

OFFICE OF CIVIL JUSTICE
LEGAL SERVICES

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PUBLIC HEARING

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November 23, 2020

HELD AT: Virtual Zoom Hearing

APPEARANCES: CAROLYN ROBLEDO, DSS ORIA
CHERYL WERTZ, DSS ORIA
JORDAN DRESSLER, OCJ
ANDREW SCHERER, Right to Counsel Chair
ALLISON ING, Right to Counsel Co-Chair
JENNY LAURIE, Housing Court Answers
JEREMY BUNYANER, CAMBA Legal Services
ELISE BROWN, Mobilization for Justice
ED CAMPANELLI, NYLAG
JARED TRUJILLO, ALAA UAW 2325
SAM FELDMAN, NYLAG
EVAN HASBROOK, Legal Aid Society
FLORINA MORALES, Tenant
REINELDA ICIANO, Tenant
MARK LEVINE, NYC Councilmember
JACK UNDERWOOD, Brooklyn Legal Services
MANUEL, HAITIAN/CREOLE INTEPRETER
ESMERELDA, HAITIAN/CREOLE INTERPRETER
CATALINA, SPANISH INTERPRETER
PATRICIA, SPANISH INTERPRETER
MANDARIN INTERPRETER
RUSSIAN INTERPRETER

DIGITALLY RECORDED PROCEEDING, TRANSCRIBED BY:
JULIE DAVIDS, UBIQUS

1 MR. DRESSLER: Okay, I'm going to get started
2 now. Good evening and welcome to the City of New York's
3 third annual public hearing on the City's Universal Access
4 to Legal Services program. We are going to start in a few
5 minutes to give everyone a chance to join the meeting.
6 Everyone is muted at this point. I'd ask you to stay
7 muted until you're called on. You can unmute yourself,
8 you'll have an opportunity to speak, and then you can
9 remute yourselves. As we start I'm going to ask our
10 language interpreters to introduce themselves and provide
11 instructions on how to receive language interpretation
12 services. And for those of you, if you're not here now,
13 we're going to be doing these instructions one more time
14 in a little bit during the proceedings. Will the Haitian
15 Creole interpreter please introduce themselves.

16 HAITIAN CREOLE INTERPRETER: [Foreign audio
17 00:11:26] Esmerelda (inaudible) interpreter for
18 (inaudible) [Foreign audio] Creole (inaudible) French.
19 [Foreign audio ends 00:12:00]

20 MR. DRESSLER: Will the Mandarin interpreter
21 please introduce themselves.

22 MANDARIN INTERPRETER: [Foreign audio 00:12:08-
23 00:13:21]

24 MR. DRESSLER: Will the Russian interpreter
25 please introduce themselves.

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1 RUSSIAN INTERPRETER: [Foreign audio 00:13:26-
2 00:14:09]

3 MR. DRESSLER: And finally, will the Spanish
4 interpreter please introduce themselves.

5 SPANISH INTERPRETER: [Foreign audio 00:14:16-
6 00:15:04]

7 MR. DRESSLER: Thank you. Okay, I'm going to
8 read these directions. If--again, relating to access. If
9 anybody has any questions you can put them in the chat,
10 and we will address them. If you'd like to continue to
11 listen to this proceeding in English, please select
12 English for the best experience. If you are using Zoom on
13 a computer, you'll do this by clicking the globe icon on
14 the bottom of your screen. If you are using a global
15 device, click on the three dots on the bottom of the
16 screen. If you're dialing in by phone, don't worry
17 (inaudible). The time now is 6:14. We will get started
18 in approximately three minutes.

19 SPANISH INTERPRETER: [Foreign audio 00:17:21]

20 MR. DRESSLER: I'm not sure--hi, this is Jordan
21 Dressler. I'm not sure if that's in the breakout room,
22 that seems to be going out to everybody, or maybe I can
23 just hear it.

24 FEMALE VOICE: I can hear it, too.

25 FOREIGN FEMALE VOICE: [Foreign audio 00:17:48]

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1 MS. WERTZ: Catalina, I think you are not
2 selecting into the Spanish room, so you are interpreting
3 into the English language room. So Catalina, can I ask
4 you to put yourself, please, in the Spanish language room
5 for interpretation, so that they can hear you there.

6 SPANISH INTERPRETER: I apologize. I am
7 clicking the button for--where it says Spanish, and I
8 don't know why you can hear me only in this English line.
9 This is me speaking while I already clicked on Spanish,
10 and you can hear me in the English room, correct?

11 MS. WERTZ: Yeah, give Carolyn a second to sort
12 people into the right places while we're waiting for other
13 things, and see if--

14 MR. DRESSLER: Appreciate everybody's patience.
15 We have a lot of interested speakers this evening. I hope
16 we're all settled in to hear some good feedback, and we'll
17 be patient. Cheryl, Carolyn, how are we doing?

18 MS. ROBLEDO: I need the interpreter, the
19 Spanish interpreters to assign themselves as Spanish. The
20 channel--the Spanish language channel is open. Just hit
21 the globe and assign yourself as Spanish.

22 SPANISH INTERPRETER: I tried that and it says
23 Spanish, so I don't know why you can only hear me here.

24 PATRICIA: Yeah, this is Patricia, the other
25 Spanish interpreter. I'm not--I also--I just did this the

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1 other day. I'm not seeing any options either to--okay, I
2 did see the--I just hit the globe with the Spanish, but I
3 don't see like the specific Spanish room.

4 SPANISH INTERPRETER: I'm clicking as well, I'm
5 clicking the globe and Spanish and it's not allowing me to
6 be the interpreter. I believe I am just listening in case
7 there was an interpreter, I would be listening, but it's
8 not allowing me to be the interpreter.

9 FEMALE VOICE: Carolyn, did you try the old-
10 fashioned taking them out as interpreters and reassign
11 them as interpreters strategy? It always works.

12 MS. ROBLEDO: I did. Not working this time.

13 SPANISH INTERPRETER: Would you like me to log
14 out and try to join again? Will that work?

15 MS. WERTZ: I'm wondering, Carolyn, if it has to
16 do with the fact that we changed their names when they
17 came in. Why don't--do you want to ask them to log out
18 and come back in and reassign them using their original
19 names?

20 MS. ROBLEDO: We can try that.

21 SPANISH INTERPRETER: I'll try that and log in
22 again.

23 MS. WERTZ: Thank you.

24 MR. DRESSLER: Okay. In the interest of time, I
25 think I'm going to get started, because my remarks are

1 primarily centered around material that's going to be
2 found in our (inaudible) annual report, which is on our
3 website. So let me get started.

4 SPANISH INTERPRETER: (inaudible). Okay.

5 MR. DRESSLER: My name is Jordan Dressler. I am
6 the Civil Justice Coordinator. In that capacity I head up
7 the Office of Civil Justice with the Human Resource
8 Administration in the City of New York. Let me just say
9 at the outset, this is a public hearing. We invite anyone
10 who wishes to be heard on the topic of universal access
11 and housing (inaudible) to speak this evening. I'm going
12 to say a few words at the top, and then we have a speakers
13 list made up of people who have already signed up. But if
14 you wish to speak this evening and are not on the speakers
15 list yet, please let us know that in the Zoom box, because
16 we can add you to that list. If you join this hearing by
17 calling in, you can raise your hand by pressing *9 and
18 we'll add you to the list that way. So again, good
19 evening. Welcome to the third annual public hearing on
20 the City's Universal Access to Legal Services. Again, my
21 name is Jordan Dressler; I'm the Civil Justice Coordinator
22 with New York, City's Office of Civil Justice with the
23 Human Resources Administration. I am joined tonight
24 virtually by Sara Zuiderveen, Deputy Commissioner for
25 Homelessness Prevention at HRA; Rebecca Klein, OCJ Senior

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1 Policy Advisor, and Assistant Coordinators Agne Jomantaite
2 and Gloria Rosario of OCJ. I also want to acknowledge and
3 thank Carolyn Robledo and Cheryl Wertz of DSS's Office of
4 Refugee and Immigrant Affairs for all of your assistance
5 in helping to put this hearing together. As you may know,
6 OCJ is a unit within HRA which is a part of the City's
7 Department of Social Services, the largest social services
8 agency in the United States. The HRA assists more than
9 three million New Yorkers annually through the
10 administration of arranged public assistance programs
11 including cash assistance and employment services, SNAP,
12 food stamps, Medical Assistance, and of course eviction
13 prevention. Since OCJ was established at HRA through a
14 local law which amended the City Charter in 2015, our
15 office has launched and operated a range of civil legal
16 services programs for New York City residents in need. A
17 centerpiece of our work is the implementation of New York
18 City's groundbreaking Right to Counsel law, also known as
19 universal access to legal services, which is the subject
20 of this evening's hearing. Three years ago the City of
21 New York made history becoming the first city in the
22 United States to enact a law ensuring that all tenants
23 facing eviction in housing court or an administrative
24 termination of tenancy proceedings in public housing have
25 access to free legal services. I want to acknowledge the

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1 leadership of the New York City Council, and in particular
2 main sponsors Councilmember Mark Levine of Manhattan, and
3 Vanessa Gibson of the Bronx. I want to thank them for
4 their tireless support for this important work. Since
5 that day in 2017 when the Right to Counsel law was
6 enacted, the landscape for access to justice for tenants
7 in New York City and elsewhere has been transformed.
8 Newark, San Francisco, Philadelphia, Santa Monica, and
9 most recently Boulder and Baltimore have moved forward
10 with tenants' Right to Council laws modeled on our work in
11 New York City, and other cities across the United States
12 are exploring their own tenant legal services initiatives.
13 Here in New York I'm happy to report that three years
14 after enacting the Right to Counsel law, we have made real
15 and substantial progress in increasing and enhancing
16 access to justice for tenants. Our right to counsel
17 universal access, also known as RTCUA, legal services
18 provider partners across the five boroughs have worked in
19 partnership with OCJ, the New York City Housing Court, as
20 well as policymakers, advocates, and other stakeholders to
21 greatly increase the availability of high quality legal
22 assistance for tenants. The rate in New York City of
23 tenants facing their eviction cases with legal
24 representation in court, which stood at 1% in 2013,
25 reached 38% by the end of calendar year 2019, and in the

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1 neighborhoods that were targeted for universal access,
2 67%. At the same time, the number of evictions conducted
3 in New York City has dropped to historic lows, falling by
4 41% between 2013 and 2019, while evictions nationwide are
5 up. In December of 2019 we continued our phased
6 implementation of the Right to Counsel law in Housing
7 Court by adding five additional zip codes to the universal
8 access initiative, expanding the program in additional
9 neighborhoods in all five boroughs, and bringing the total
10 of included zip codes to 25, and updating our referral
11 protocols and other procedures to make legal services more
12 accessible to tenants across the city. In fiscal year
13 2020, the fiscal year we just wrapped up, approximately
14 half of the households served in Housing Court eviction
15 proceedings by OCJ legal providers lived outside of the
16 zip codes targeted through universal access. In addition
17 to making strides in Housing Court, fiscal year 2020 began
18 with a launch of OCJ's program to provide an on-site
19 access to legal services to tenants in NYCHA public
20 housing facing administrative termination of tenancy
21 proceedings. Working with our legal provider partners and
22 with NYCHA, OCJ developed and implemented a program model
23 to provide comprehensive access to legal services for
24 NYCHA tenants facing such proceedings on site where NYCHA
25 administers termination proceedings. In this first phase,

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1 all heads of NYCHA households who were seniors, 62 years
2 and older, who were facing termination of their tenancies
3 in administrative proceedings, have immediate access to
4 these free legal services on site. By the end of the
5 fiscal year, the number of households in termination of
6 tenancy proceedings that received OCJ legal services
7 increased by 35% compared to the year before. In all, as
8 of the end of the last fiscal year, approximately 450,000
9 New York City residents have received free legal
10 representation, advice, or other assistance in eviction
11 and other housing related matters since the start of the
12 deBlasio administration through tenant legal services
13 programs administered by HR. As we have found since the
14 start of the implementation of the Right to Counsel law,
15 in the overwhelming majority of cases when attorneys
16 represent tenants in eviction proceedings in Court, they
17 achieve a positive outcome for their clients. In cases
18 that resolved in fiscal year '20, 86% of tenant households
19 represented in Housing Court in NYCHA proceedings by OCJ
20 funded tenant lawyers were able to remain in their homes.
21 As proud as we are of reaching these milestones and all of
22 these findings and other information about performance and
23 achievement in the previous fiscal year can be found in
24 our report--third annual progress report which is on our
25 website which is NYC.gov/civiljustice. As proud as we

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1 are, it is hard not to feel that they are from a different
2 time, a time from before COVID-19. As we sit here
3 tonight, all of our clients, our neighbors, and our
4 colleagues have been touched in some way by this crisis,
5 and the aftershocks in New York City Housing Court will
6 continue to be felt for some time to come. Despite all we
7 have faced and continue to face since the COVID-19
8 pandemic began earlier this year, OCJ, our provider
9 partners, and other justice system stakeholders have
10 worked to meet the moment and provide effective access to
11 comprehensive free legal assistance to tenants in need
12 under these unprecedented challenging circumstances. The
13 pandemic has substantially altered operations in the
14 Housing Court, and both substantive and procedural law
15 have been transformed through a series of eviction
16 moratoria, administrative orders and legal mandates.
17 Throughout it all, tenant legal services providers
18 supported by OCJ have stepped up to provide New York City
19 tenants with legal assistance and protection, and we are
20 proud to support this vital work. Working in
21 collaboration with OCJ is legal services provider partners
22 Housing Court Answers and the mayor's office, we've
23 established a housing legal hotline to provide access to
24 live phone-based legal advice and assistance provided by
25 our tenant legal services partners. Through the hotline,

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1 tenants with questions and concerns about evictions and
2 Housing Court as well as other landlord/tenant issues are
3 receiving legal advice and assistance Monday through
4 Friday. These services are currently available by a 311
5 and the mayor's public engagement unit through the City's
6 tenant help line, and also through Housing Court Answers
7 hotline. Legal advice services are free and are available
8 to all New York City residential renters with housing
9 questions or issues, regardless of income, geography or
10 zip code, or immigration status. On March 16th, 2020, the
11 New York City Housing Court closed with respect to nearly
12 all new and pending matters including eviction proceedings
13 except for essential proceedings such as legal actions to
14 restore possession for tenants who were illegally evicted
15 or locked out, and proceedings to compel landlords to make
16 critical emergency repairs such as restoring lost heat or
17 hot water. To address the legal needs of these tenants,
18 OCJ worked with legal providers in the Housing Court and
19 immediately established a case referral protocol to
20 connect all unrepresented tenants who file emergency cases
21 in court with free legal representation. Since the start
22 of the pandemic, unrepresented tenants who file an action
23 to be restored to possession after an illegal lockout or
24 who file an HP action for emergency repairs, are referred
25 to OCJ by the Court for free legal representation by one

