



NEW YORK CITY COUNCIL COMMITTEE ON AGING

Wednesday September 7, 2022, 11:00 a.m.

SUBJECT: Int T2022-1650

My name is James Fenton. I am a Senior Staff Attorney in the Senior Law Project at Volunteers of Legal Service (VOLS). VOLS was established in 1984 and our purpose is to leverage private attorneys to provide free legal services to low-income New Yorkers to help fill the justice gap.

Our Senior Law Project focuses our services on helping low-income New York City seniors plan for the future by obtaining wills and other advance directives. This planning ultimately allows seniors to make their wishes clear, empower their chosen caregivers, and allows them to age in place in the community for as long as is feasible.

In addition to our life planning services we operate a legal advice hotline for seniors. Legal issues related to fear of eviction and homelessness top the list of questions we receive.

While both New York State and New York City have taken significant steps to protect the rights of low-income tenants in recent years, landlords continue to push forward with their efforts to force out long term tenants in rent regulated housing, many of whom are seniors. The seniors who we speak with are acutely aware of the lengths their landlords will go to push them out of their apartments and are anxious about the possibility of having to fight for their apartments without the help of an attorney.

Many of our clients worry that their mobility issues will prevent them from effectively participating in any court cases brought against them. Many of our homebound clients only receive their mail periodically and worry that they will miss their time to respond to notices from their landlords or the Court. Further, even when they are properly notified, many seniors cannot travel to housing court, and cannot access the technology needed to avoid in person appearances. Because of this, expanding seniors' access to attorneys will not only help seniors effectively raise legal defenses, but will also enable them to overcome practical hurdles to their participation in the judicial process, and alleviate a great deal of their stress and anxiety.

In our experience seniors are also exceptionally worried about the possibility of having to enter the shelter system. Not only can the shelters themselves be difficult for seniors to navigate and endure, but placement in a shelter or temporary housing accommodation often requires a person to move away from medical and social services which many become increasingly reliant upon as they age. Due to our clients' aforementioned mobility issues, even a relocation which many people would consider small can create an impassible divide between a senior and their community.



Most seniors we speak with are living on fixed incomes, many of which place them slightly above 200% of the Federal Poverty Guidelines, leaving them ineligible for a Right to Counsel Attorney while still unable to afford a private attorney to represent them. Disabled older veterans in particular fall into this category. Currently, if an older veteran receives service connected disability at a 90% or 100% rating they are over income for the Right to Council program, meaning they are effectively denied an attorney based on injuries sustained during service. These are the veterans who scarified the most in service to our country and the compensation they receive because of their sacrifice currently shuts them out from receiving representation in an eviction proceeding. Removing this income cap would open access to a significant portion of this vulnerable population.

Our clients also report great difficulty in accessing social services. The COVID pandemic necessitated an increased reliance on remote technologies which increasingly feels like a permanent change. While “going digital” made accessing services easier for many New Yorkers, seniors were not particularly well situated for this new normal, and many still struggle. The housing support program envisioned in this bill will go a long way to closing the digital divide seniors are currently facing.

Most of all, providing support for seniors facing eviction serves the city as a whole by keeping communities together. Most of the seniors who call our hotline are long term residents of their neighborhoods who bring with them a tremendous amount of the history and culture of their communities. These individuals have formed close and longstanding bonds with their neighbors, and infuse their buildings and their communities at large with a sense of care and compassion which is invaluable in our rapidly changing city.

Allowing New Yorkers to age in place and remain vibrant members of their local communities is a goal that benefits everyone in our city. The Right to Council Program has been a great help to tenants across the city and should be expanded to meet the increased need brought on by the COVID pandemic. Specific protections for seniors, a particularly vulnerable group for the reasons discussed above, is an effective and necessary step in securing housing justice for all New Yorkers and creating sustainable communities throughout the city.

James Fenton
Senior Staff Attorney