

The logo for the New York City Bar Association, featuring the words "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

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**STATEMENT BY THE NEW YORK CITY BAR ASSOCIATION  
HOUSING COURT COMMITTEE AND  
CIVIL RIGHT TO COUNSEL TASK FORCE  
ADDRESSING EVICTION RELIEF IN NEW YORK STATE**

The Housing Court Committee of the New York City Bar Association (“City Bar”) is comprised of attorneys representing landlords and tenants, as well as court attorneys, judges and academics. The Committee focuses on landlord-tenant law and the structure and function of the New York City Housing Court, as well as any issues concerning users - both attorneys and litigants pro-se. The Civil Right to Counsel Task Force was formed in the spring of 2018 to advocate for the most effective implementation of New York City's newly established right to counsel in eviction cases, to support the extension of that right to other jurisdictions and to advocate for the extension of the right to counsel in other civil matters where fundamental human needs are at stake.

The City Bar applauds the State’s recent effort to address the eviction crisis as the COVID-19 pandemic continues to ravage the State, its residents and its economy. It is critical that the City and State now take the essential step of providing meaningful and direct financial relief to tenants and property owners. A majority of the pending eviction cases can be resolved by providing emergency rental assistance and increasing access to rental subsidies.

Specifically, the City Bar recommends recognizing this historic crisis by relaxing the NYC Human Resources Administration eligibility requirements for “one-shot deals.”<sup>1</sup> With over 10% of New York City residents out of work<sup>2</sup>, temporarily removing the requirement that a tenant prove they can afford the monthly rent would eliminate the primary barrier to approvals and send essential rent monies to property owners starved of rent. Payment of these funds will pave the way for discontinuing thousands of housing court cases and allow landlords to pay for essential services, repairs, and property taxes.

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<sup>1</sup> One-shot deals are a one-time emergency grant to pay rental arrears to prevent or forestall an eviction. Approval for a disbursement usually requires proof of sufficient income to afford the lease rent.

<sup>2</sup> Press Release, New York State Department of Labor, NYS Economy Added 36,6300 Private Sector jobs in November 2020 Marking 7th Straight Month of Gains (January 21, 2020) <https://labor.ny.gov/stats/pressreleases/pruistat.shtm#:~:text=New%20York%20City's%20unemployment%20rate,from%2013.0%25%20to%2012.1%25>. (All sites last visited January 27, 2021)

**About the Association**

*The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. [www.nycbar.org](http://www.nycbar.org)*

The City Bar also recommends expanding eligibility for the Family Homelessness & Eviction Prevention Supplement (FHEPS)<sup>3</sup> by allowing low-income workers to qualify for a housing subsidy and increasing the maximum eligible rents. Allowing low-income workers to qualify will relieve tenants of the catch-22 between working or a rent subsidy. Increasing FHEPS voucher access will result in fewer tenants defaulting on rent, fewer housing court cases, and fewer evictions.

Finally, the State’s recent eviction protections are only effective if tenants are provided counsel to advise and assert their rights. Using the New York City’s Universal Access to Counsel Law, N.Y.C. Admin. Code § 26-1301, et seq., now known as “Right to Counsel,” as a model, the State should take steps to implement a Right to Counsel throughout New York State. In New York City, 84% tenants represented by Right to Counsel lawyers were able to remain in their homes.<sup>4</sup> Eviction in neighborhoods where the Right to Counsel has already been implemented have dropped by nearly 30%.<sup>5</sup> We also support the New York City Council’s introduction of Int. No. 2050-2020, expanding the Right to Counsel immediately to all income-eligible tenants facing eviction proceedings, regardless of zip code.

As many policymakers have asserted since the early days of COVID-19, no New Yorker should be evicted because of COVID. Only through government intervention can this be a reality. Staying eviction proceedings has, thus far, largely achieved this result, but at this juncture, we must use this time to address and prevent the eviction and foreclosure catastrophe looming just over the horizon. The implementation of the above policies will prevent countless evictions and foreclosures, relieve an overburdened Housing Court system, and provide long-term solutions to an ever-worsening housing crisis. We respectfully urge New York’s policymakers to consider and implement the concrete steps recommended here.

Housing Court Committee  
Sara N. Wagner, Chair

Civil Right to Counsel Task Force  
Alison King and Andrew Scherer, Co-Chairs

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<sup>3</sup> FHEPS A (as opposed to FHEPS B for survivors of domestic violence) is a State administered rental subsidy for families with dependent children in receipt of Cash Assistance and facing eviction. FHEPS eligibility is contingent on the apartment rent being under the Maximum Rent threshold for family size (i.e. \$1,580 for a family of four) and continued eligibility for Cash Assistance.

<sup>4</sup>Universal Access to Legal Services: A Report on Year Two of Implementation in New York City, O CJ UA Annual Report 2019, <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/O CJ UA Annual Report 2019.pdf>.

<sup>5</sup> *Id.*