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1 of OCJ's provider partners. Starting in April of 2020,
2 the New York City Housing Court expanded its operations
3 beyond hearing emergency lockout and repair cases, and
4 began moving forward in some pending eviction cases. And
5 OCJ's legal providers were there to assist and protect
6 tenants in need. Specifically the Court scheduled
7 thousands of eviction proceedings that were pending
8 resolution prior to the start of the pandemic for status
9 and settlement conferences and required that only those
10 cases in which all parties were represented by legal
11 counsel could be scheduled for a court conference. OCJ's
12 legal services providers have participated in thousands of
13 court conferences, representing tenant clients in pre-
14 pandemic eviction cases. As a result, all tenant
15 respondents in eviction proceedings handled by the Housing
16 Court during this period have been represented by counsel.
17 In August of 2020 after the Governor had issued a series
18 of executive orders, Chief Administrative Judge Lawrence
19 Marx issued court guidance allowing landlords to ask the
20 Housing Court to permit pre-pandemic eviction warrants to
21 move forward, including in cases in which the tenant did
22 not already have counsel. So in response, OCJ worked in
23 collaboration with the Court and with providers to ensure
24 that no tenant faces the threat of eviction without access
25 to free legal services. The Court now requires landlords'

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1 motion papers to include information about how to access
2 free legal assistance, and OCJ is referring unrepresented
3 tenants facing the enforcement of a pre-pandemic eviction
4 warrant to reach out for free legal representation to an
5 OCJ legal provider. In addition to this pre-conference
6 protocol, OCJ is providing access to free legal
7 representation for unrepresented tenants who respond to
8 motions to proceed with pre-pandemic eviction warrants by
9 appearing for a scheduled (inaudible) through the
10 assignment of counsel to any tenant at such a conference
11 who wants legal representation in their case. This
12 initiative is intended to make access to legal
13 representation readily available to tenants on the cusp of
14 the execution of an eviction warrant. Tenants who are
15 currently facing eviction warrants are eligible for free
16 legal representation regardless of zip code, immigration
17 status, or whether the tenant may have previously declined
18 or have been found ineligible for legal representation
19 under the Universal Access program, and regardless of
20 household income with an income waiver by OCJU.
21 Complementary to these efforts, OCJ identified
22 approximately 14,000 households without representation
23 that had outstanding eviction warrants issued by the
24 Housing Court in 2020 that were not executed by City
25 Marshals. OCJ reached out by mail, informing these

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1 households of the availability of free legal assistance
2 through OCJ, and is working with legal providers in the
3 City's Public Engagement Unit to conduct outreach to
4 tenants facing warrant-related motions that are pending in
5 court, including to tenant respondents who fail to appear
6 in response to these eviction warrant motions and are at
7 risk of default and therefore eviction. As we move
8 forward and face unprecedented and likely unexpected
9 challenges stemming from the continuing COVID-19 pandemic,
10 OCJ will continue to work hand in hand with all justice
11 systems stakeholders to make the protection and support of
12 legal services available to New York City tenants facing
13 eviction. Tonight's hearing is an important part of that
14 effort to ensure that we continue to serve New Yorkers
15 effectively. There were cities across the country
16 following our progress. It is crucial--I'm not sure why
17 somebody shared a screen right now. It is crucial that we
18 hear from you. Okay, (inaudible). Thank you. Then begin
19 the speakers. So before we begin, I'm going to ask the
20 interpreters to introduce themselves. Will the Spanish
21 interpreter please introduce themselves.

22 SPANISH INTERPRETER: [Foreign audio 00:39:41-
23 00:40:11].

24 MR. DRESSLER: Thank you. Will the Haitian
25 Creole interpreter please introduce themselves. Will the

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1 Haitian Creole interpreter please introduce themselves.

2 MANUEL: Can you hear me?

3 MR. DRESSLER: Now we can, yes.

4 HAITIAN CREOLE INTERPRETER: Okay. [Foreign
5 audio 00:40:30-00:41:20]

6 MR. DRESSLER: Thank you. Will the Mandarin
7 interpreter please introduce themselves. Will the
8 Mandarin interpreter please introduce themselves.

9 MANDARIN INTERPRETER: [Foreign audio 00:41:38-
10 00:42:35]

11 MR. DRESSLER: Thank you. Finally, will the
12 Russian interpreter please introduce themselves.

13 RUSSIAN INTERPRETER: [Foreign audio 00:42:46-
14 00:43:33]

15 MR. DRESSLER: Okay, hang on. Again, if you
16 wish to testify and you're not on the speakers' list yet,
17 let us know in the chat box. If you've joined this
18 hearing (inaudible)--thank you--you can get on the list by
19 pressing *9. If you have any questions about any of the
20 Zoom related features here, just let me know in the chat
21 box. (inaudible). I think that needs to happen in the
22 breakout room, is that right? Okay. If you prefer not to
23 speak in public, if you're on here and you prefer not to
24 speak in public and you'd rather submit a statement in
25 writing, that's fine, and we're collecting all written

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1 statements and we'll again be making all of those
2 available on our website. Okay. I'm going to start
3 calling speakers one by one. The first three speakers of
4 the evening are going to be Andrew Scherer, Jenny Laurie,
5 and I believe on behalf of CAMBA Legal Services, Jeremy
6 Bunyaner. Am I saying that right now? Close enough,
7 right. I see the thumbs up. And hopefully we'll be doing
8 these in blocks of three or four so you can be ready.
9 When I call you I'd ask you to unmute yourself. If you
10 happen to be dialing in, unmute is done by pressing *6.
11 When you're finished speaking, please mute yourself again,
12 again clicking on the microphone or *6 so we can all move
13 on to the next speaker. We're going to be limiting,
14 because we have a very--as you can all see, we have a
15 number of people attending tonight, and so we're going to
16 be limiting folks to three minutes apiece. We will be
17 polite at the three-minute mark, we promise, and you will
18 hear an alarm when your three minutes have ended. So with
19 that we'll begin, and I'll now call the first speaker,
20 Andrew Scherer. Andy.

21 MR. ANDREW SCHERER: Yeah, hi. Good evening. I
22 guess I submitted my registration the fastest of anyone.
23 I'm actually--this is testimony on behalf of the New York
24 City Bar Association's Task Force on the Civil Right to
25 Counsel, and my co-chair of that task force is here with

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1 me, or here on the Zoom with me, Allison Ing (phonetic),
2 and Allison is going to take the lead. I may say a thing
3 or two, but Allison is going to take the lead on this
4 testimony.

5 MS. ALLISON ING: Okay, thank you, Andy. We
6 hope to be a supportive and positive voice, this being a
7 task force, on how best to navigate the current crisis and
8 the post-pandemic realities that are the most responsive
9 to the needs to the community and provide access to
10 justice and the right to counsel for tenants. We believe
11 that no one should be evicted into a pandemic without
12 counsel. This is especially true with the added
13 complications and confusions of ever-changing federal,
14 state and local laws, policies, executive and
15 administrative orders. Our task force believes in the
16 need to have a system in place that allows tenants to pay
17 legal assistance prior to the start of the eviction
18 process, to have well-designed court processes, adequate
19 court facilities, and Housing Court judges prepare to
20 accommodate the shift from a primarily pro se court to a
21 court equipped to resolve litigation between represented
22 parties, and a court marked by civility and decorum. We
23 also believe in the need to provide sufficient resources
24 to assure that the legal services lawyers are able to
25 provide effective legal representation as well as

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1 sufficient flexibility to allow services tailored to
2 particular client communities and persons simultaneously
3 faced with legal proceedings in Family Court, Criminal
4 Court, and other forum for effective systems, for ongoing
5 communication and information sharing on a range of
6 levels, also to determine what data is important and for
7 what purposes and to have systems in place to collect that
8 data and make it readily available as needed. Thankfully,
9 as we've heard, there's a wide (inaudible) about the
10 importance of counsel for tenants at a time like this.
11 The city, our legal services organizations and our courts
12 have worked hard to transform themselves seemingly almost
13 overnight in an effort to keep all the stakeholders safe
14 from the pandemic and to extend the right to counsel to,
15 for the moment at least, all tenants who are appearing in
16 eviction cases. These measures are to be applauded. We
17 offer these comments and suggestions. We wholeheartedly
18 support the City Council bill, intro 2050, providing the
19 right to counsel to all eligible tenants in New York City
20 now and after the pandemic, rather than returning to the
21 zip code phasing approach. We are encouraged by the
22 Court, OCJ, and the legal services' continued exploration
23 in the use of technology as a means of providing
24 information and notice to eligible tenants. Their current
25 efforts have already had a significant positive impact.

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1 However, we caution all the parties to think carefully
2 about the digital divide (inaudible) technology that
3 exists in the City's low-income communities, and to
4 refrain from expanding that divide in ways that compromise
5 due process.

6 FEMALE VOICE: Your timeline is--

7 MS. ING: Thank you. I wanted to say thank you.
8 We also appreciate the use of Right to Counsel that has
9 been used more and more by city officials, rather than
10 universal access. The shift, while small, is symbolic and
11 important. Thank you very much.

12 MR. SCHERER: Thank you.

13 MR. DRESSLER: Thank you. (inaudible) for the
14 noise. Another caller--by the way, there was a question
15 in the chat about use of the word testify. That's force
16 of habit at these hearings. This is not sworn testimony
17 by--we just--the opportunity is here just to provide a
18 statement and speak on--speak to the record. And so with
19 that, Jenny Laurie.

20 MS. JENNY LAURIE: Thank you My name is Jenny
21 Laurie. I'm the executive director of Housing Court
22 Answers. In addition to our other work, we operate a
23 hotline for tenants facing eviction or with housing
24 problems. Like many organizations, our work has shifted
25 significantly because of COVID-19, the COVID-19 pandemic.

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1 I want to start out by thanking all those of you who
2 worked for the Office of Civil Justice and for HRA doing
3 eviction prevention. It's been really great working with
4 you and watching how folks have really turned on this
5 pandemic and really reached out to help tenants who are
6 struggling at this time. I submitted written testimony
7 about the right to counsel and how important it is and how
8 great it's been and some recommendations for going
9 forward. I want to really focus on--a little bit on sort
10 of what I think is not working well. We've been referring
11 tenants with warrant motions, illegal lockouts and
12 emergency HP actions to the Office of Civil Justice for
13 assignment of counsel. We've also been screening tenants
14 who have a myriad of problems, deaths in the family,
15 illness in the family, food shortages and so on. It's
16 been really dismaying for us to find that while I think
17 the sort of lined court staff have been really great and
18 working with tenants as they've tried to access the
19 courts. Today we got 1,200 calls on our hotline. We
20 normally get about 300 calls a day, and that's because the
21 Court, really in my opinion, very insensitively dropped a
22 letter to 40,000 tenants in New York City telling them
23 that they face eviction. The letter says, and I'm going
24 to quote from it, "You can bring a copy of your written
25 answer to the courthouse in person, but you may not be

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1 able to get into the courthouse right now due to safety
2 concerns. Do not wait until the last minute to answer in
3 person. Not being able to get into the courthouse may not
4 be an excuse for failing to answer." So I'm just baffled
5 by what the Court is thinking when they send a letter out
6 to so many people. And we just are trying to struggle
7 with trying to figure out from tenants who call sort of
8 what their issues are and who can be referred for legal
9 representation, and it's really difficult to do that work
10 as the Court is sort of struggling to reopen in the midst
11 of a pandemic. As I said to my staff today, the CDC
12 cancelled Thanksgiving. I think it's time for a
13 moratorium on evictions until the pandemic is over. Thank
14 you very much.

15 MR. DRESSLER: Thank you. Jeremy Bunyaner of
16 CAMBA Legal Services.

17 MR. JEREMY BUNYANER: Thank you for the
18 opportunity to testify today. My name is Jeremy Bunyaner,
19 I'm a staff attorney at CAMBA Legal Services. CAMBA Legal
20 Services is very proud to be one of the legal service
21 providers of universal access to legal tenants--to tenants
22 facing eviction in Brooklyn or Staten Island, more
23 shortly, Right to Counsel. CAMBA Legal Services is also a
24 member of LEAP, a coalition of 18 New York City civil
25 legal service providers, many of whom are also UA

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1 providers. We congratulate the City Council and mayor,
2 administration, Office for Civil Justice, and our partners
3 for working with us to make Right to Counsel a reality for
4 New York City tenants. We would also like to congratulate
5 and thank the Right to Counsel coalition, community based
6 organizations, tenants and tenant organizers across the
7 City whose hard work made this legislation possible to
8 function in truly strange times. The (inaudible) of the
9 problems before us underscores the importance of the
10 universal access to legal services for tenants facing
11 eviction and its need for continued funding. The overall
12 savings the program provides the city budget by limiting
13 homelessness is more invaluable than ever in the midst of
14 a public health crisis caused by the COVID-19 pandemic.
15 Without this program it is difficult to see how the office
16 of court administration and its many stakeholders could
17 have come together to implement the HMP part, allowing the
18 legal process to move forward. There has always been a
19 need for Right to Counsel and this need is greater than
20 ever. Indeed, this is the time for more expansive
21 implementation of the program without regard to zip code
22 or income. While it's important to celebrate our shared
23 accomplishments, it is also important to learn from the
24 growing pains and bumps of implementation so that we can
25 continue to move forward effectively. This year has only

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1 increased the challenge of implementation. Some of the
2 components we believe are key to full implementation are
3 the following: Representatives of the Office of Civil
4 Justice, tenant community, landlord and tenant bars and
5 Court should begin meeting regularly as a small committee
6 to continue developing and finetuning the virtual court
7 system. A committee would act as an intermediary between
8 the stakeholders and coordinate input in a rational way as
9 the program scales up. We have a system that is not
10 perfect, but by working together we can ensure that as
11 virtual court expands, we are able to fully implement
12 Right to Counsel in a meaningful way. Additionally, all
13 stakeholders must continue to work together to develop the
14 capacity to provide services virtually. As the pandemic
15 has required us all to adapt in unexpected ways, we have
16 learned that we can do this work virtually. Lastly, legal
17 services providers with support from the Office of Civil
18 Justice and the Court must continue to do the hard work of
19 connecting to tenants in need, giving them the information
20 and tools they need to preserve their housing. Meaningful
21 connection with the tenants in need is critical for the
22 long and certain success of Right to Counsel. Many
23 tenants do not know about the program, never make it
24 before a judge, and give up their apartments through
25 intimidation. With so much public confusion and

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1 uncertainty regarding the Housing Court process, we
2 already see landlords resorting to improper means to
3 compel tenants to give up their apartments.

