



Testimony of

Coalition for the Homeless

on

Oversight: Implementation and Expansion of Right to Counsel in Housing Court

presented before

The New York City Council's Committee on the Justice System
and Committee on Housing and Buildings

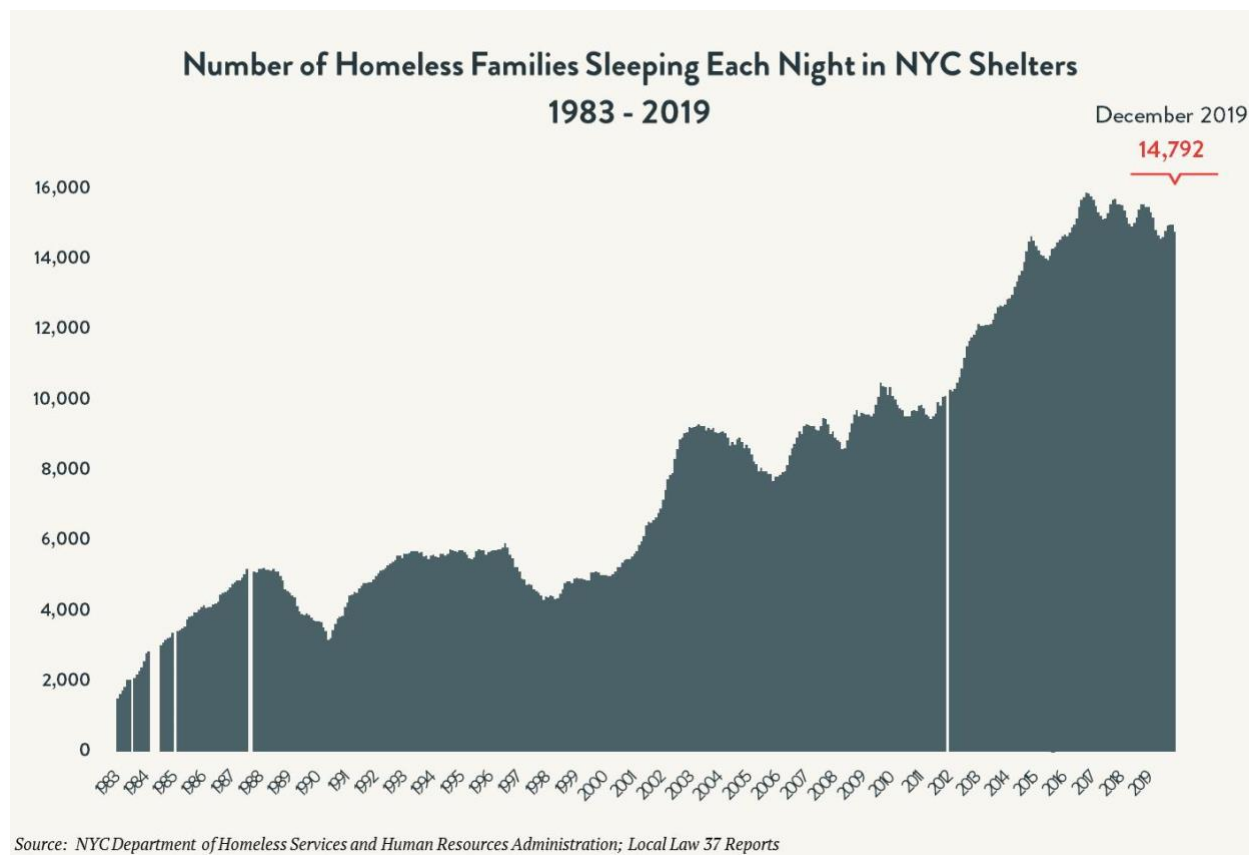
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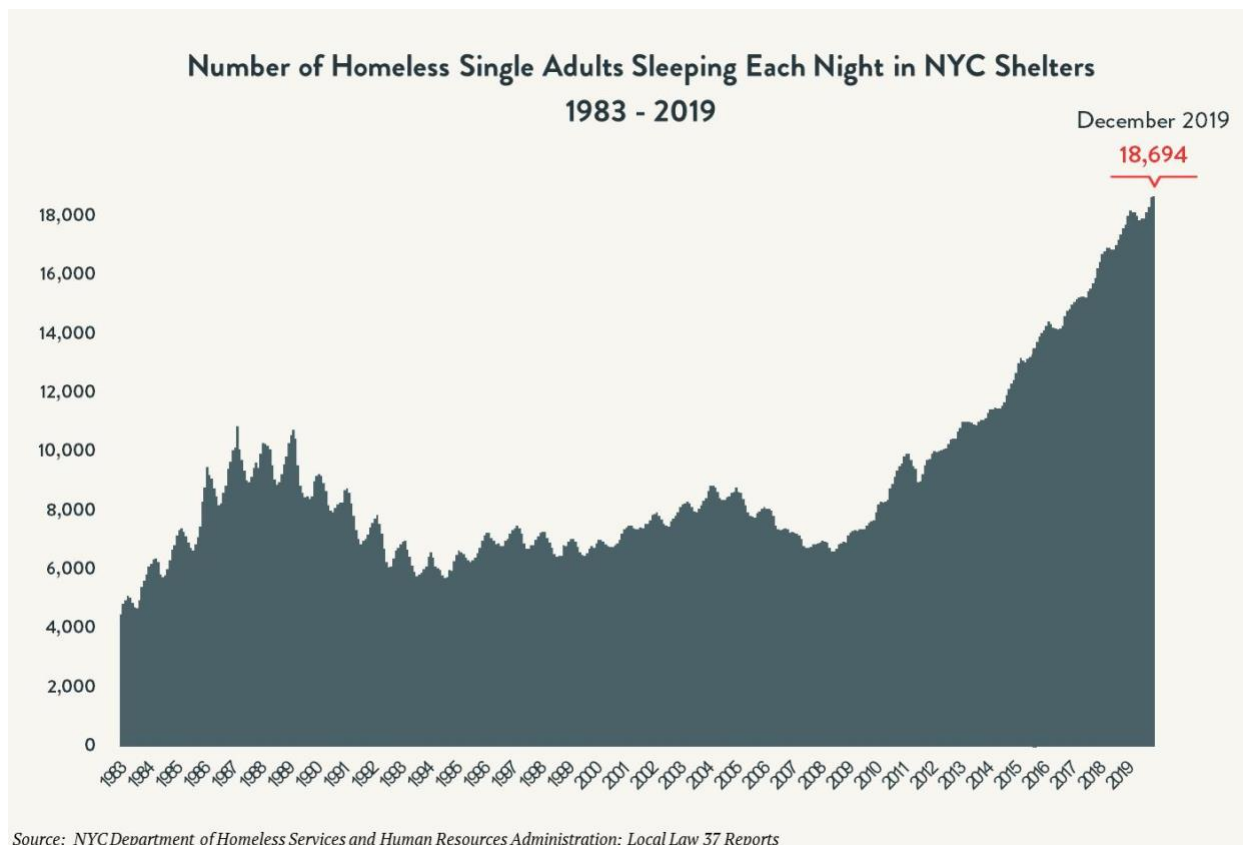
February 24, 2020

