



**NEW YORK CITY COUNCIL COMMITTEE ON GENERAL WELFARE
Monday, January 25, 2021 12:00 p.m.**

SUBJECT: Intro 2050-2020 - A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

My name is Jess Penkoff, and I am the Staff Attorney for Housing Rights & Special Populations at Volunteers of Legal Service, also known as VOLS. VOLS was established in 1984 by law firms and the New York City Bar Association in response to federal cuts in legal services funding. Over 35 years later, VOLS runs 9 projects serving low-income New Yorkers, made possible in large part by the assistance of the pro bono capacity of our law firm and corporate partners.

Across all of VOLS' projects, we encounter New Yorkers from various subpopulations – senior veterans, formerly homeless young adults, recently unemployed workers, - with limited income and resources whom are facing housing insecurity. Many have fallen behind on the rent because they had to stop working to care for a sick loved one, or because they lost their job due to the pandemic, or because they contracted Covid themselves. Even New Yorkers who are not behind on the rent face housing insecurity. I recently advised a senior whose landlord has been harassing her and threatening her if she doesn't move because he is anxious to sell the building to cut his own pandemic-related losses. Our conversation was the first she learned that self-help eviction is illegal – had we not spoken, she likely would have moved out of her home in the dead of a pandemic winter, with nowhere else to go, for fear of being illegally and forcibly removed from her home by her landlord.

This senior was fortunate to have been referred to our office, but many other at-risk New Yorkers are not able to access free civil legal services from our organization or from one of our many legal service partners testifying today. We will never know how many New Yorkers have been displaced simply because they were unaware of their legal rights or options. As we all know well by now, having access to an attorney makes it 86% more likely that a tenant facing eviction will be able to stay in their home.

Under the current Universal Access to Legal Services law, only New Yorkers in pre-designated zip codes are guaranteed an attorney to defend them in housing court. Because VOLS is not part of the Universal Access program, we frequently give advice and counsel to New Yorkers who are not covered by Right to Counsel because they do not live in the correct zip code. The senior I spoke to being threatened by her landlord does not live in a Universal Access zip code. Nor do most of the older New Yorkers that we have counseled at our legal clinics at senior centers that we hosted throughout the city prior to the shutdown. Aside from end of life planning, the most common and urgent legal issues that our clients face are related to housing insecurity. Prior to the shutdown last March, we hosted monthly legal clinics for low income seniors in

Councilmember Ayala's district, and Councilmember Kallos' district, where many New Yorkers are not covered by the Right to Counsel zip code scheme. We also hosted monthly clinics in Councilmember Chin's district, where currently *no one* is covered by the zip code scheme. Intro 2050 would ensure that no low-income tenant facing eviction is denied counsel. So many New Yorkers need help and housing justice now. This fact has nothing to do with their zip code. New Yorkers' ability to get the help that they need to avoid homelessness should not depend on their zip code, either.

The fact that a tenant is 86% more likely to maintain their home if they have an attorney when facing a Housing Court proceeding was contemplated in the passage of Universal Access, or Local Law 136, which was originally slated for a 5-year rollout ending in July 2022 in consideration of logistical capacity. But in light of the fallout from the COVID-19 pandemic and the resulting economic crisis, both of which are disproportionately impacting low-income communities and especially communities of color, waiting another year and a half for the full roll out of the program may prove disastrous. Less than one year into the pandemic, the US alone has lost over 400,000 people to this disease, and we will not fully understand the scope of the economic and health-related impacts on our country for years to come. What we do understand is that while for many New Yorkers, paychecks and stimulus checks have stopped arriving, rent bills have not. Current eviction moratoria do not provide rent relief and one day those bills will have to be paid or these tenants will face homelessness.

We are mindful of capacity concerns of legal service providers funded by the Universal Access program, and so we join the Right to Counsel Coalition and its members in urging the city to adopt an implementation model that assigns cases only to those providers/attorneys that have the capacity to take on another client. Judges have broader authority under the Housing Stability and Tenant Protection Act to adjourn cases, and we would encourage the bench to take advantage of that authority. Adjourning an eviction proceeding until a tenant can be represented will certainly help to achieve the nominal aim of the statute – preserving stable housing and protecting tenants.

We're grateful that the city has adapted its approach to Universal Access implementation since the pandemic hit. We praise NYC for providing attorneys to tenants facing illegal lockouts, and to the 14,000 families with pre-COVID warrants of eviction. Our city deserves a fighting chance at recovery, which cannot happen without all of us. Low income tenants deserve to have four walls around them and a roof over their heads while they face this pandemic.

Volunteers of Legal Service looks forward to our continued work with the City Council and the administration to improve the lives of low-income New Yorkers through access to free legal services. Thank you for giving us the opportunity to testify.

Jess Penkoff, Esq.
Staff Attorney, Housing Rights & Special Populations