4 FEMALE VOICE: Thank you so much. This is--your
5 three minutes are up.

6 MR. BUNYANER: Thank you. Okay, thank you.

7 MR. DRESSLER: Okay, next three, just so
8 everybody is ready, Elise Brown, Ed Campanelli, and Jared
9 Trujillo. So Elise Brown, Elise, you're up.

10 MS. ELISE BROWN: Thanks, Jordan. I'm Elise
11 Brown. I'm the director of housing litigation at
12 Mobilization for Justice. We are a Right to Counsel
13 provider in the Bronx. And there's a lot to say about a
14 lot of things, but I am just going to talk about the way
15 the providers and our staff have really performed
16 unbelievably under the circumstances of the pandemic. In
17 2017 when New York City led the nation with the enactment
18 of Universal Access to Counsel, Right to Counsel,
19 recognized the fundamental truth that housing is a human
20 right and under the guidance and leadership of HRA's
21 Office of Civil Justice over the ensuing years, legal
22 services providers stepped up to provide critical legal
23 services to an ever-increasing number of New York City
24 tenants. In March 2020, New York City led the nation in a
25 far more grim first, exploding COVID-19 infections and

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1 deaths that required officials to shut down the City and
2 order its citizens to shelter in place. And the primacy
3 of safe shelter has never been more apparent. And we know
4 now that black and Latinx individuals contract COVID-19 at
5 disproportionately higher rate than white individuals, and
6 in the midst of the current pandemic we see more clearly
7 than ever the long-existing and deeply entrenched systemic
8 racial inequities in wealth, stable and affordable
9 housing, health care access, and food security. And
10 they've created ever greater hardships for black and
11 Latinx families. And these are our clients. In the Bronx
12 fully a third of our clients are black, 48% are Latinx,
13 27% speak Spanish as a first language. These are the
14 fellow citizens who were already on the edge of the safety
15 net and the advent of COVID impacted those communities,
16 the community we serve far worse than the rest of the
17 communities in New York City. But thanks to Right to
18 Counsel, New York City has in place a legion of trained
19 Right to Counsel attorneys and ready to meet the challenge
20 of the dark hour that we face. It cannot be disputed that
21 during this ongoing pandemic Right to Counsel attorneys,
22 paralegals, support staff have saved lives by ensuring
23 that New Yorkers remain housed. We look forward to--

24 FEMALE VOICE: Your time is up.

25 MS. BROWN: All right, thank you.

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1 MR. DRESSLER: Thank you, Elise. Ed Campanelli.

2 MR. ED CAMPANELLI: Can you hear me?

3 MR. DRESSLER: Ed? Yeah, but you know what, Ed,
4 can you--I'm sorry to cut you off. I'm seeing something
5 in the chat about interpretation. Just give us one
6 moment, would you.

7 MR. CAMPANELLI: All right.

8 MR. DRESSLER: I think that's being addressed.
9 Ed, please go ahead.

10 MR. CAMPANELLI: Hi again. My name is Ed
11 Campanelli. I'm the associate director of the Tenants
12 Rights Unit at the New York Legal Assistance Group. If
13 anyone would take the time to review the transcripts from
14 the prior annual hearings held by OCJ about Right to
15 Counsel, a word that comes up frequently is
16 groundbreaking. But in 2020 it's not an exaggeration to
17 say that for some tenants the right to counsel would be
18 life-saving. A former and now retired administrative
19 judge observed that all societal ills are filtered through
20 the Housing Court. And right now Housing Court is ground
21 zero for New York City tenants during the ongoing COVID-19
22 pandemic. It turned life on its head in a minute, and it
23 solved the ranks of housing insecure. There are no silver
24 linings to be found, but it's the City's good fortune that
25 because OCJ spent the prior 2½ years implementing Right to

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1 Counsel, there already existed a standing army of
2 attorneys and paralegals ready and able to assist
3 vulnerable tenants navigate through the COVID-19 storm.
4 While government actors have a lot to figure out, the
5 staff at NYLAG and other legal service providers were
6 helping the tenants who were already clients because of
7 their right to counsel understand what was happening. And
8 while courthouses and offices both public and private
9 became ghost towns, legal service providers maintained
10 communications with their clients which in turn allowed
11 providers to be conduits of communication for these
12 vulnerable tenants who often heavily rely on government
13 services. Communication means action. That was felt by
14 the family of five with three minor children under the age
15 of 12 who our attorneys got restored to possession after
16 being evicted on March 12th for nonpayment of rent, right
17 before the eviction moratorium went into effect. Just
18 since the public health vestiging was to shelter in place,
19 this family lost its home and relied on us for help.
20 Communicating with HRA prevent or reduce grant was tricky.
21 City workers were displaced just like everyone else was.
22 After a tremendous amount of advocacy, HRA issued the
23 checks. A NYLAG attorney who resides in Brooklyn
24 retrieved the checks from HRA in Manhattan and immediately
25 met with the landlord and the family in Queens to exchange

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1 the checks for the keys so our clients could return home.
2 Because of the astounding job loss and interruption in
3 incomes, many more tenants qualified for services. To
4 meet increased demand, it is incumbent on OCJ to remain
5 attentive and both flexible and passionate. Those aren't
6 words ever associated with bureaucracy, but to your
7 credit, you've already demonstrated those traits, and
8 you're not endeavoring alone. Before Right to Counsel,
9 when asked what I did for my work my standard answer was
10 make bureaucracy produce the correct result for my client.
11 But being part of Right to Counsel means working with
12 bureaucracy to achieve the correct and just result for the
13 tenants of New York City. There are big opening questions
14 that can only be answered by action, what should OCJ do to
15 advocate to protect tenants? What should we do when the
16 moratorium on evictions is over? We respectfully suggest
17 the following: The guiding principle has to be keeping
18 people in their homes. It's hard to imagine something
19 beyond the current pandemic that can put that into
20 structured relief, yet some will still need convincing.

21 FEMALE VOICE: (inaudible) thank you so much.

22 MR. CAMPANELLI: Okay, thank you. Thanks for
23 the opportunity.

24 MR. DRESSLER: I'm sorry, I was on mute, and
25 moving right along. Thank you, Ed. Next up is Jared

1 Trujillo.

2 MR. JARED TRUJILLO: Hi, good evening, and thank
3 you for having this hearing and thank you for giving us
4 the opportunity to speak in it. My name is Jared
5 Trujillo. I am the president of the Association of Legal
6 Aid Attorneys, UAW 2325. We represent about 2,100 legal
7 workers in New York that do so much work to empower low
8 income New Yorkers and their communities and under the
9 Universal Access program. We meet low income New Yorkers
10 on the worst days of their lives. People that are at risk
11 of being evicted, people that have to deal with landlords
12 that would prefer to save a dollar instead of enabling
13 someone to live in an inhabitable condition, and our
14 members do that work ferociously and they do it with a lot
15 of passion and they do it really recognizing that this is
16 about not just empowering New Yorkers but racial justice
17 and equity. I only have about two minutes so I'll try to
18 just go through four suggestions that we have for the
19 program. First is to ensure that OCJ has a dialogue with
20 the unions, with the unions whose workers really are on
21 their front lines in court. We of course work with our
22 employers and we know that OCJ and HRA regularly work with
23 our employers. The unions, specifically the UAW,
24 represent more workers in this program than any individual
25 organization. So when it comes to rolling out and

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1 expanding the Right to Counsel, when it comes to what
2 virtual court looks like, we think it's really important
3 the unions also have that conversation with OCJ as well.
4 Secondly, it's really important that tenant organizers are
5 recognized as essential workers. The work of tenant
6 organizers has been more important than ever during this
7 pandemic as far as helping low income New Yorkers really
8 navigate the complicated labyrinth of what are their legal
9 rights, what is right to counsel. Because they weren't
10 classified as essential workers, a lot of organizations
11 and service providers were not reimbursed for their work.
12 Its initiatives in front of the City Council for more
13 tenant organizers are important, but also recognizing the
14 essentialness of the ones that we have now will really
15 make this program even stronger. Fully funding Right to
16 Counsel, that means fully paying for the attorneys that
17 are already there, the attorneys and other legal advocates
18 that are already there, but also recognizing that parity,
19 pay parity with the City Law department enables workers,
20 some of which grew up in the same places where they're
21 trying to fight for tenants now, it enables people to stay
22 and provide talented and experienced representation to low
23 income New Yorkers which really raises the standard for
24 everyone. And then finally, and this is also City Council
25 initiative, but I really hope that HRA and OCJ really join

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1 us in the fight for this, is to make sure that there's
2 more consumer attorneys for everyone. After this
3 pandemic, we are really concerned that they're just going
4 to be--

5 FEMALE VOICE: Your time is up.

6 MR. TRUJILLO: Thank you.

7 MR. DRESSLER: Thank you. And apologies to all
8 for what might be sometimes abrupt cutoffs. We want to be
9 respectful of everybody's time. I know that many of you
10 have submitted written statements. You should know that
11 we do review those and of course everybody can when
12 they're posted on our website. So a general apology to
13 all for what might be an abrupt cutoff to some of the oral
14 statements. We're going to move on to other speakers now.
15 The next three are Sam Feldman, Evan Hasbrook, and John
16 Derek Novell. And apologies to all if I get any of the
17 pronunciations incorrect. So first up is Sam Feldman.

18 MR. SAM FELDMAN: Hi, thanks. I am Sam Feldman.
19 I am a staff attorney at the New York Legal Assistance
20 Group, also a member of ALAA 2325 UAW. I'm going to
21 breeze over the positives that I had for Right to Counsel.
22 I think there's--suffice to say, there's no going back.
23 Not only has Right to Counsel helped tenants
24 astronomically in New York City, it's also eased the
25 burden on judges and court staff considerably. I think at

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1 this point they rely on Right to Counsel attorneys to help
2 tenants navigate the system, both in terms of how to make
3 legal arguments and also the mechanisms of court. So we
4 can only expand the program. I think we can't retract it.
5 Some things to work on: As a staff attorney we and our
6 paralegals are overworked. I think there's a real danger
7 of turning Right to Counsel into a situation like the
8 public defender system where staff attorneys have too many
9 cases to handle competently, there's high burnout and
10 turnover and lack of expertise. We need more staff. We
11 need more attorneys as the zip codes expand, and money
12 needs to be allocated well in advance so that attorneys
13 can be hired and trained in advance of the expansion.
14 Currently staff attorneys do a lot of non-legal work.
15 This needs to be taken into account and more tenant
16 organizers and benefits specialists need to be hired. The
17 Court has a long way to go to smoothly implement Right to
18 Counsel. Courts attempt to move cases along quickly,
19 limiting our ability to litigate. We often receive cases
20 post-settlement and some judges are unwilling to let us
21 question the terms of the initial settlement. And next
22 there's a need to--in court right now to prioritize the
23 speed of courts over the ability to provide appropriate
24 guidance for clients. So it would be useful, I think, if
25 HRA engaged in a dialogue with the Courts about what is an

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1 appropriate level--what's appropriate when you're
2 referring a case to a Right to Counsel attorney. We need
3 access to court files. Right now during COVID-19 that's
4 difficult. As I'm listening to testimony, I'm also
5 copying a court file for a correspondent because the
6 courts have not been doing this, at least here in
7 Manhattan. We need help to work harmoniously with the
8 benefits systems. It's sometimes difficult, more
9 difficult than it should be to help our clients navigate
10 the various benefits that they're able to access in New
11 York City. And we need additional funding to assist
12 tenants with repairs in HP actions. As we all know, those
13 are on the rise during the pandemic.

14 FEMALE VOICE: Thank you so much.

15 MR. FELDMAN: All right, thank you.

16 FEMALE VOICE: Your time is up.

17 MR. FELDMAN: I appreciate it.

18 MR. DRESSLER: Thank you. Evan Hasbrook.

19 MR. EVAN HASBROOK: Thank you. I just want to
20 build on what Jared and Sam have been saying. I'm also a
21 member of ALAA and I represent tenants in Manhattan and
22 Legal Aid Society. Having done this job for about seven
23 years, I've noticed that there's a tension between wanting
24 the program to cover as many tenants as possible, but also
25 to provide those clients with the best representation as

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1 possible. And when it comes to case laws, you can choose
2 quantity or you can choose quality, but you definitely
3 can't have both. But to show you what I mean by quality
4 representation, I want to explain what's possible in
5 Housing Court. Our union members and ALAA can definitely
6 prevent eviction, but we can also get our low income
7 clients six-figure settlements in cases where they've been
8 overcharged more than the rent stabilization law allows.
9 We can punish landlords who ignore court orders to repair
10 unsafe apartments in the form of--the punishment can be
11 things like fines, things like contempt, even
12 imprisonment. We can get accommodations for tenants with
13 disabilities like first floor apartments, ramps, service
14 animals, whatever they need. And maybe most importantly,
15 we can make our clients feel just as heard and respected
16 as any paying client would be. But good things take time,
17 and we just can't devote the time we need to provide
18 quality representation when our case loads get out of
19 control. So maybe this is better addressed to the City
20 Council, but we do ask the City to fund this program at a
21 level that would provide enough attorneys to every tenant
22 who needs one, but without sacrificing the quality
23 standards that are required under our professional code of
24 conduct, our collective bargaining agreement, and our own
25 sense of justice. Thank you.

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1 MR. DRESSLER: Thank you. Next is John Derek
2 Novell. John Derek Novell. Okay, we'll move on and--
3 we'll move on and I guess if Mr. Novell pops up he can
4 check into the chat and we'll add to the list. Next is
5 Jack Underwood, and if I can, before Jack gets started,
6 the next three after that will be Renelda Iciano
7 (phonetic), Camarina Garcia (phonetic), and Florina
8 Morales (phonetic). So now Jack Underwood. No Jack
9 Underwood? Okay. Renelda Iciano? Okay. Camarina
10 Garcia? Florina Morales?

11 MS. FLORINA MORALES: Buenas Noches.

12 MR. DRESSLER: Oh, great.

13 MS. MORALES (THROUGH INTERPRETER): (inaudible)
14 used to and we're having a hard time. We're wondering
15 where we're going to get that money. We're very--we're
16 struggling a lot. We don't know how we're going to come
17 up with that much money, it's a lot. And so we've come to
18 work with Ms. Nova who has helped us to find some
19 counselor and some assistance, but we're still wondering
20 how we're going to be able to pay all that money. I
21 haven't--first we were in a strike because we couldn't
22 afford to pay the rent, so we didn't. But right now I
23 already have all the money from September to March. I
24 have all the money and I want to pay; I have all the money
25 orders. But they're asking me for \$415 of deposit and I

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1 don't really have it, but I do have the rest of the rent,
2 so that's something. It's a very critical situation for
3 us. And thank you to Ms. Nova for helping me with the
4 lawyers because they've been very helpful and I'm very
5 grateful for all the help that we've received.