The Coalition for the Homeless welcomes this opportunity to testify before the New York City Council's Committee on the Justice System and Committee on Housing and Buildings regarding the implementation and expansion of right to counsel in housing court.

Record Homelessness in New York City

New York City remains in the midst of the worst homelessness crisis since the Great Depression, with nearly 63,000 adults and children sleeping in shelters each night. However, recent years have seen two divergent trends within the shelter population: While the number of families in shelters has stabilized, the number of single adults in NYC shelters reached an all-time record high in December 2019 at 18,694 residents.





The primary reason for homelessness is the lack of affordable housing. Bold initiatives such as the right to counsel in housing court play a crucial role in helping to keep people stably housed, saving them from the trauma of homelessness.

Fewer Households Entering Shelters Due to Evictions

Although record homelessness persists, the crisis would likely be far worse if the City had not taken proactive steps to stem the tide of residential evictions through enacting the right to counsel and issuing rent arrears grants. One of the most striking developments in recent years has been the notable decline in the number of people entering shelters following an eviction. According to data from the Department of Homeless Services, the number of households citing eviction as their primary reason for entering shelters dropped between fiscal year 2015 and fiscal year 2017, even as the number of households entering shelters rose. The drop in evictions as the primary reason for entering shelters corresponds with the City's increasing provision of anti-eviction legal services and rent arrears grants.

This mirrors the larger citywide trend of declining residential eviction rates: Residential evictions reached a new low of just under 17,000 in 2019, down 41 percent from the high of 28,800 in 2013, the year before City funding for tenant legal services began.¹ The right to counsel has proven to be a powerful tool in stopping evictions, with 84 percent of tenants who had a lawyer in housing court through this program remaining in or restored to their homes.²

¹ Source: City Marshals, through Housing Court Answers, for data pre-2017 and NYC Open Data for 2017 and later

² https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA_Annual_Report_2019.pdf

Eviction prevention is smart policy from a moral and fiscal standpoint. Right to counsel can help preserve the city's precious affordable housing stock by keeping long-term tenants in their homes. Preventing homelessness also saves the estimated \$71,624³ it costs to have a family stay in a shelter for a year, while – most importantly – saving the household from the myriad and lasting harmful consequences that arise when families are displaced due to eviction.

