



Testimony of Lisa Fitzpatrick, Administrator, NYC Human Resources Administration

Before the New York City Council, Committee on General Welfare, Oversight Hearing on the Impact of the Expiration of the Eviction Moratoriums

February 28, 2022

Good morning, I want to thank the General Welfare Committee and Chair Ayala for holding today's hearing and for the opportunity to testify, and offer my congratulations to the Chair on her appointments.

My name is Lisa Fitzpatrick and I am the Administrator of the New York City Human Resources Administration (HRA). Let me take a moment to say I look forward working with you in my new capacity as Administrator. I've spent the last 30 years working for HRA and am honored to now serve as Administrator. I am joined today by Raniece Medley, the Civil Justice Coordinator at the New York City Department of Social Services' (DSS) Office of Civil Justice (OCJ), as well as Erin Drinkwater, Deputy Commissioner of Intergovernmental and Legislative Affairs at DSS.

The New York City Department of Social Services/Human Resources Administration is the nation's largest social services agency. Each year we assist more than three million New Yorkers through the administration of fourteen public assistance programs. Every day, in all five boroughs, HRA provides essential programs and supports to low-income New Yorkers. In administering these programs, HRA is at the forefront of this Administration's efforts to combat poverty and address homelessness.

As part of 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 nearly seventy (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.

We appreciate the opportunity to speak today on the work that DSS/HRA and our partners in and out of government are doing to help vulnerable New Yorkers stay in their homes. The COVID-19 pandemic has brought on an unprecedented environment for many New Yorkers, and this climate further increased housing instability for many of our clients and tenants across the five boroughs. Today, we will be updating the committee on the work that DSS/HRA, along with our legal service and nonprofit partners, have done to prevent evictions throughout this pandemic.

DSS/HRA's eviction prevention work

The pandemic brought on many challenges for New Yorkers and government alike, and we were fortunate to have built a strong foundation, via housing-focused services and supports, over the years to help tenants

during this time of crisis. DSS/HRA has developed a multi-pronged approach to support at-risk tenants via programs providing legal services, rental support, homeless prevention assistance and other supports. These existing programs placed us in good stead as the pandemic hit, and we encourage you to help us connect New Yorkers in need to these critical programs as we all work to prevent evictions and keep individuals and families in their homes.

Legal Services and Right to Counsel

DSS's Office of Civil Justice has launched and operated a wide range of civil legal services for New Yorkers in need, since the office's inception in 2015. At the center of this work is the implementation of New York City's groundbreaking Right to Counsel Law. In partnership with the Council, New York City made history by becoming the first city in the nation to enact a law ensuring that all tenants facing eviction in housing court or in administrative termination of tenancy proceedings in public housing have access to free legal services. Since the Right to Counsel Law was enacted in 2017, the landscape for access to housing justice for tenants in New York City has been transformed.

We are proud to report that we are making real and substantial progress in increasing access to justice, which is leading more and more to fair and just outcomes for tenants in need. Moreover, New York City's Right to Counsel law is now implemented citywide, with tenants, regardless of their zip code or immigration status, having access to legal services which are provided by our OCJ-contracted legal services providers.

These efforts have had dramatic and positive results for at-risk tenants. Residential evictions by city marshals fell by over 40% between 2013 and 2019, while nationwide evictions climbed, 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 a mere 1% in 2013. Moreover, in the overwhelming majority of cases, when tenants have lawyers in eviction proceedings, they get positive results: for resolved cases in CY2020, 86% of households represented in Housing Court and public housing proceedings by OCJ-funded tenant lawyers were able to remain in their homes.

At the end of 2021, over 574,000 New Yorkers had received free legal representation or assistance in eviction and other housing-related matters since 2014 through legal services programs administered by DSS/HRA. These efforts have leveled the playing field for tenants, and we look forward to partnering with our non-profit legal services providers, advocates, partners in government and the City Council to further build on this progress.

Rental Assistance Programs

Our legal assistance work is part of a broader array of eviction prevention tools at DSS/HRA. Among these programs and tools are our rental assistance and arrears programs, which help stabilize the housing conditions of tenants at risk of eviction. We have increased access to rental assistance by taking various steps, such as, and most critically, reestablishing rental programs and then streamlining them into one program, City FHEPS. City FHEPS had replaced previous rental assistance programs, making it easier for tenants to get the support they need and streamlining landlord payments and case administration. Moreover, in October we raised the value of the City FHEPS rental assistance program to federal Section 8 Fair Market Rent (FMR) levels and changed renewal eligibility from 250% of the federal poverty level

to 80% of the Area Median Income (AMI). Raising the value of City FHEPS rental assistance will increase housing options available as clients transition to permanent housing from shelter, as well as going further in helping New Yorkers who may be experiencing homelessness or facing eviction remain in their homes.