6 MR. DRESSLER: Okay. I am going--thank you. I
7 am going to go back to Renelda Iciano. I understand
8 there's some back and forth between the Zoom room and the
9 main room in terms of interpretation. I want to give
10 everybody enough time to get here, so we'll be giving a
11 little more time. I want to call out names to make sure
12 people turn up. So with that, Renelda Iciano. Renelda
13 Iciano?

14 MS. RENELDA ICIANO (THROUGH INTERPRETER): My
15 name is Renelda Iciano. I live in 2501 Abason (phonetic)
16 Avenue, Apartment 8. I have a rent problem. I have a
17 small business and I have been able to survive, but the
18 problem is in the building. There's a lot of prostitution
19 and, what do you say, there's gay who use the building to
20 have sex, and they just find people in the street and then
21 come to the building to have sex. We'd find them doing
22 that in the halls, right up by the door. Our children see
23 that. And there's also a lot of drug trafficking.
24 There's a lot of people that just walk into the building
25 and we're very scared. It's very scary because people

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1 that we don't know just walk into the building, and
2 they're doing drugs and they're selling drugs and we're
3 very scared. We're terrified to just see that all over
4 the place. Some of us have cameras, so we see what
5 they're shooting, what they're putting in their noses, so
6 we see that and we don't know what to do. It's just very
7 scary. The community center in Northwest is helping us
8 have meetings and trying to figure out, and we don't know
9 what to do, but we'll get by. But we're scared, and
10 that's it. Thank you.

11 MR. DRESSLER: Thank you. The next names are
12 Councilmember Mark Levine of Manhattan, I'm seeing--I'm
13 going to go back to Jack Underwood, and then Anna Galvaz
14 of (inaudible). Councilmember.

15 MR. MARK LEVINE: Well, thank you, Jordan, and
16 hello everybody. I am sorry we can't be together for this
17 important hearing this year, but grateful that we can
18 still conduct it virtually, because I think the challenges
19 we face right now are more serious than perhaps in a
20 generation. And we need the work of all of you, all of
21 you who are speaking tonight, and of course the Office of
22 Civil Justice now at this difficult moment. And I want to
23 talk about ways I think we need to push to be even better.
24 But I want to start by acknowledging what a success I feel
25 this program has been, the impact that Right to Counsel

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1 has had in New York City, and I want to really express my
2 gratitude to you, Jordan Dressler, in running the Office
3 of Civil Justice, and also Steve Banks in leading the
4 agency. We know that you are passionate about this work,
5 and I think that's one of the biggest reasons why we've
6 had such a great impact over the first--well, now three
7 years of implementation. And to the incredible Right to
8 Counsel coalition, and all of you who are here on this
9 hearing, and have continued to work tirelessly on behalf
10 of justice for tenants in Housing Court, thank you to all
11 of you. We need this movement now. We need this law now
12 I think more than ever because of this precarious moment
13 for tenants, where we are facing what potentially could be
14 an absolute avalanche of evictions which would have a
15 profoundly painful human impact in this city. It could
16 mean that thousands, maybe even tens of thousands of our
17 neighbors, fellow New Yorkers, our friends, our family
18 lose their homes, and this is about the worst thing that
19 could happen in someone's life, short of a medical crisis,
20 is to lose your home. And some of these families
21 undoubtedly would end up in the shelter system. We have
22 to do everything we can to avoid this pain. And I just
23 want to focus on two things. 1) is the need to
24 immediately move to ensure that every tenant in every zip
25 code has access to this program, and I want to thank and

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1 acknowledge the extent to which the Office of Civil
2 Justice has already started to make this happen in
3 practice. We thank you for that. I know you are
4 responding to this crisis, and that response has been
5 impactful. But we want to enshrine this in law and we
6 want to do this to a bill that I'm pleased to have lead
7 sponsored with my partner in all things Right to Counsel,
8 Councilmember Vanessa Gibson. This is intro 2050, which
9 would enshrine in law an immediate move to every zip code
10 in every borough of New York City which we want done ahead
11 of the pending epidemic of evictions. And secondly I want
12 to mention the challenge, I think this has come up a lot
13 tonight, the challenge that many tenants, despite the fact
14 that this law has been in effect now for three years, many
15 do not yet know about this law. And we are on this call
16 because we work in the tenants' movement, we live in the
17 tenants' movement, but for many when they get an eviction
18 notice, they might think they're on their own and they
19 might not stand and fight. They might leave the apartment
20 out of fear because they don't want to have to confront an
21 eviction proceeding without an attorney. And it is the
22 knowledge of this right, which I think will be critical to
23 balancing the power dynamic. And I had to say that in the
24 midst of COVID, I continue to be shocked at how many
25 people who are starting to get called in for eviction

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1 proceedings didn't know they had this right. So we really
2 need to ramp up our efforts to inform the public about
3 this critical right. And I believe that community-based
4 organizations are absolutely key to this effort. They
5 have the ability to connect to communities with a well of
6 good will, with cultural affinity, with language
7 competence, with often a history in a trusted
8 relationship, where the CBOs are uniquely well placed to
9 reach communities in the most affected way--effective way.
10 And so we have a piece of legislation, this is intro 1529,
11 which would call for the creation of a program of outreach
12 led by these community based non-profits. And I do want
13 us to move forward on this bill as well. So again, we're
14 pushing intro 2050 which would take Right to Counsel to
15 every zip code as a matter of law, and intro 1529 for
16 outreach done by CBOs. And I do want to close again with
17 my gratitude to everyone who's been involved in advocating
18 for, fighting for, building, implementing this program,
19 the legal service providers, the attorneys, the advocates,
20 the tenants, and again, our friends in the administration,
21 Jordan, you especially. So I'm going to wrap up there.
22 Thank you everyone so much for your important work. And
23 be safe.

24 MR. DRESSLER: Thank you, Councilmember, and
25 thank you for those kind words. Is Jack Underwood here

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1 yet?

2 MR. JACK UNDERWOOD: Yes.

3 MR. DRESSLER: Great, thank you. Sorry, but I--
4 I called you early, I do apologize.

5 MR. UNDERWOOD: Thank you, I'm Jack Underwood, I
6 am a senior staff attorney with Brooklyn Eagle Services
7 Corporation A, a provider of legal services under the
8 Right to Counsel Coalition. Thank you to the Office of
9 Civil Justice for giving our office the opportunity to
10 provide testimony tonight. Brooklyn Legal Services
11 Corporation A, Brooklyn A, was founded in 1967 with a
12 focus on providing services and loans to neighborhoods
13 where our clients live. For over half a century we have
14 fought for our clients using a variety of tools from
15 community organizing, to affirmative civil rights
16 litigation to, of course, eviction defense. The COVID-19
17 pandemic and crisis has had a disparate impact on the
18 black and brown New Yorker's that we primarily serve and
19 has drastically increased the already enormous
20 consequences of being evicted. Right to Counsel has
21 helped us prevent many New Yorkers from being forced into
22 dangerous shelters where social distancing is impossible,
23 or onto the streets. While providing eviction defense to
24 keep tenants in their home, Right to Counsel has also, as
25 a consequence, given our clients the opportunity to

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1 organize and press their own claims against landlords.
2 (Inaudible) landlords complete legally mandated - -
3 stopping harassment, and eliminating illegal rent
4 overcharges, and more. Keeping people in their homes is a
5 first step empowering them to fight back and RTC has
6 allowed that not to happen. As low-income communities and
7 communities of color brace for evictions - - it's
8 important to reflect on the challenges associate with
9 Right to Counsel in this moment. To name a few, the
10 income limits exclude many tenants with modest incomes who
11 are nonetheless at risk of eviction. We would love to see
12 income limits expanded if at all possible. Further, for
13 most Right to Counsel cases, there is little opportunity
14 for tenants to meet their attorney prior to their first
15 court date which will result in a lot of tenants going
16 ahead to file - - without the assistance of counsel and
17 other administrative problems. Tenants are often denied
18 the ability to assert their full rights and defenses under
19 the law while filing a Pro Se answer and having attorneys
20 to amend tenants Pro Se answers after they've already
21 filed that answers consumes limited attorney and court
22 resources. Housing courts, at least the one in Brooklyn,
23 lacks sufficient confidential intake spaces and some
24 tenants are required to conduct intake in loud, crowded
25 hallways. Additionally, Right to Counsel does not cover

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1 things like Supreme Court - - proceedings, HPD termination
2 actions or other Article 78 proceedings which possibly
3 threaten homelessness on New Yorkers. So, continuing, RTC
4 could provide services to larger number of tenants and to
5 give tenants the tools to stand up for their rights. For
6 instance, in HP cases involving serious repair conditions
7 that essentially operate as constructive evictions and
8 illegal lockouts, cases like those should be treated as
9 eviction cases and provided under the Right to Counsel.
10 New Yorkers must know about the Right to Counsel and their
11 housing rights through outreach campaigns--

12 FEMALE VOICE: Hello. Thank you so much for
13 your testimony, it's--your time is up.

14 MR. UNDERWOOD: Okay.

15 FEMALE VOICE: Thank you. Your comments are
16 much appreciated.

17 MR. UNDERWOOD: Thank you, I can wrap right
18 there.

19 MR. DRESSLER: Thank you. Okay, next is Ana
20 Galvez of CASA and then following Ana Galvez, it'll be
21 Valerie Coley, Lauren Springer, and Kim Statuto. We'll
22 give Ana Galvez a minute. I believe we might have a need
23 for the Spanish interpreter.

24 FEMALE VOICE: This is an inquirer by the
25 interpreter, Ana Galvez is in the Spanish line so if you

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1 can give us a few--

2 MR. DRESSLER: Yeah.

3 FEMALE VOICE: --seconds to interpret, please.

4 MR. DRESSLER: I think I understand what's going
5 on here, now. Yeah, we'll give that--I understand, we'll
6 give that--I appreciate everybody's patience, and of
7 course everybody's time.

8 MS. ANA GALVEZ: Hi, my name is Ana Galvez and
9 I've been living in the apartment for eight years and I
10 think it's very important to have legal assistance because
11 this would avoid many of the harassments that I'm getting
12 or the tenants are getting from the landlord to pay.

13 MR. DRESSLER: Are we having - -?

14 MALE VOICE: Yes.

15 MR. DRESSLER: Did we lose Ana Galvez on the
16 line? Should we come back to her?

17 PABLO: Hi Jordan, it's Pablo from CASA, she's
18 been testifying this entire time, it just hasn't--it's not
19 being translated.

20 FEMALE VOICE: She's speaking to my partner, she
21 will interpret her in a minute.

22 MS. GALVEZ: Once again, like I said, it's very
23 important to have legal services because now I'm in court
24 proceedings and I had to do research to find out what my
25 rights were, and I'm continuing to do research but right

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1 now I'm in legal proceedings because of unpaid rent and
2 not being able to find the proper resources when I needed
3 them. And then finally I just feel like the landlords are
4 not being sympathetic at all of this pandemic of like the
5 no job situation and the little resources that us tenants
6 have, so I think it's just very important for both tenants
7 and landlords to be aware of the resources and just to
8 know what's going on with the pandemic. Thanks very much.

9 MR. DRESSLER: Than you. Next, we have Valerie
10 Coley. Oh wait, I think there was something in the chat,
11 apologies to all. Yep, I see, Lauren Springer.

12 MS. LAUREN SPRINGER: Good evening. My name is
13 Lauren Springer and I'm a tenant leader from Catholic
14 Migration Services. We continue to express our pride in
15 having fought and won the Right to Counsel for New York
16 tenants and in being part of the RTC coalition.

17 (Inaudible) on the great measurable difference RTC
18 continues to make in tenant's lives: for another
19 consecutive year, evictions went down, landlords brought
20 less cases to court, eviction defense in the city is
21 becoming a new norm, but most importantly, more tenants
22 are learning about their rights and are organizing to take
23 actions to protect their homes. This year has also shown
24 how important it is to have a universal Right to Counsel
25 now. We've all been affected by the pandemic, whether

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1 personally or indirectly, but this public health crisis
2 has exposed the depth of the city and state housing
3 crisis, the importance of housing the homeless, and the
4 need to protect those currently housed. As with the
5 public health crisis itself, evictions in housing
6 instability have had a disproportionate impact on people
7 of color. Housing court was difficult to maneuver, now
8 it's even more complicated with all of these new intricate
9 rules, executive orders, health guidelines that need to be
10 followed. Every tenant that gets taken to court, whether
11 their cases started before the pandemic or after, should
12 get an attorney to support them in their fight to keep
13 their homes. That's why we call in OCJ to support the
14 passage of Intro 2015 50 which will give all New Yorkers
15 facing eviction a fighting chance in housing court. But
16 even before the pandemic, most tenants who qualify for RTC
17 didn't know about it and now it is being expanded because
18 of the pandemic, there are tenants--there are even more
19 tenants who are unaware of this right, including those who
20 were previously denied but now qualify, so we need the
21 city to implement a robust public awareness campaign now
22 so everyone who qualifies for RTC knows about and can
23 assert their rights. We're glad to have the supportive
24 skilled housing attorneys from community based
25 organizations, but many tenants need assistance in other

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1 areas, therefore we call on the city to fund RTC at a
2 level that supports a holistic model so that organizations
3 can have social workers, public health benefit
4 specialists, paralegals, etc. and attorneys can feel
5 supported. And while there's a court backlog, much of
6 that is created or exacerbated by allowing landlords to
7 start eviction cases during pandemic which is
8 unconscionable. We can't allow countless evictions to
9 occur under these conditions. As the agency that
10 implements RTC, we call on you to help protect the tenants
11 and the city and do everything you can and make sure that
12 every single New Yorker facing an eviction gets an
13 assigned attorney. And until there's sufficient legal
14 provider capacity, we ask that you advocate that only
15 cases where both sides are represented can move forward,
16 and you should also advocate that the courts wait on cases
17 until tenants have been assigned an attorney to support
18 them in their fight to keep their homes. All these are
19 actions we can take under RTC to help protect New Yorkers
20 and we need to do it together as we fight to win a
21 universal eviction moratorium at the state level. Thank
22 you.

23 MR. DRESSLER: Thank you. Next will be Kim
24 Statuto, and then following Kim Statuto, N'Jelle Murphy,
25 Hilda Escomilla, and Ramon Catala. So, Kim Statuto.

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1 Thank you.

