stability and reduce evictions among New Yorkers in need, we are aware that we are now in a markedly different environment. COVID-19 has impacted us, our staff, our clients, and our nonprofit partners. COVID-19 has brought on new challenges that we continue to tackle every day, particularly around maintaining and promoting housing stability.

Today, we would like to share with you the actions that we have taken to ensure New York City tenants have the support needed to prevent evictions and further displacement during the COVID-19 pandemic. Our staff at DSS, along with our nonprofit service providers, have been working around the clock to leverage many of the programs mentioned earlier, along with updated strategies, to address these emergency circumstances.

Since the start of the outbreak, the City has advocated for a moratorium on evictions in the legislature and the courts. We also successfully advocated to the State to allow us to move our cash assistance application and interview process online and over the telephone, which meant that no one needed to travel and come into an HRA office to receive rent or utility arrears grants in-person.

In addition, we transformed our approach to making legal assistance available to tenants in need in response to the crisis. Working in collaboration with OCJ's legal services partners, Housing Court Answers and the Mayor's Office, we rapidly established a housing legal hotline to provide access to live phone-based legal advice and assistance provided by our tenant legal services partners. Through the hotline, tenants with questions and concerns about eviction and Housing Court as well as other landlord-tenant issues are receiving legal advice and assistance Monday through Friday. These services are currently available via 311 and the Mayor's Public Engagement Unit through the City's Tenant Helpline, and through Housing Court Answers' hotline. Legal advice services are free and are available to all NYC residential renters with housing questions or issues, regardless of income, geography/ZIP code, or immigration status.

At the start of the pandemic the New York City Housing Court closed with respect to nearly all new and pending matters (including eviction proceedings), except for "essential" proceedings such as legal actions to restore possession for tenants who were illegally evicted or locked out, and proceedings to compel landlords to make critical emergency repairs such as restoring lost heat or hot water. To address the legal needs of these tenants, OCJ worked with legal providers and the Housing Court and immediately established a case referral protocol to connect all unrepresented tenants who file emergency cases in court with free legal representation. Since the start of the pandemic, unrepresented tenants who file an action to be restored to possession after being illegally locked out by their landlord, or who file an HP action for emergency repairs, are referred to OCJ by the Court for free legal representation by one of OCJ's provider partners.

When the Housing Court expanded its operations beyond hearing emergency lockout and repair cases and began moving forward in some pending eviction cases, OCJ's legal providers were there

to assist and protect tenants in need. Specifically, the Court scheduled thousands of eviction proceedings that were pending resolution prior to the start of the pandemic for status and settlement conferences, and required that only those cases in which all parties were represented by legal counsel could be scheduled for a court conference. OCJ's legal services providers have participated in thousands of court conferences, representing tenant clients in pre-pandemic eviction cases. As a result, all tenant respondents in eviction proceedings handled by the Housing Court during this period have been represented by counsel – regardless of ZIP code or immigration status or income with an income waiver from OCJ.

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

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

Federal and State Landscape on Rent Relief

Now, we'd like to provide an update on the current federal and state landscape around rent relief and eviction moratoriums. As you know, the federal government has enacted several stimulus efforts to address the emerging crises brought on by the pandemic. Most recently, in late-December, the federal government approved measures to increase SNAP benefits for millions of Americans facing hunger, provided funding for emergency food banks and children's meals, and, the focus of today, funded rent relief and, most recently, issued an eviction moratorium extension through the end of March.

At the state level, New York has most recently passed an eviction ban extending protections for most tenants through May 1st of this year. Under the newly enacted State law, the "COVID-19 Emergency Eviction and Foreclosure Prevention Act," tenants can avert eviction by their landlord if they have lost income or incurred increased expenses during the pandemic, or if moving from their home poses a hardship during the pandemic. To be protected by this law, tenants must sign

a “Hardship Declaration” form, which can be found on the NYS Courts website, and deliver it to their landlord/the landlord’s agent or to the Housing Court if they have a pending case. By signing and delivering this form, such tenants cannot be evicted from their primary residence pursuant to a pending case, and their landlord may not file new cases to evict such tenants until at least May 1, 2021. For more information on how these eviction protections may apply to specific tenants, we encourage New Yorkers to contact the City’s Tenant Helpline by calling 311 and saying “Tenant Helpline.” Additionally, through the New York State Homes and Community Renewal (HCR), the State is administering the extended “COVID Rent Relief Extension Program,” where eligible households can receive a one-time rental payment with federal stimulus funding from the earlier CARES Act.

We are pleased to see action taken by the State to address the real concern of tenants paying their rent through this pandemic. While limited in funding and with upcoming expirations, the rent relief program and eviction moratorium, respectively, are more tools in the tool box for tenants to take advantage of during this unprecedented time.

In the State budget that was released last week, the State has made provision for the implementation of the recently enacted federal rent relief program in the federal stimulus legislation. The program will be administered by the State Office of Temporary and Disability Assistance and we look forward to working with OTDA on the design and implementation of this program, including the implementation of rent relief allocated directly to the City.

Legislation

I would now like to turn to the legislation being heard as part of today’s hearing, Int. No. 2050, by lead sponsors Councilmembers Levine and Gibson. If enacted, this bill would amend Local Law No. 136 of 2017, the Housing Court right-to-counsel law, to require the immediate citywide implementation of access to legal services for tenants facing eviction proceedings in Housing Court and NYCHA administrative proceedings. The Administration is currently reviewing the impacts of this legislation. While we are in favor of the spirit of the legislation and during the pandemic we have made right to counsel representation available on a citywide basis – without regard to Zip code – to meet the urgent needs of tenants facing housing instability, we believe that as drafted, this bill could hinder this flexibility which has allowed OCJ and its provider partners to be immediately responsive to the needs of tenants in court and in the community. Moreover, there is uncertainty about the timing and approach taken by the Federal and State governments on eviction moratoria and the housing legal landscape, and about the needs for legal help in and out of court to assist tenants affected by these protections. We look forward to further discussions with the Council and stakeholders on this bill, and in the meantime, we are confident that the current law, our structure and approach and our ongoing dialogue with legal services providers, court administrators and other system stakeholders will enable us to effectively and efficiently make legal assistance and protection available to tenants in need across the five boroughs.

Conclusion

Thank you for the opportunity to testify and speak on the work that DSS and our partners have advanced to protect tenants in need. We look forward to ensuring New Yorkers at risk of eviction have the resources to fend off displacement, and to our ongoing partnership with the Council to overcome the crisis brought on by this pandemic. Thank you and I welcome any questions you may have.