Homebase

Shifting to homeless prevention services, HRA oversees 26 Homebase centers across the five boroughs. The Homebase program provides various homeless prevention services and aftercare services to families and individuals exiting shelter and transferring to permanent housing. New Yorkers may be eligible for Homebase if they are at imminent risk of entering the New York City shelter system, are low-income, and want to remain stably housed in their community.

Once in the program, dedicated Homebase staff are available in each borough to evaluate a household's specific needs and offer supports, such as: services to prevent eviction; assistance obtaining public benefits; emergency rental assistance; utilities and mortgage payment support to address arrears; short-term financial assistance; educational and job placement assistance; and help relocating.

These programs, and most importantly, the outcomes, show the importance of investing in a prevention-first approach to address housing instability. The agency has connected more than 155,000 New Yorkers to rental assistance and rehousing programs and supported nearly 60,000 rent-burdened households annually pay back rent or utilities during the prior Administration, and we expect to continue on this trend under Mayor Adams' leadership.

DSS/HRA's eviction prevention work during the COVID-19 pandemic

Now, we would like to shift to updating the committee on our work in response to the COVID-19 pandemic. While we continue to build on the progress of the housing support programs mentioned today, we understand that the pandemic has brought on a new and challenging environment, particularly as it impacts vulnerable tenants.

Given the public health emergency and the importance of stable housing, the City strongly advocated for eviction moratoriums in both the legislature and the courts. Several housing eviction moratoriums, and extensions, were implemented at the federal and state level, with the goal of giving tenants the reprieve they needed to remain in their homes and recover from the financial downturn. As you know, the New York State eviction moratorium came to a close on January 15 of this year. In response, the City launched a campaign to inform tenants about their rights and connect them to critical resources. Our campaign focuses on three key messages:

1. **Illegal lockouts:** it is illegal for someone to pressure or force a tenant to leave their home. Tenants have the right to stay in their home, unless they have received an eviction order signed by a judge and delivered by a marshal or sheriff. Moreover, a landlord cannot evict tenants verbally or through letters or notices, and tenants have the right to heat, hot water and electricity and it is illegal for someone to shut off utilities to try to remove tenants from their homes.
2. **Right to counsel:** Under New York City's Right to Counsel law, DSS's Office of Civil Justice provides tenants facing eviction in Housing Court or NYCHA administrative proceedings access to free legal representation and legal advice. Right to Counsel legal services are free, available in

every zip code, and available regardless of immigration status. Tenants can call 311 and ask for the “Right to Counsel” to speak to a housing specialist who can connect them to free legal services.

3. ERAP: we are urging all New Yorkers in need of rent relief to apply for the Emergency Rental Assistance Program (ERAP) through the New York State Office of Temporary and Disability Assistance (OTDA), as a pending application will provide temporary protection from eviction.

Focusing on legal assistance, we transformed the way this critical support was provided to tenants to meet the new pandemic environment. We worked with our legal service partners, Housing Court Answers, the Mayor’s Public Engagement Unit (PEU) and Mayor’s Office to Protect Tenants (MOPT) to quickly stand up a housing legal hotline to provide access to live legal advice by telephone provided by our tenant legal service partners. Legal advice services are free and are available to all NYC residential renters with housing questions or issues, regardless of income, zip code, or immigration status. Tenants can access these services by calling 311 and asking for the City’s Tenant Helpline, hosted by PEU, or through the Housing Court Answers’ hotline.

Legal service providers continue to be available to connect with tenants at initial appearances across all boroughs. OCJ continues to work with the Housing Court supporting a case referral protocol ensuring that unrepresented tenants are connected with legal counsel. While Housing Court has fully reopened for all eviction proceedings, stays for pending ERAP applications and other procedural safeguards remain for certain eviction matters.

At just one month past the end of the moratorium, it is still too soon to say how the housing legal system, case scheduling and court operations, will be impacted. In the wake of the moratorium and the upheaval of the pandemic, as across all sectors, recruitment and hiring continue to present challenges for legal service providers. While at this time new eviction filings have not returned to pre-pandemic numbers, it is unlikely that OCJ providers can continue to provide full representation to tenants above 200% of the federal poverty level (FPL). Even if full representation is discontinued for over-income tenants, they will continue to receive free legal advice and brief counsel to understand the legal process and be equipped to defend their cases.

Working together, PEU, MOPT and OCJ conducted proactive outreach to tenants at risk of eviction throughout the pandemic. This outreach included a mail campaign promoting the launch of the Tenant Helpline, as well as a targeted outreach mail and phone outreach 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.

Since its inception in April 2020, the City’s Tenant Helpline, run by PEU, has received almost 90,000 calls from New Yorkers with housing-related issues. The Helpline was designed to serve as a one-stop-shop to inform New York City tenants about their rights and connect them to housing-related resources, including free legal services. Because tenants who call the helpline are frequently experiencing a range of connected hardships, the Helpline expanded to serve callers more holistically by connecting them with additional City programs like SNAP, Cash Assistance, Homebase, One-Shot Deals, and helping them apply for State programs like rent relief and unemployment insurance.