2 MS. KIM STATUTO: Good evening everybody, my
3 name is Kim Statuto, I'm a CASA leader and I'm also a
4 tenant leader at 1550 Selwyn Avenue. I strongly support
5 the work that RTC does. I was a product of an eviction
6 back in 1994 when there were no Right to Counsels or
7 lawyers allowed for tenants on an eviction proceeding; I
8 was put in the street with four children, one was a
9 newborn baby, not even three months old. So I do support
10 the work that they do, I do support the work, both of the
11 bills, and urge all elected officials to get on board to
12 support both of the bills for us. Evictions are hard,
13 evictions are embarrassing, evictions are traumatizing. I
14 had three children that understood we were standing in the
15 street and didn't know what to do, so I personally went
16 through it and I know what it is to lose everything and
17 rebuild and start over again. Right to Counsel not only
18 helps with eviction, but it also guides you in a path to
19 get in legal services if you're in litigation with your
20 landlord, which 1515 Selwyn Avenue was. If anybody knows
21 me or any of the work that has been being done on 1515
22 Selwyn Avenue, Bronx, New York, we have won two judgements
23 against our landlord. The first judgement gave us a 25
24 percent abatement because of no gas for fourteen months,
25 lack of repairs, and DHCR gave us a rent free where he

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1 cannot raise the rent, period, in the building. The
2 second abatement we just won November 9th or--I think it
3 was November 9th, a 50 percent abatement. Why? Because he
4 did not do what the Court or what he promised to do in the
5 first settlement. Without Right to Counsel and CASA
6 leading us in the direction of a legal battle with our
7 landlord, we would not be having those victories that we
8 have at Selwyn Avenue. I've recently moved from Selwyn
9 Avenue, I'm a day one in a new apartment, but I will
10 continue to help 1515 Selwyn Avenue fight due to help with
11 the legal services and Right to Counsel. I thank you.
12 Don't give up, there's hope out there and there's help and
13 we just have to stay in the fight and back organizations
14 that are helping tenants because a lot of tenants are
15 going to be in trouble when this pandemic is lifted for
16 sure. Thank you. Have a Happy Holiday everybody.

17 MR. DRESSLER: Thank you. Next, we have N'Jelle
18 Murphy. N'Jelle Murphy. Okay, we can come back. Hilda
19 Escomilla. Ms. Escomilla might be in the breakout room so
20 I'm going to give it a minute. Yes, Catalina, she is?
21 Okay, we'll give it a minute then.

22 MR. HILDA ESCOMILLA: Hello?

23 INTERPRETER: She's not responding in the
24 Spanish line, I think she did for a second so that's why
25 I'm checking here. Okay, I think we lost her.

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1 MR. DRESSLER: Okay, let's come--obviously if
2 she comes back to the line, we'll put her in. Ramon
3 Catala and I'm going to just let you know who the next few
4 names are: Carmen Santiago, Yukalis Alvarez, and Paulette
5 James will come after Ramon Catala.

6 FEMALE VOICE: I'm asking in the Spanish line as
7 well and I mentioned all the names but they're not
8 responding, so.

9 MR. RAMON CANTALA: Good afternoon, my name is
10 Ramon Catala, I live in 1625 (Inaudible) Avenue in the
11 Bronx. To us, everybody in the Bronx and in our building,
12 it's a blessing to have some representation in the court.
13 Actually, somebody in my building, he told me, hey, I paid
14 my dues, I paid my rent, but they still send me a letter
15 from the court and I said don't worry, so I took him to my
16 lawyer. So my lawyer said, you know, you don't all rent,
17 the landlord hasn't deposited the rent in the bank and
18 that's just something that they do to make you go to court
19 and sometimes they give you fake papers, fake
20 notifications, it has happened before, so if they give
21 that to someone who doesn't have a lawyer who doesn't know
22 any better, then we will end up paying rent twice. Yeah,
23 you know, lawyers can find out things better so my advice
24 to all the tenants is to ask your lawyers, so you don't
25 have these little problems, so they don't happen to you as

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1 well. Right now I don't have any problems, they just
2 call me, I don't even have to go to the court at all, so
3 that's why I say it's a blessing for us to have them,
4 especially Building 6 and 7 that have the more evictions,
5 so it's very good to have access to a lawyer because they
6 know everything. Good afternoon to everyone and have a
7 nice evening.

8 MR. DRESSLER: Thank you. Next, we have Carmen
9 Santiago, maybe in the Spanish room.

10 FEMALE VOICE: Still no response when I'm
11 asking.

12 MR. DRESSLER: Yocalez Alvarez. No? Okay,
13 Paulette James. Paulette James? Ms. James, okay, I see
14 you, I happen to see you and your name, so you've got to
15 unmute and then we're ready to go. Oh, maybe I can--hang
16 on, I think--I've unmuted you, Ms. James. I think you're
17 ready to go, I can hear you okay.

18 MS. PAULETTE JAMES: Okay. Can you hear me?

19 MR. DRESSLER: I can hear you and see you.

20 MS. JAMES: Okay, thank you. Good evening, I am
21 Paulette James. I'm a tenant of--tenant leader with
22 Flatbush Tenant Coalition. I would like to say something.
23 Right now I'm in a distasteful situation financially and I
24 don't know where to get my money or my rent. I am not a
25 person who cannot pay her rent but the COVID-19, I lost my

1 job and I asked God were rent money would come from. I
2 don't know if there are places to help us, that is why we
3 are fighting for eviction moratorium and canceled rent. I
4 live a (inaudible) and my landlord is Davis (Inaudible).
5 Well, it's his son not taking over. We have any repair
6 problems in our building; right now, for over a week, we
7 have no elevator. The elevator doesn't work and most of
8 us are seniors and we have to struggle up the stairs with
9 all our things, that is thirteen (inaudible) by six
10 floors. It is difficult and the landlord and management
11 have no conscience; after all, we are human and even
12 though they don't do what they should do, they take us to
13 court. Listen to this: this month any tenant from 1317
14 New York Avenue where we live, where our neighbor Rachel
15 Poldar (phonetic), she ran into the office and she said to
16 them, quote, I'm quoting, Good morning, hope all is well
17 with you. Do you know when 1317 New York Avenue elevator
18 will be fixed, it's been down all week and, unquote, this
19 is what the receptionist replied to her: Good afternoon,
20 the elevator is not down, it is undergoing modernization.
21 The elevator is expected to be out of service during this
22 time. Members, just tell me how unconscionable these
23 people are about--so, you see, we so need to have
24 attorneys. If our landlords take us to court and try to
25 evict us and to talk about why we should have a Right to

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1 Counsel. Everyone must have an attorney and an attorney
2 that you can depend on. Attorneys understand fully what
3 goes on in the court, they are there to assist us so we
4 can speak with the landlord and the judge and they can
5 interpret it if we don't understand and they help us to
6 find the right way to deal with the situation. If Right
7 to Counsel is by zip code and your zip code is not there,
8 what happens? There's a pandemic at this time, they
9 should say only people in certain amount of zip codes get
10 Right to Counsel, no. What happens to the persons whose
11 zip code is (inaudible)? They might be in an even worse
12 situation than someone who is in the right zip code. So
13 Right to Counsel should be for everybody right
14 (inaudible). Thank you so much and be safe. Amen.

15 MR. DRESSLER: Thank you.

16 MS. JAMES: You're welcome.

17 MR. DRESSLER: Okay, next we have--I'm going to
18 call out three and we'll start with the first. Laura
19 Govan, Haydee Villanueva, and Delicia Beltron or Gilsia,
20 sorry, Gilsia Beltron. So first, Laura Govan. Laura
21 Govan?

22 MALE VOICE: Hi, Jordan, Laura is on.

23 MS. LAURA GOVAN: Hi, I was trying to unmute.
24 Okay. Hi, my name is Laura Govan--

25 MR. DRESSLER: --I think we'll be a bit more

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1 patient with everybody going forward to make sure we don't
2 cut anybody off. Yes, Ms. Govan, we can hear you, you're
3 all set, and thank you--

4 MS. GOVAN: Hi. Again, my name is Laura Govan,
5 Post Office Box 6399, Bronx, New York 10451. I lived in
6 my home for 33 years, my housing situation is complex and
7 I'm without a legal advocate or an attorney. RT--Right to
8 Counsel and housing court was not available when my cases
9 began, okay. Although a GAL was appointed by court to
10 assist me, an attorney was not appointed and/or ordered to
11 assist with the legal--my legal differences and they were
12 not deal with in the court, which left me without proper
13 legal representation and placed in a position where I had
14 to continue--I have to, misspoke, have to continue to
15 pursue these complex matters without assistance and/or an
16 aid of an attorney. I believe that all tenants have a
17 Right to Counsel, and one should be in place to a rent
18 tenant from being--a tenant from being in a position to
19 represent themselves without proper legal representation.
20 That's why I believe it's imperative that RTC remain in
21 effect in, you know, in this city and the courts, for all
22 who have to engage with housing court proceedings to have
23 the right to have legal representation. And that
24 concludes my statement.

25 MR. DRESSLER: Thank you.

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1 MS. GOVAN: You're welcome.

2 MR. DRESSLER: Haydee Villanueva.

3 MS. HAYDEE VILLANUEVA: Hi, good evening. Hi,
4 my name is Haydee Villanueva and I reside at 1200 College
5 Avenue in the Bronx. Unfortunately, I recently had a
6 terrible accident which does not allow me to work right
7 now, so I have no income at the moment, and I've been
8 really worrying about not being able to pay my rent and
9 losing my apartment. No one wants to lose their home,
10 especially during a pandemic, and I also suffer from lack
11 of repairs and insufficient heat in my apartment. I wish
12 I felt prepared and capable to challenge my landlord in
13 housing court. I have heard of the many successes that
14 the Right to Counsel has provided to many families which
15 allowed them to keep their homes; unfortunately, I do not
16 qualify for Right to Counsel due to not being in one of
17 their (inaudible) zip codes. This just seems completely
18 unfair to me, I need the help and I know I would benefit
19 from this service, as would many others, yet the
20 limitations do not consider us. This is a major injustice
21 and disservice to our communities. We need Right to
22 Counsel to be available for everyone. Landlords should no
23 longer be able to take advantage of the lack of knowledge
24 and resources of tenants and emulate them into losing
25 their homes or missing out on repairs. I recommend that

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1 the city supports Intro 2050; New York City needs to
2 (inaudible) Right to Counsel for all, that way I and many
3 others struggling right now can receive the support we
4 need and don't have to live in fear and continue to feel
5 helpless. This city should also support Intro 1529,
6 community based organizing groups need to be funded to do
7 the necessary outreach and education. The lack of
8 knowledge is causing people who are able to claim Right to
9 Counsel benefits to lose their homes because no one is
10 there to protect them and their tenant rights. This
11 information should be sent out with leases, lease
12 renewals, eviction notices, and just mailed to every home
13 in advance so tenants can be prepared and know what to do
14 ahead of time before it even gets to the point where they
15 need it. But these organizations will do the footwork of
16 actually visiting people at their homes and in their
17 language to make sure they're aware of their tenant rights
18 and the supports that are available to them. This is
19 absolutely necessary. They need the funding to make Right
20 to Counsel known and make sure that (inaudible). I don't
21 think there is anybody that wouldn't use the service if
22 they knew about it and the city needs to make sure that
23 everyone knows about it. Thank you.

24 MR. DRESSLER: Thank you. Gilsia Beltron. And
25 the next three names after that will be Mildred Hernandez,

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1 Francia Cabrera and George Sudderhoff but first Gilsia
2 Beltron if she's here.

3 FEMALE VOICE: There's no one--we don't have
4 Gilsia.

5 MR. DRESSLER: Okay, sorry, Mildred Hernandez
6 then.

7 FEMALE VOICE: I don't think we have her either.

8 MR. DRESSLER: Okay. Francia Cabrera?

9 FEMALE VOICE: No.

10 MR. DRESSLER: Okay, if anybody does turn up,
11 just let us know in the chat and we'll work it out.

12 FEMALE VOICE: Okay.

13 MR. DRESSLER: Thank you. George Sudderhoff.
14 Okay. Sandra Mitchell? Okay. Esteban Giron?

15 MR. GIRON: I'm here.

16 MR. DRESSLER: Oh, great, we've got a winner.
17 Thank you, I'm going to put myself on mute now. Thank
18 you, Mr. Giron, you're up.

19 MR. ESTEBAN GIRON: Good evening, my name is
20 Estevan Heron. I'm a rent stabilized tenant and a member
21 of the Crown Heights Tenant Union, an autonomous tenant-
22 led all on-care unit of tenant associations with member
23 building in the 35th, 36th, 40th and 41st Counsel districts.
24 Along with so many neighbors and colleagues on this call,
25 we are proud members of the Right to Counsel Coalition.

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1 In mid-March of this year my husband and I were seriously
2 ill for several weeks with COVID-19. As a result we found
3 ourselves facing a significant increase in expenses and
4 falling behind on our rent almost immediately. During
5 those first six weeks we could barely make it to the
6 kitchen to get a glass of water, let alone cook for
7 ourselves. It was completely debilitating and like
8 nothing I'd ever experienced and nine months later, I'm
9 still not back to normal. I know what this disease can do
10 to a person's body. Sheltering at home is the only thing
11 that can prevent folks from suffering my fate or that of
12 thousands of our fellow New Yorkers who have already lost
13 their lives. That we even have to say this is a testament
14 to the inhumanity of what goes on in housing court. A
15 brief word on virtual proceedings. While these hearings
16 are certainly safer than in person proceedings, we have
17 found across the board that they are totally inadequate
18 and generally absent of the basic elements of due process.
19 Microsoft Teams is a nightmare. The hearings are closed
20 to the general public; tenants are rarely allowed to
21 speak. These hearings are leaving behind the most
22 vulnerable: the poor, the elderly, black and brown folks.
23 My neighbors should not be erased simply because they
24 don't know how to access Microsoft Teams. Virtual
25 hearings are a poor substitute for the real solution, a

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1 real universal eviction moratorium and ultimately the
2 cancellation of rent for the duration of the pandemic.
3 Our coalitions have stepped up during this pandemic.
4 Hundreds of us have gathered outside of our local housing
5 courts nearly a dozen times in the past nine months, each
6 time getting a scrap of an extension to the governor's
7 eviction moratorium. We risk our life and health and saw
8 no legal residential evictions for over nine months in New
9 York City because direction action gets the goods. You
10 know, on Friday of this past week we learned from DOI that
11 Marshall's executed the first residential eviction since
12 March 2020. We have all done an immense amount of work to
13 prevent this from happening. Tenants, advocates, unions,
14 legal service providers, agencies, elected officials and
15 yet here we are. So, before we venture into this new
16 reality where COVID-19 rages just as tenants are beginning
17 to be evicted, I believe it's appropriate to ask to cede
18 the remainder of my time, which is about 40 seconds, so
19 that we can share a moment of silence for the family that
20 was evicted on Friday and the many more who will suffer
21 the same fate if our leaders don't act now. Thank you.

22 FEMALE VOICE: Thank you so much.

23 MR. DRESSLER: Thank you. Okay, next I
24 understand George Sotiroff is here ready to speak. George
25 Sotiroff?

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1 MR. GEROGE SOTIROFF: Yes, I am, I'm here.