Intro. 1529

While right to counsel has helped many New Yorkers stay in their homes, others are unaware that they could benefit from this historic right. Tenants who do not know they have a right to counsel may be less willing to ask their landlords for repairs and, instead, vacate an apartment in poor condition. Tenants who have received court papers may decide not to appear in court, decline representation, or sign unfavorable agreements unless they understand their right to be represented by a lawyer. Intro. 1529 would require the City to support organizers who would ensure that tenants know about their right to counsel and are empowered to exercise that right. Tenant organizing is essential to raise awareness of the right to counsel and reach tenants who might otherwise miss their opportunity to connect with a lawyer. For these reasons, Coalition for the Homeless encourages the Council to pass Intro. 1529.

Intro. 1104

Intro. 1104 would double the right to counsel program income eligibility level and expand the law to cover all eviction cases. Currently, a single New Yorker who works full-time and makes the \$15 minimum wage would not qualify for the right to counsel, but would likely struggle to afford a lawyer on their own. Many more New Yorkers facing eviction would benefit from right to counsel were the income eligibility cap to be lifted.

Coalition for the Homeless' acclaimed Eviction Prevention Program assists more than 800 families per year who are on the brink of homelessness by providing one-time grants – an average of \$1,000 per household – to those with impending evictions and who have the capacity to pay rent prospectively. Although the majority of households we serve have very low incomes, we have also served people with higher incomes who nonetheless fell behind in rent. In 2019, an estimated 13 percent of the households we served in our Eviction Prevention Program had a net monthly income of \$3,001 or more, which means they would not currently be eligible for the right to counsel. An additional 10 percent of households had monthly incomes between \$2,501 and \$3,000, meaning many of them may also be ineligible for right to counsel due to the current income restrictions. Lifting the income eligibility cap would give these tenants the extra support they need to remain stably housed. By expanding both the types of cases and the number of tenants covered, Intro. 1104 is a powerful way to build upon the initial success of the right to counsel.

We thank the Council for the opportunity to testify, and we look forward to opportunities for further advocacy to continue supporting New Yorkers facing eviction and homelessness.

³ https://www1.nyc.gov/assets/operations/downloads/pdf/pmmr2020/2020_pmmr.pdf

About Coalition for the Homeless

Coalition for the Homeless: Coalition for the Homeless, founded in 1981, is a not-for-profit advocacy and direct services organization that assists more than 3,500 homeless New Yorkers each day. The Coalition advocates for proven, cost-effective solutions to the crisis of modern homelessness, which is now in its fourth decade. The Coalition also protects the rights of homeless people through litigation involving the right to emergency shelter, the right to vote, the right to reasonable accommodations for those with disabilities, and life-saving housing and services for homeless people living with mental illness and HIV/AIDS.

The Coalition operates 11 direct-services programs that offer vital services to homeless, at-risk, and low-income New Yorkers. These programs also demonstrate effective, long-term solutions and include: Supportive housing for families and individuals living with AIDS; job-training for homeless and formerly homeless women; and permanent housing for formerly homeless families and individuals. Our summer sleep-away camp and after-school program help hundreds of homeless children each year. The Coalition's mobile soup kitchen distributes over 900 nutritious hot meals each night to homeless and hungry New Yorkers on the streets of Manhattan and the Bronx. Finally, our Crisis Intervention Department assists more than 1,000 homeless and at-risk households each month with eviction prevention, individual advocacy, referrals for shelter and emergency food programs, and assistance with public benefits as well as basic necessities such as diapers, formula, work uniforms, and money for medications and groceries.

The Coalition was founded in concert with landmark right to shelter litigation filed on behalf of homeless men and women (*Callahan v. Carey* and *Eldredge v. Koch*) and remains a plaintiff in these now consolidated cases. In 1981, the City and State entered into a consent decree in *Callahan* through which they agreed: "The City defendants shall provide shelter and board to each homeless man who applies for it provided that (a) the man meets the need standard to qualify for the home relief program established in New York State; or (b) the man by reason of physical, mental or social dysfunction is in need of temporary shelter." The *Eldredge* case extended this legal requirement to homeless single women. The *Callahan* consent decree and the *Eldredge* case also guarantee basic standards for shelters for homeless men and women. Pursuant to the decree, the Coalition serves as court-appointed monitor of municipal shelters for homeless adults, and the City has also authorized the Coalition to monitor other facilities serving homeless families. In 2017, the Coalition, fellow institutional plaintiff Center for Independence of the Disabled – New York, and homeless New Yorkers with disabilities were represented by The Legal Aid Society and pro-bono counsel White & Case in the settlement of *Butler v. City of New York*, which is designed to ensure that the right to shelter includes accessible accommodations for those with disabilities, consistent with Federal, State, and local laws.