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Gale A. Brewer, Borough President

Testimony of Gale A. Brewer, Manhattan Borough President New York City Council Committee on Courts and Legal Services Intro 214A-2014, September 26, 2016

My name is Gale A. Brewer and I am the Manhattan Borough President. I thank Chair Lancman and members of the Committee for the opportunity to testify regarding this legislation, Intro 214-A-2014, the Right to Counsel.

I strongly support this legislation, and I believe it can have a significant impact on the continuing loss of affordable housing and the crisis of long-term homelessness for so many New Yorkers and their families.

For decades advocates have argued that low-income tenants facing eviction have a due process right to legal representation. When a tenant is taken to Housing Court, crucial interests are at stake. Since there is virtually no available affordable housing to replace what might be lost, the potential for homelessness is always present. Long term homelessness impacts one's freedom, employment, physical and mental health, and children's education. Our laws and codes give tenants significant substantive and procedural rights in an eviction action. But tenants have little or no understanding of those rights, nor the skill to use them without the assistance of counsel. We know from numerous studies that the outcome of such proceedings is determined, in many cases, by whether a lawyer represents them.¹ The evictions that result from a lack of counsel are avoidable, unnecessary and have tragic consequences. The cost to the City is huge: affordable apartments are lost because the law allows large rent increases for vacant apartments, often high enough to justify deregulation; the city must absorb the cost of sheltering a homeless family, including medical, educational and other essential costs. So, while we know that the cost of implementing this legislation is high, it is offset by substantial savings to the City for reduced costs for homeless services.

¹ C.Seron, et al., *The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City's Housing Court: Results of a Randomized Experiment*, 35 Law & Society Review, 419 (2001)

In addition to the savings to be realized by avoiding homelessness, we must consider the potential benefits that result where tenants, with expert counsel, can fully access their legal rights, and obtain necessary repairs in their apartments and buildings, and even obtain rent reductions where there have been improper increases imposed.

But after all the legal and financial analysis is done, this legislation is needed because it is the right thing to do for our City. Last year, funding for legal services was increased substantially. I understand that we now know that there was a parallel substantial decrease in evictions of 18%, even though the number of eviction proceedings commenced remained the same as in prior years. That decrease represents people who remain in their homes who would otherwise have experienced the terrible disruption of eviction.

This positive result from additional funding for legal counsel points the way forward, but the need still exceeds the resources currently available. We all would like to see an end to unnecessary evictions and the loss of affordable housing supply. Every day my office sees tenants facing eviction, many with difficult, complicated cases, who have not been able to find counsel.

I am particularly concerned for tenants, working families in many cases, in neighborhoods facing rezoning and other displacement pressures. These tenants need expert attorneys and they need organizers to help them resist the pressures of skyrocketing rent values. I am hopeful that funding from this legislation will enable appropriate service providers to assist tenants not only in eviction proceedings, but help them in repair actions, in opposing MCI increases, and in fighting harassment by landlords.

I also urge this committee and the Council to address the issue of how to provide help for individuals and families whose income disqualifies them from receiving aid under this legislation as well as assistance from services by current providers. Their cases are often very complicated, yet they cannot really afford private attorneys. So they are left without the crucial information and assistance they need to save their homes. When I served as a Council Member, my office, with the assistance of the Goddard Riverside Law Project and the Urban Justice Center, was able to coordinate monthly clinics staffed by expert private attorneys where anyone facing housing problems, including eviction, could receive help. I believe it was tremendously effective at keeping people in their homes, and I know that my successor Council Member Helen Rosenthal has continued the program. I believe that the Office of the Civil Justice Coordinator must

explore methods to address the problem of providing help for households with incomes above 200% of the poverty line, but which lack means to pay private counsel. This is a substantially large group of New York tenants who are increasingly in danger of losing their affordable apartments. In addition to clinics of the kind I just described, the Office of the Civil Justice Coordinator should explore potential programs for “low-bono” or sliding scale providers to address this issue. These families and individuals need assistance and we cannot neglect them.

I strongly support this legislation as an essential step forward in ensuring equal access to justice. I look forward to its enactment and the immediate and lasting benefits that will result.

Thank you for the opportunity to testify today.