2 MR. DRESSLER: Great, sure thing.

3 MR. SOTIROFF: Okay, I just wanted to say I'm
4 not going to speak long. I--my name is George Sotiroff,
5 I'm from 901 Walton Avenue in the Bronx. Others have
6 spoken before me very eloquently and I think that--I just
7 don't want to preach, I'm tired. But I will say this, we
8 don't want to allow the rich and powerful to prey on the
9 poor and vulnerable and we have a problem, we know it's
10 economic, we know that too few people have too much money
11 and everybody else doesn't. Ultimately this will hurt all
12 of us because our economic system will collapse. So I, at
13 this moment, am COVID-19 free and I have enough money to
14 pay my rent, nevertheless, I'm still vulnerable because
15 I'm in this with everybody else and anybody who thinks
16 that he's protected is not, he's just foolish. The young
17 man who spoke before me has it right; we need to protect
18 our living places, we need to make sure that everyone is
19 housed. In the richest country in the world we have to be
20 embarrassed if we can't take care and give us--give our
21 people proper housing. We need Right to Counsel to make
22 sure that someone with money, and I mean predatory
23 landlords, but anyone else, cannot evict people from their
24 homes, especially at this time, but generally speaking at
25 any time because there's no excuse for it. I don't really

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1 want to talk anymore, I just want to say if you read your
2 history books, you'll see always the problem is
3 economically countries crumble and fall apart because too
4 few people have all the money and we're going through that
5 now. And because I don't want to preach anymore, I will
6 stop, thank you very much. Good night.

7 MR. DRESSLER: Thank you. Next, I understand
8 that Sandra Mitchell may be back; if so, Sandra, you're up
9 and then following Sandra Mitchell will be Malika Connor
10 and Ariel Ashunker and then following, Julie McNally
11 Sandra Mitchell? Okay. Okay, Malika Connor.

12 MS. MALIKA CONNOR: Good evening everyone and
13 thank you, Jordan Dressler, and the Office of Civil
14 Justice, for the opportunity to testify today. My name is
15 Malika Connor and I'm the Director of Organizing for the
16 Right to Counsel NYC Coalition, which led and won the
17 campaign to establish the Right to Counsel for tenant
18 safety eviction. We are proud of New York City's
19 groundbreaking Right to Counsel legislation and applaud
20 the city council, the mayor, and the Office of Civil
21 Justice for its dedication to making the Right to Counsel
22 available to all New Yorkers during this pandemic. Amidst
23 this pandemic Right to Counsel is more important than ever
24 before. Hundreds of thousands of New Yorkers are unable
25 to pay rent and emergency federal and state laws have

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1 added a level of complexity to the eviction court
2 proceedings that make housing court even more difficult to
3 navigate. We know that evictions and housing instability
4 have a disproportionate impact on people of color,
5 especially women and children of color. Evictions and
6 housing instability also has significant impacts, not just
7 on people's housing, but on people's education, their
8 employment, family relationships, physical and mental
9 health, and so much more. New York City's Right to
10 Counsel moves us closer towards achieving economic gender
11 and racial justice. I'm going to kind of move on to talk
12 a little bit about our recommendations since I know time
13 is short and we all know that evictions are violent and
14 unnecessary. And so some of the things that we will do is
15 to continue our organizing efforts to ensure that the more
16 than one million families who are unable to pay rent and
17 are on the brink of eviction during a resurging pandemic
18 in the middle of the winter are protected by a real
19 universal eviction moratorium as outlined in a bill
20 sponsored by Senator Zellnor Myrie, which we are in
21 support of. But in order to protect every New Yorker's
22 basic human right to housing, and in the spirit of
23 collaboration, we strongly encourage the city and the
24 Office of Civil Justice to adopt the following
25 recommendation. So, you know, one, make sure that we

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1 increase outreach and awareness. During this crisis it's
2 even more important than ever for the city to initiate an
3 aggressive public outreach and awareness campaign. While
4 we're happy that the city is planning two rounds of Right
5 to Counsel ad blitzes in multiple languages in the near
6 future, we urge you to begin the awareness campaign
7 immediately and intensively. We also want to make sure
8 that we're implementing a uniform and systematic process
9 for providing tenants with Right to Counsel, ensuring that
10 cases are calendared based on the capacity of legal
11 services provider. The Office of Civil Justice is
12 perfectly positioned to coordinate the assignment of
13 counsel in eviction cases with the Office of Court
14 Administration. And to be effective and to fill the
15 promise of the law, attorneys representing tenants must
16 have the time and resources to mount a full and aggressive
17 defense. We also want to continue to make the right to
18 counsel available to all New Yorkers, regardless of its
19 (inaudible) or income--

20 FEMALE VOICE: Hello, this is--

21 MS. CONNOR: Yes.

22 FEMALE VOICE: --We're close to time so please
23 wrap up your--

24 MS. CONNOR: Sure, yeah.

25 FEMALE VOICE: --comments and--

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1 MS. CONNOR: Sure, I'll finish my last sentence.

2 FEMALE VOICE: Cool.

3 MS. CONNOR: So New York City is on the brink of
4 an unprecedented homelessness and eviction crisis and
5 Right to Counsel can help stand this tide if it's
6 available to all New Yorkers. So I'll leave my comments
7 there, thank you so much of the opportunity to testify and
8 we'll be submitting written comments with the rest of our
9 testimony today. Thank you so much.

10 MR. DRESSLER: Thank you.

11 FEMALE VOICE: Thank you.

12 MR. DRESSLER: Ariel Ayshtamker, and apologies
13 if I'm saying that incorrectly.

14 MS. ARIEL AYSHTAMKER: Hi everyone, my name is
15 Ariel Ayshtamker, I'm here representing Communities
16 Resist, a community based single services organization in
17 north Brooklyn. Our work and model legal advocacy is
18 entirely focused on group representation. This means that
19 we almost exclusively represent tenant associations and
20 affirmative cases for improved conditions and to combat
21 tenant harassment discrimination. We envision in New York
22 City, where the community is most vulnerable to
23 displacement for the power to defend their homes and to
24 define the future of their neighborhoods. We are here in
25 solidarity with the Right to Counsel Coalition, of which

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1 we are a proud member, and enthusiastic supporter of the
2 immediate implementation of the Right to Counsel in New
3 York City. We also speak here today in support of the
4 immediate statewide expansion of the Right to Counsel. As
5 COVID-19 continues to devastate communities across the
6 city and state, further exacerbating glaring racial and
7 economic disparities, the need becomes even more urgent
8 for immediate citywide implementation and statewide
9 expansion of the Right to Counsel. It is clear that the
10 Right to Counsel works to prevent evictions in New York
11 City. In 2018 and '19 84 percent of tenants who had a
12 Right to Counsel lawyer were able to continue living in
13 their homes. Evictions have dropped 29 percent in Right
14 to Counsel zip codes since the law took effect, which is
15 nearly double the rate of comparable zip codes. As a
16 result, thousands of tenants across the city have been
17 able to remain in their homes and communities, yet the law
18 still does not adequately cover all tenants who are at
19 risk of eviction. For instance, by limiting the Right to
20 Counsel to hold over of nonpayment eviction cases, there
21 are some forms of evictions that have been left
22 unaddressed. In addition, many tenants who can afford
23 lawyers are still excluded from the Right to Counsel based
24 on the existing income limitations, and tenants with
25 disabilities face access barriers that have only gotten

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1 worse during the pandemic. The immediate citywide
2 implementation of the Right to Counsel is a step toward
3 addressing these problems. The Right to Counsel should
4 apply to NYSTRA and administrative hearings and to Supreme
5 Court actions. Tenants who cannot afford lawyers need
6 more realistic income guidelines so they can qualify for
7 the Right to Counsel and stay in their homes and, in
8 absence of a universal eviction moratorium and rent
9 cancellation, we believe only cases with the Right to
10 Counsel should move forward. Lastly, we recognize that
11 the fight for housing justice must (inaudible) racial,
12 gender, and economic justice. Evictions negatively affect
13 tenants physical and mental health, employment, and
14 ability to secure future housing. As such, we ask that
15 the Right to Counsel extend to cover services that
16 intersect with housing for a more holistic approach to the
17 issues affecting tenants. Thank you for the opportunity
18 to speak here today.

19 MR. DRESSLER: Thank you. Okay next up will--
20 excuse me, I'm sorry, next up will be Julie McNaley, and
21 following Julie McNaley, Francie Scanlon, Austin Refuerzo,
22 and Jusenía Ponce. I just want to say now, before I get
23 gushy about thank yous, we're--we have time for anyone who
24 needs to speak or wants to speak tonight to speak, so
25 we're actually moving towards the end of our list here so

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1 don't lose hope, we're getting there, so I encourage you
2 to stick around. Thank you. Julie McNaley.

3 MS. JULIE MCNALEY: Thank you, my name is Julie
4 McNaley and I'm testifying on behalf of the Legal Aid
5 Society. Thank you to OCJ for the opportunity to testify
6 tonight and, more importantly, for having the moral
7 compass to prioritize the needs of low-income New Yorkers.
8 As a holistic provider, the civil practice served over
9 100,000 New Yorkers last year. We daily witness what this
10 city has long understood - universal access is essential
11 to addressing poverty. We are grateful to OCJ's
12 partnership. We also thank OCJ for allowing us to modify
13 our deliverables, to extend eligibility, and to eliminate
14 zip code limits during this crisis which has allowed us to
15 focus on the clients who need us most, largely clients of
16 color suffering the worst effects of the pandemic. We ask
17 that OCJ continue to exercise its flexibility so that we
18 may address emergent and evolving needs. We also ask OCJ
19 to build sustainable funding into our contracts so that we
20 can attract and retain dedicated staff and maintain high
21 quality operations as costs inevitably increase.
22 Furthermore, we request OCJ's partnership in advocating to
23 the Office of Court Administration around the (inaudible)
24 statements of default and the digital divide. In the same
25 two weeks that schools closed, and in-person trials

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1 halted, OCA announced it would recommence taking defaults.
2 This move is unacceptable, particularly in light of OCA's
3 failure to bridge the additional divide. Many respondents
4 cannot access the court remotely as they lack reliable
5 internet service, appropriate hardware, and technical
6 know-how. There is no mechanism for litigants to answer
7 non-human petitions online as the landlords did not file
8 online and no user-friendly answer form. Until OCA can
9 ensure the cornerstones of due process, be on notice, and
10 a meaningful opportunity to be heard, it should not take
11 defaults nor move forward with eviction proceedings.
12 Finally, we request OCJ's partnership in addressing the
13 dire need for robust rental subsidies and the streamlining
14 of existing rental assistance programs. We need to work
15 together to prevent evictions and homelessness created
16 needlessly by economic hardship. As we move through this
17 crisis, we remain on the frontline of efforts to meet the
18 needs of New Yorkers and this work would not be possible
19 without OCJ's continued investment. Thank you for your
20 support.

21 MR. DRESSLER: Thank you. Francie Scanlon?
22 Francie Scanlon? Okay. Austin Refuerzo? Checking the
23 chat. One more time, Austin Refuerzo? Okay, Jusenia
24 Ponce? Okay. All right, we'll try it again. Sandra
25 Mitchell and if Ms. Mitchell's here--

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1 MS. SANDRA MITCHELL: I am here.

2 MR. DRESSLER: Perfect timing.

3 MS. MITCHELL: Thank you so much.

4 MR. DRESSLER: Following--thank you, just let me
5 do some housekeeping. Following Sandra Mitchell will be
6 Melba Cruz, Ed Josephson and Sherease Torain. Ms.
7 Mitchell, go ahead, thank you.

8 MS. MITCHELL: Yes, thank you so very much for
9 creating this space for us to work things out, work
10 together. My name is Chaplain Sandra Mitchell and that's
11 a pastor for the community, and I love to negotiate and
12 make sure that both sides are at peace. I am a CASA
13 leader and I'm also a Northwest Bronx community clergy
14 leader and I want to talk to everyone here, thank you for
15 your time and your listening ear. I want to talk to--talk
16 about the right to organize, the right to negotiate, and
17 the right to live in a habitable place, a safe and
18 habitable place. I am a tenant organizer. I lost my
19 apartment, went into the shelter, came back out, and
20 started a tenant's association. I'm also a member of the
21 Right to Counsel and we are working diligently in our
22 building to get the necessary repairs to keep peace; while
23 we're doing that, negotiating at the table and it was
24 going good for a while, we got a new elevator, new boiler,
25 the roof is being taken care of and we thought everything

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1 was going to be okay until now that we have major things
2 that we need to finish and now we are being harassed. In
3 the hallways we still have tenants that have sewage coming
4 up in their kitchen, urine, and feces, and we do not have
5 toilets that are anchored to the floor, and we are having
6 some problems and some nasty pushback. It is astonishing
7 to us, we were doing so well. We found a grant so that
8 the landlord would be able to make these repairs, so that
9 the landlord wouldn't have to pay anything, we've educated
10 the landlord about the hardship fund that they can apply
11 for, and I am astonished with the behavior of the building
12 management. I am astonished that some of the tenants have
13 these horrible conditions they're working on, and I am
14 astonished that the tenants are complaining that they are
15 being told to sign leases or signing lease under fear, and
16 did not know that their rent was being exorbitantly
17 raised. I'm really just very concerned and I really do
18 think that if we put our heads together, we can work this
19 out. I don't want anyone to be evicted and I just want
20 Right to Counsel to be the norm, the law, and I want us to
21 still be at the negotiating table and work things out so
22 that everyone can be housed. I also want to talk about
23 the discrimination between people of color and also people
24 of color who are coming out of the shelters who don't have
25 housing vouchers, and even when they do have housing

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1 vouchers, they are not being accepted by landlords; that
2 is a form of discrimination and I pray, I really do pray
3 with all my heart that we can work this out and I say
4 thank you for your listening ear.

5 MR. DRESSLER: Thank you. Next, we have Melba
6 Cruz.

7 MS. MELBA CRUZ: Good evening. My name is Melba
8 Cruz, and I am a housing court liaison. I've been working
9 as a housing court liaison for the past year, a few months
10 before COVID-19 began, and my experience prior to this was
11 I was a paralegal but I never saw such a great need for
12 individuals to have the right to counsel, other than when
13 I was working in housing cord. And because I am a housing
14 court liaison, I find myself speaking on behalf of many
15 tenants who were very desperate, did not speak also
16 English, so I had to help them in many different ways.
17 Many of them did not make the age limit to have the Right
18 to Counsel, and also the zip code, so I found myself
19 speaking in front of judges just so they can have more
20 opportunities, more--you know, so they can have the
21 extension to pay. And I was told many times you know
22 what, you're not an attorney, you're not supposed to do
23 this, but what's the other choice if they don't qualify
24 because there zip code is 10458 and not 10457. When you
25 have two different zip codes it puts you at a greater risk

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1 because you're not going to have an attorney; and because
2 I was a paralegal I was able to help a little bit further,
3 but they should not be in that situation. Many of them
4 also have suffered from mental distress to the point I saw
5 a tenant wanted to throw herself from the stairs, I didn't
6 even have four months working in the field, and it was
7 something I had to see because she was desperate. So I
8 believe the Right to Counsel can prevent things from
9 exacerbating because people need the support, especially
10 when they have gone through COVID-19. Please, let's keep
11 the Right to Counsel for everyone. Thank you so much.