Unlike 311, the Helpline is staffed by housing experts who can triage a wide variety of calls and immediately determine whether a client will need comprehensive case management or a simple referral

(to another agency or community-based organization). To accurately identify a client's needs, and provide them with the personalized care necessary to address sensitive cases, requires extensive training, and PEU staff are uniquely equipped with the skills required for these conversations. When case management is needed, Helpline staff refer the tenant to in-house Tenant Support Unit Specialists who seamlessly open a case for the caller and assist them at each stage of the process, whether fighting an eviction or landlord harassment. When making a referral, PEU Specialists consistently follow-up with all parties to ensure the referral has been successful and support the caller if they encounter a roadblock in the process. This type of hands-on support is particularly critical when dealing with cases related to possible vacate orders, illegal lockouts, undocumented callers, and others with sensitive or otherwise urgent situations.

In addition to receiving incoming calls, PEU is conducting aggressive proactive outreach to tenants in housing court. PEU's campaign includes peer-to-peer texting, individualized phone calls and a citywide media campaign. The team has already conducted outreach to over 40,000 tenants with cases currently in housing court to connect them to resources and legal support. They are also reaching out to tenants who have not appeared for their court date, based on weekly data from OCJ, and emphasizing the importance of appearance and offering referrals to legal service providers.

Since the beginning of the pandemic, MOPT has worked to make sure City agency efforts are coordinated, streamlining and enhancing our enforcement and strategic initiatives, while conducting outreach to support tenants.

We have created and helped create an ecosystem of resources for tenants to access information about their rights and communicate with the City:

- As mentioned before, in 2020 and in close partnership with PEU and OCJ, we established the City's Tenant Helpline to make sure all New York City residential tenants, regardless of their income, immigration status or where they live in the City, could connect with a PEU Specialist, and, if needed, a nonprofit legal services provider, to get the help they need.
- Also in 2020, we launched the [City's Tenant Resource Portal](#), another one-stop shop for tenants to learn about eviction proceedings and what to do when facing an eviction, and if needed, connect with a PEU Specialist from the Tenant Helpline.
- In late 2021, we launched a pilot version of Tenant Text in partnership with JustFix. Tenant Text, an SMS text-messaging tool, connects renters in Inwood and Washington Heights with up-to-date information and organizational resources to address their housing questions. It is our intention to expand this resource city-wide in late 2022.
- We continually update our [MOPT COVID-19 fact-sheet](#) that includes Federal, State, and local guidance regarding COVID-19 that covers many aspects of renting in New York City, including how to access rental assistance programs and how to get help when facing harassment and eviction.

We have conducted and continue to conduct city-wide and targeted outreach to tenants:

- This includes several mailing campaigns to tenants with active eviction cases in Housing Court since early 2020. These campaigns have included: 1) information about tenant rights and how to submit a Hardship Declaration to trigger eviction protections; 2) information about ERAP and eviction protections; and 3) information about illegal lockouts and additional eviction protections

after the expiration of the eviction moratorium. MOPT continues to send these mailers on a weekly basis to any tenant who has a new eviction case against them in Housing Court.

- In partnership with OCJ, DSS, and PEU, we launched the Right to Counsel Public Education Campaign in late 2021. In early 2022, with the additional support of the Department of Housing Preservation and Development (HPD), we launched the Illegal Evictions and Evictions Moratorium campaign, which is still running and aims to inform tenants about their rights when facing an illegal eviction and how to access additional eviction protections.

State and federal landscape on housing support

As mentioned earlier, and in accordance with State law, the New York State OTDA is administering ERAP. Through this program, federal funding is available for city households who are behind on their rent. Moreover, ERAP provides certain eviction protections to tenants who file for participation in the program. In New York City, DSS/HRA launched an outreach and education program where the City contracted with local community-based organizations to provide New Yorkers assistance with completing ERAP applications. We partnered with organizations in each of the five boroughs to provide ERAP support. Their outreach included application assistance, conducting trainings and presentations to community groups, tabling and canvassing, and other forms of direct contact with tenants in need.

ERAP, and other programs such as the federal Emergency Housing Vouchers, have provided critical support during these unprecedented times. These programs, along with the services provided each day by our providers and staff, are more tools in the toolbox that we can deploy to help tenants in need and stabilize their housing conditions.

Closing

We appreciate the opportunity to testify today and update you on the work that DSS/HRA and our partners have done, and continue to do, to support tenants in need. We stand ready to help vulnerable tenants through their housing uncertainty, and we look forward to partnering with the Council on these efforts. Thank you and we welcome any questions you may have.