12 MR. DRESSLER: Thank you. Next, Ed Josephson.

13 MR. ED JOSEPHSON: Good evening everyone, my
14 name is Ed Josephson, I'm the--excuse me, I'm a litigation
15 director at Legal Services NYC. We're one of the larger
16 providers of eviction prevention services in New York City
17 and I want to thank, well everyone really, the City
18 Council, the mayor, OCJ, the organizing community, for
19 making Right to Counsel possible. When it started a few
20 years ago, little did we know how absolute essential it
21 would become, thanks to the pandemic. And we now have a
22 situation where really everyone on this call knows that it
23 was never possible for tenants to receive due process and
24 a fair hearing in the absence of a lawyer. And now it's
25 completely unthinkable for particularly low-income

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1 parents, people who are (inaudible) proficient to cope
2 with virtual proceedings (inaudible). So right now we've
3 very fortunate that, thanks to, again, the work of
4 everyone on this call, we've been able to limit court
5 proceedings to a relatively small number so that every
6 tenant, as far as I know, who has a case on a calendar is
7 being referred to an attorney, and our challenge is to
8 keep it that way, right. Because there is this huge
9 backlog of cases building up behind a dam and if that dam
10 every burst, there aren't enough lawyers in the country to
11 handle all those cases so--and we can't clone our staff
12 either. So the only way to handle this is together put
13 pressure on every level of government to make sure that
14 the housing court calendars do not grow beyond the
15 capacity of legal service providers to handle them and I
16 think that's going to be a big challenge, but I think we
17 can do it because of the unthinkable consequences if we
18 don't do it. So it's late, I'm not going to say more than
19 that; I thank you for the chance for testifying and I look
20 forward to working with all of you in the coming months.

21 MR. DRESSLER: Thank you. We have a few more
22 names of folks who said they want to speak. Before I call
23 them I wanted to just say if there's anybody on the Zoom
24 who would like to speak who hasn't said anything, if you
25 can put your name in the chat, that includes if you've had

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1 your name on the list and haven't been called yet because
2 we might've tried to call you and were unsuccessful, so
3 please just re-put your name in the chat and we'll run
4 through those names. Before I do any of that though I do
5 want to say thank you not only to those who have spoken,
6 but to those who haven't spoken, and I've seen some faces,
7 some of which I recognize, some of which I don't, of folks
8 who have been here since the very beginning of this
9 hearing at 6:00, listening to everything, hearing
10 everything, and I know absorbing everything and with
11 obviously some thoughts that they will e sharing with us
12 and other policy makers. I want to thank everybody who's
13 come today for your participation, for your insights, but
14 most of all your dedication to making sure that we and
15 other stakeholders are doing the right thing. We really
16 rely on hearings like this, on feedback, to keep us
17 honest, and when there's criticism, we welcome it because
18 it shows us what we need to do; when there's praise, we
19 also welcome that because it shows us that we're on the
20 right track. We are very, very grateful for your time,
21 for your energy, and for your dedication so I just wanted
22 to say thank you. One more things to say before we head
23 into the final speakers tonight, I want to say a very
24 special thank you to my team at the Office of Civil
25 Justice, who's on the line, for all of the work that's

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1 gone on to putting on this hearing. Every year we have
2 different challenging circumstances, I believe the first
3 year we held this hearing, the first annual hearing, we
4 had an awful snowstorm. I can't remember what befell us
5 last year but this year obviously the circumstances are
6 quite a bit different, obviously extremely serious, but
7 despite all the challenges, I hope that we have put on and
8 shared special and successful opportunity to be here
9 tonight. I can't thank you enough. A very special thank
10 you to our colleagues at Auria for helping us with all
11 this, I think we did get the hang of it, I'd say, maybe 20
12 percent of the time in and I think things are going okay;
13 if not, I'm sure we'll hear that that was not the case,
14 but really very, very grateful for all of your help and
15 assistance. With that, I'm going to turn to the last
16 names we have on this list, though we will go back to the
17 chat to make sure, Sherice Torain, and then following
18 Sherice Torain, Nora Canty, and Juan Nunez. So Sherice
19 Torain? I think I see you, Ms. Torain, I think you might
20 be on mute. Now you're off mute.

21 MS. SHEREASE TORAIN: Okay, good evening
22 everyone. I was not here to speak so I'm going to try to
23 do my best. I'm really upset and so I'm going to try to
24 stay as quick and professional as I possibly can. I'm a
25 part of Crowne Heights Tenant organization and I'm so

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1 thankful to them and I want to say this, that
2 organizations like that are so needed in all the
3 communities because I've been a part of this whole process
4 for the last three years and they had no (inaudible), but
5 let me say this. My grandmother had lived in Crowne
6 Heights since 1951, okay, so I've--my family has been a
7 fabric of this community for some time, but what has
8 happened to my family is a huge injustice but I'm going to
9 put that in my testimony. But let me also say this,
10 (inaudible) this organization in particular, more than ten
11 times assistance, and I've gotten nothing but pushback,
12 okay, so that's one. Elise Brown, your organization,
13 they've given me nothing but barriers to justice,
14 horrible. When you talk about trauma (inaudible), your
15 organization has not done that and I can tell the
16 attorneys that have given me the pushback, that did not do
17 what they were supposed to do, okay. Brooklyn Legal
18 Services A, I don't have the gentleman's name down, your
19 organization as well, and I have--let me say just--let me
20 tell you guys, I have a Masters degree in Human Resource
21 Management, so one thing I do very well, I keep very good
22 documentation, okay, so I will be able to give you guys
23 all the attorneys names that did not do what they were
24 supposed to do in regards to giving me access to
25 appropriate justice, okay, so that way I can get some type

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1 of progress that I'm supposed to get as a New York City
2 resident. Okay, but let me go back to the fact that Mark
3 Levine (phonetic), our city councilman, shame on you,
4 shame on you, shame on you, to come on here and then say
5 all of the sudden that you're going to give us access,
6 further access to zip coding when I went several times and
7 I was begging so that way my 97 year old grandmother could
8 stay in her home. But then all of a sudden today you're
9 going to be so thankful, you need to stop thanking each
10 other and start giving us our rights, okay. Because yes,
11 displacement impacts your health, it impacts your spirit,
12 okay, because none of y'all know what it is when a
13 Brooklyn Legal Services attorney (inaudible) your
14 grandmothers (inaudible) and y'all need to put your stuff,
15 your clothes in black garbage bags, okay, because when a
16 marshal shows up to throw you out of your home, you better
17 have your passports in your hand, okay. Than you, Jason,
18 he did that, okay, him and his colleague, they did that
19 and (inaudible) okay. So (inaudible) brain operates,
20 okay. In just talking about it I am feeling traumatized
21 all through my body, okay, to know (inaudible)--

22 MR. DRESSLER: Ms. Torain, I'm sorry to cut you
23 off, but we are at time, we've got other speakers who need
24 to speak before the time is up. So I want to thank you
25 for your contribution--

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1 MS. TORAIN: --My time is up, is what you're
2 telling me, before (inaudible) the time is up because I
3 sat here patiently for 30 minutes and I watched y'all
4 (inaudible) so horrible when it came to putting your
5 information, your technology together, but the way you did
6 me just now, it was horrible how you just did me. That's
7 not right, because guess what, we--this was our right, zip
8 coding universal access is unconstitutional, okay, and
9 it's racial discrimination--I'm sorry, practices, on
10 (inaudible); we all have a right to the Right of Counsel,
11 period, okay. And what you guys have done to us is
12 horrible and I know my rights, and everybody should know
13 their rights. And y'all are supposed to be putting that
14 on every billboard outside, we're all supposed to have a
15 right to this access and y'all denied us our rights and
16 y'all denied us our due process and that's wrong for you
17 to even think that you are doing a good job because you
18 have not been doing a good job, Mr. Jordan, not at all.
19 Your department has not--it starts from the top, down, and
20 you guys, y'all know y'all (inaudible) black people,
21 African American woman, okay, and how dare you tell me,
22 Oh, Ms. Torain, anything, no, no, no, no, no. This is
23 time for our reparations, okay, and my people, they have
24 spoken our properties all throughout Brooklyn, numbers
25 don't lie. Men and women lie, numbers don't lie. So no,

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1 Mr. Jordan, I patiently waited because I was on time at
2 6:00 and I didn't say anything and I sat here patiently
3 and guess what, we need some more black and brown people
4 at the beginning of the table, and I see--and guess what,
5 and I'm not racist, but I see too many men and I see too
6 many white women at the table as heads of these non-
7 profits, okay. We need some black women and some Spanish
8 people and some Asian people sitting at the table because
9 we are the ones who are being homeless and displaced, but
10 you all are the ones that are sitting at the table making
11 the decisions. Enough is enough, okay, because we are the
12 ones who are hurting, okay, our children are hurting. So
13 no, Mr. Jordan, I sent ten emails within the last six
14 months to your agency and y'all did not respond, okay, and
15 Brooklyn Legal Services, they did my mother wrong, they
16 did my neighbors wrong, and they did me wrong. So Mr.
17 Jordan, if you have to spend an extra minute listening to
18 my trauma, guess what, it's our tax dollars, okay, so you
19 should be okay with that, that's called trauma informed
20 services, Mr. Jordan, that's the problem. But guess what,
21 when the city councilman was on here, he's thanking you
22 for all the good that you did, it is your time to show up
23 for the community in which you serve, period, Mr. Jordan.
24 So shame on you for even trying to rush me when you see
25 that I have been traumatized. When marshals come to evict

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1 you and the landlord did some corruption and he sold your
2 grandmother's house, I have a right to sit here and tell
3 you my story, Mr. Jordan, period. Do your job. Make sure
4 everybody in your organization is doing their job. Don't
5 sit here for three hours and I sit here for 30 minutes and
6 I didn't say anything when technology was going wrong.
7 You sit here for an extra 60 seconds and you listen to
8 what I have to say; if you want to sit here and say oh, we
9 want to protect black and brown people, well let's start
10 where all the trauma (inaudible) and you start with zip
11 coding. That was against our constitutional rights, we
12 should have a right to come into the court when y'all know
13 that those judges are not even real judge and they are
14 doing harm and they are giving us mental and emotional
15 abuse and our children are not being educated. You
16 understand what's happening, you know that they are taking
17 us out of our homes, you know that they are putting
18 stipulations and (inaudible) and you know what they're
19 doing to us. And my grandmother, just like a lot of these
20 senior citizens, they stole their apartments after they'd
21 been there for 40 years. So don't tell me anything, Mr.
22 Jordan, nothing at all. I was around for the crack
23 epidemic, I know my community. Crowne Heights,
24 (Inaudible), don't tell me anything. Shame on you, Mr.
25 Jordan, period, because now all the sudden they have

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1 funded, they should've had funding before the pandemic,
2 they should've had funding. In fact, Mr. Jordan, don't
3 you tell me nothing because--

4 MR. DRESSLER: We have--I'm--I apologize
5 (Cross talk)

6 MR. DRESSLER: I apologize but we have to stop
7 here because there are other people who want to speak.

8 MS. TORAIN: But I patiently waited for you for
9 30 minutes, Mr. Jordan, so you tell me--

10 MR. DRESSLER: Okay, okay.

11 MS. TORAIN: --(inaudible) and you say
12 congratulations, you be a part of my community and you're
13 doing better than that, Mr. Jordan, don't you dare have
14 (inaudible) energy.

15 MR. DRESSLER: Okay. Next on our list, Nora
16 Kenty.

17 MS. NORA KENTY: Hello, my name is Nora Canty
18 from Mobilization for Justice and the Union Legal Services
19 Staff Association 2320. I do want to address what Ms.
20 Torain mentioned, that this is really a time of trauma in
21 our city and it's been so--I think it is important for us
22 to recognize how difficult it is for so many of our
23 citizens, so many of our seniors who are living on fixed
24 incomes who have been in their apartments for decades and
25 are now facing displacement. It can be very scary and

1 it's very serious and it's life threatening in a lot of
2 cases. I'm a staff attorney and I am really fortunate to
3 be able to carry out the incredible vision of the
4 community organizers who made Right to Counsel happen.
5 I'm humbled every day by being able to do this work. Our
6 shop is made up of attorneys, paralegals, and support
7 staff and they play more of an important role than ever
8 during this difficult time. I'm not only a lawyer now, I
9 am tech support, I'm emotional support; our clients have
10 lost loved ones, they've lost livelihoods, they're facing
11 lockouts from their apartments, they have no heat. It's
12 really a litany of issues and it takes an entire office of
13 people to help tenants in need so I do urge OCJ to fund
14 paralegals, support staff, interpretation services,
15 benefits advocacy, all of the services that tenants are
16 really in need of right now. Simply delaying evictions
17 until January 2021 is not going to solve the crisis, the
18 crisis of evictions, of homelessness, and the health
19 crisis that is bound to follow those. So I do urge the
20 expansion of Right to Counsel, I urge the passage of 2050
21 and 1529; it's more important than ever to connect tenants
22 with lawyers. First of all, we can raise new defenses
23 under the tenancy of Harbor Act, the governor's executive
24 orders, the national CDC moratorium. It feels like a lot
25 of changes every week and the lawyers have an opportunity

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1 to help make sure that all of those defenses are raised
2 for tenants who may have them. We can also appear in
3 court for tenants so that they don't have to go in person,
4 they don't have to take the subways and buses and interact
5 with people unnecessarily. We can represent them while
6 they're able to stay home, we can help them with the
7 virtual technology and have them available on the phone.
8 We can also help connect tenants with programs, with
9 benefits, with one-shot deals where we can help them
10 navigate a list of new procedures and systems in housing
11 court. There are new deadlines to file motions and
12 answers. Sometimes in-person appearances seem to be
13 required, other times they are not; sometimes it depends
14 on what judge you have, the laws are all new and I think
15 it's really crucial that every single tenant has the
16 access to counsel and the access to an attorney and a
17 legal support team. Of course, the expansion of Right to
18 Counsel must be in conjunction with firing--with funding
19 the hiring of more attorneys so that we can each dedicate
20 the time and energy that every single tenant deserves.
21 Zealous representation can help prevent courts from
22 treating tenants' cases like quote, unquote, inventory to
23 run through like they're an assembly line. Judges can
24 have the unrealistic expectations for how quickly cases
25 should be heard and they could really give a short shrift

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1 to serious issues that can be a matter of life and death
2 for tenants. So it's important for the tenant advocate
3 community and OCJ to push for deliberate and conscientious
4 judicial process that takes into account every single
5 tenant's story. And I'll stop there now and I'm thankful
6 that everyone who is still on the call stayed here the
7 entire night and thank you for all of your testimony so
8 far, I found it really inspiring and informative.

9 MR. DRESSLER: Thank you. Next Juan Nunez and
10 then following Juan Nunez we have Jean Stevens and I
11 believe that might be our last name of the night unless,
12 no, that is the last name we've received so far, so if
13 anybody else wants to speak, please feel free to put your
14 name in the chat and we'll call you. But right now, Juan
15 Nunez.

16 MR. JUAN NUNEZ: Good evening, everybody. My
17 name is Juan Nunez, I'm a tenant leader with the Northwest
18 Bronx Community Clergy Coalition; I'm President of
19 (inaudible) association and I also work for Part of the
20 Solution, I'm a client liaison in the Bronx for Part of
21 the Solution. I'm going to give you a perfect example as
22 to why it's so important for us to expand Right to
23 Counsel. My building right now is on a rent strike, our
24 tenant association is on a rent strike, and apparently the
25 landlord decided to send out the fourteen days, I believe

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1 it's called, give me one second, the Predicate Notice.
2 Not only did he not send it to the tenants that owed rent
3 from before March, he sent the notice to one tenant and
4 one tenant only, and that's one next door who has been
5 living here for over 35 years and is an African American
6 woman and has a three bedroom apartment and she's only
7 been in the rent strike in solidarity for a month. So
8 what do you think the landlord's intentions are if he's
9 only sending the notification to that one African American
10 tenant in that building, not the ones that owe money from
11 before March, just her in particular? And let me give you
12 another example as to why it's so important for us to
13 expand this. I have another--I know of another tenant
14 that received that same notice and left her house because
15 she thought she was getting evicted, she had no idea that
16 that was just a notice from a landlord; but it read in the
17 paper that you need to leave in fourteen days, right,
18 that's what the letter states, that you have to leave.
19 Well she left and she was subletting to two other families
20 so now those two other families have no--they don't know
21 what they're going to do right now because the other--the
22 tenant with the lease left and these are people that are
23 in dire need and this is happening all over the
24 neighborhood. We have people thinking that we have to
25 wait until evictions; evictions are already happening

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1 without people having to go to court because people are
2 leaving their homes, afraid when they get that notice
3 because they don't know their rights. And the only reason
4 that tenant next door was able to understand and not leave
5 was because she had a tenant association and she had
6 access to lawyers that we were able to connect her to.
7 But that is not the case when I speak to people that call
8 Part of the Solution on a daily basis, getting letters
9 from landlords right now, they don't know what to do. And
10 like a lot of the people here that were saying, I forgot--
11 I think it was Nora that said we're--I'm a client liaison
12 and yet I'm giving these people information that a lawyer
13 should give them, right, information to keep them in their
14 home, information that shouldn't be coming from me, right,
15 and it's wrong because a lot of these people are black and
16 brown people from our communities. We've had elected
17 officials tell it to our face, saying that because of the
18 Safe Harbor Act tenants are not going to get evicted and
19 that's a lie. So we have tenants not getting protected,
20 not just from elected officials, they're not getting
21 protection from the courts, they're not getting protection
22 from city agencies, state agencies like the DHCR, no
23 protection from anywhere. So all we could really give
24 them right now is access to a lawyer o they could at least
25 feel at ease that they have somebody they can go to, that

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1 could tell them what their rights are, and that could
2 represent them when they go to housing court which is
3 inevitable right now. We don't know what to do at this
4 point. We have so many people calling asking for rental
5 assistance that we can't really help, we have undocumented
6 people that weren't able to qualify for the \$1,200, that
7 weren't able to qualify for the stupid rent relief program
8 that was a failure, and all I can give them is information
9 that they need to know their rights, that's all we can
10 give people right now. So I could only imagine what would
11 happen to these folks if they just had a lawyer to speak
12 to, if they just had somebody to tell them what their
13 rights are because so many people are just leaving their
14 apartments right now, and by the way, that's called
15 displacement. And those notices don't come in Spanish,
16 those notices don't come in different languages; so when
17 you see that notice, all you see is leave in 14 days.
18 What do you think they're going to do if they don't have
19 access to a lawyer? They're going to leave, that's an
20 eviction, whether you see it in your little data or your
21 numbers in your court cases, that's called displacement
22 and that's called an eviction, whether it's all through
23 the courts or not and that's what a lot of our tenants are
24 going through. We already have people in my building that
25 owed rent from before COVID-19 and now can't pay rent, and

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1 if it wasn't for our tenant association and our access to
2 (inaudible) justice, who knows where they would've been
3 right now because people literally take their things and
4 they leave because they're that afraid of landlords that
5 don't know their rights. They treat landlords like they
6 do cops. They think a landlord notice is just as bad as
7 a police officer or a judge because they don't know any
8 better. So whatever everybody needs to do on this call is
9 expand those rights for every single tenant in this city
10 and this state, I don't care, because it's wrong what's
11 going on in the city and the state. And when January
12 hits, we're going to face a crisis that I don't think
13 we're able to grasp right now because the people that
14 really know what's going on are us here on the ground, are
15 the ones in the building that are feeling anxious,
16 depressed, we're not eating. There's people that have
17 family members that have COVID-19 that are actually
18 worrying about their kids dealing with remote learning,
19 all these factors, all these factors. And imagine what
20 access to a lawyer would do for these people when all they
21 really need right now is somebody to tell them hey, these
22 are your rights, it's going to be okay, here's some
23 information, and I'm going to defend you when you go to
24 court. That's all we're asking for, for this Right to
25 Counsel to be expanded so that tenants could at least, at

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1 least have a chance in court, a fighting chance in court,
2 and that's all I've got to say. Thank you.

3 MR. DRESSLER: Thank you. Final speaker for
4 tonight is Jean Stevens.

5 MS. JEAN STEVENS: No pressure, no. Hi
6 everybody, my name is Jean Stevens, I'm a senior staff
7 attorney at Brooklyn Legal Services. I'm also a part of
8 the Union Legal Services Staff Association 2320 and so I'm
9 speaking on behalf of our Union staff, many housing
10 attorneys, as well as for my shop, for Brooklyn Legal
11 Services. So you know a lot of what I had planned to say
12 has really been said by so many people on the call so far
13 but I just wanted to note that being an attorney through
14 COVID-19, all of the stories shared by tenants on this
15 call are the exact same stories that are being shared,
16 that I've heard on the hotline that you mentioned, Mr.
17 Dressler, at the beginning of this hearing, the outline
18 that staff attorneys are on every day. People have
19 questions about what's going on right now because
20 everybody's panicked, everybody's scared, we have horrible
21 stories of harassment, really bad conditions, lots of, as
22 Juan described, a lot of people calling or have received
23 notices and aren't sure what to do, what they say, and so
24 we're explaining what they say and trying to give advice
25 about next steps people can take. And it's been an

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1 incredibly like extra critical time, as others have said,
2 for attorneys to be working with tenants now in this time
3 of COVID-19, and especially because there's no rent relief
4 in sight that we can see, no rent forgiveness yet. We
5 don't have a real moratorium. And lots of tenants have
6 questions, well I hear about these moratoriums, I hear
7 about these new laws, and as Juan pointed out, other
8 people have pointed out, you know, those protections are
9 very confusing about who they actually applied to, if
10 you're protected, when is the moratoriums end, so we
11 explain that, and without an attorney it would be
12 incredibly difficult for any tenant to really know how any
13 of these apply. Also, the court is being largely conducted
14 virtually now as, again, other people have mentioned, and
15 what's been very disturbing in these virtual appearances
16 is it's even more apparent how judge, landlord attorneys,
17 tend to treat them very casually or it's just a
18 (inaudible) like a mill, they're running through them, and
19 I think if there weren't tenant attorneys on the calls--
20 I'm sorry, on these conferences, slowing things down,
21 being adamant about various legal investigations we want
22 to do, subpoenas we want to file, I think cases would just
23 be churning along even more than usual. And then of
24 course it feels incredibly unjust, given that if people
25 were evicted in this time there in the middle of a

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1 pandemic and are even more at risk and also the pandemic
2 would spread if more and more people are crowding up with
3 family members or moving into shelter. So I guess the
4 point I really just want to drive home though is that
5 tenant attorneys, we are not magicians, you know. We, on
6 our own, just our own as an individual attorney, can't do
7 much to save an individual tenant, even if you think
8 you're a really great lawyer, there's so many things that
9 go into doing our job. We need training, we need support,
10 emotional support, we need support for ourselves to do the
11 work. It's incredibly hard listening to stories day in
12 and day out, we are seeing the tragic circumstances of
13 everybody and we, ourselves, begin to see well how can we
14 continue to do this meaningfully for our client's day in
15 and day out for years. We need support, our clients need
16 support, social workers, access to resources benefits, and
17 we are kind of the locust of where people begin to get
18 that support. In this discussion of funding for Right to
19 Counsel, which absolutely, I completely--there's
20 absolutely no fairness in the way the program is rolled
21 out with zip codes and income limits, as many people have
22 said, to have true right to counsel, everyone needs to be
23 able to access the Right to Counsel, to have the right to
24 counsel. But in order for that to be a meaningful right,
25 funding needs to include more funding for attorneys for us

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1 to hire more attorneys, to have pay parity with other
2 offices, the law department, as another person pointed
3 out, so that we can attract people out of law school, we
4 can work to retain attorneys. We also need more funding,
5 as others have said, for HP actions which are the actions
6 where tenants sue their landlords for repairs. As many
7 people have mentioned, they're living in these incredibly
8 horrible conditions where they basically move out because
9 they give up, it's a war of attrition with their
10 landlords, then we are not really funded to do HP actions.
11 Instead we basically raise repairs and eviction
12 proceedings which is very dangerous and very scary, and it
13 would be much more powerful for tenants if (inaudible).
14 (Inaudible) alone can't really access records of our
15 clients buildings, of the rent histories of the building,
16 we're not able to figure out what other state agencies,
17 DHCR, HP, what exactly is on file for the building, what
18 can we access, and we spend a lot of time with process
19 servers and secretaries and trying to get those documents,
20 subpoenaing those documents, and there would be--that's
21 another area where we desperately need more support from
22 OCJ and from other entities that are working to make Right
23 to Counsel a reality to help us work with these city
24 agencies to obtain that information and those documents.
25 Also similarly, a lot of our clients, even if the rent is

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1 the legal rent, cannot afford the rent, especially now
2 with COVID-19, and we do our best to help people afford
3 the rent and apply for rental subsidies, but if they don't
4 exist or if the money is not enough, we can't help our
5 clients stay in their homes. So we desperately also need
6 advocacy from OCJ, we need more funding, if possible, for
7 rental subsidies, and the support to help people apply for
8 those benefits. I agree with many others who've talked
9 about a media campaign to spread the word, because again,
10 yes, so many tenants have no idea they have this right to
11 they don't realize how it works exactly, and sometimes by
12 the time they reach us, it's been too late or they've
13 already defaulted on their case and didn't realize there
14 was a right to a lawyer. So I echo so much of what has
15 been said and think that funding in so many capacities is
16 desperately needed in order to make Right to Counsel truly
17 representative of our city and to adequately do the work
18 that needs to be done. Thank you.

19 MR. DRESSLER: Thank you. Is there anybody on
20 the conference who would like to speak who hasn't spoken?

21 FRANCIE SCANLON: Yes, I'd appreciate a quick
22 opportunity (inaudible).

23 MR. DRESSLER: What's your name?

24 MS. FRANCIE SCANLON: Francie Scanlon.

25 MR. DRESSLER: Ah yes, (inaudible). You're

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1 breaking up a little bit, just a moment, Ms. Scanlon.
2 It's Francie Scanlon, right?

3 MS. SCANLON: Yes. Yep. The most important
4 thing to continue to underscore is that there is in fact
5 significant good law on the books. All law (fading out)
6 equitably and in a way that is empowerfully and at the end
7 of the day, to pick up on the point of the previous just
8 completed speaker, the critical role of enlightening
9 tenants about their rights can truly be served by you and
10 your colleagues that will, in effect, create better
11 outcomes, in my opinion, not only for tenants, but for
12 owners of property. That the hideously adversarial and,
13 to many, heartless relationship because the power in
14 balance is so profound, can be disrupted, disturbed, in a
15 successful way by enforcing the laws that currently exist.
16 And there's one aspect of the law, the due process, the
17 aspect, the piece that relates to giving tenants their due
18 process rights, notice and an opportunity to be heard. If
19 we ever could collectively drill down on the metrics about
20 why so many tenants were wrongfully evicted, I believe the
21 numbers would flush out of the sewers of wrongful due
22 process. That is the gateway, the service of process, if
23 that is not done in the way the law requires, the
24 floodgates of eviction will continue to blow open. So my
25 thought is put resources into highlighting and

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1 underscoring the tenants' rights unequivocally to be
2 noticed with regard to the critical elements of the
3 proposed court appearance. Otherwise, without that, the
4 sewer service of the past will slush up like a tsunami
5 again, as it did in the past, and overcome the law itself
6 and undermine everyone's respect for due process. That is
7 not a winning formula in a just society and it's not just
8 just for me and you, Jordan, but just for everybody. So
9 my vote, I'd put skin in the game, and making hashtag due
10 process where a fundamental focus can rise to the occasion
11 and transform landlord/tenant relations. Thank you.

12 MR. DRESSLER: Thank you. Okay, with that, the
13 time is 9:04 p.m. We're going to conclude this hearing
14 tonight. I want to thank all of the participants, those
15 who are remaining, those who have left. As I have said,
16 we--excuse me, we will be creating a transcript of these
17 proceedings and collecting all of the written statements
18 we've collected, that have been submitted. If you're on
19 the line and you haven't submitted one yet, we're
20 certainly accepting them over the next day or so before we
21 put them all together and they will appear on our website
22 in the coming weeks. In the meantime, our most recent
23 annual report is there on our website right now,
24 (inaudible) nyc.gov/civiljustice. Anyone in need of legal
25 assistance can contact 311 and reach the tenant helpline

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or contact Housing Court Answers hotline at (718) 557-1379. With that, I want to thank each and everyone of you, thank you and be well. Bye-bye.

[Proceeding Concluded]

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C E R T I F I C A T E

I, Julie Davids, certify that the foregoing transcript of proceedings of the Office of Civil Justice Legal Services Public Hearing, Nov. 23, 2020 06:00 PM, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: Julie Davids

Date: November 30, 2020

C E R T I F I C A T E

I, Betsy Murphy, certify that the foregoing transcript of proceedings in the New York City Department of Social Services, Office of Civil Justice Legal Services Public Hearing, was prepared using the required transcription equipment and is a true and accurate record of the proceedings.

Signature: Betsy Murphy

Date: November 30, 2020

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