



Testimony of Women In Need in Support of A.7115 and S.3703

A.7115 Sponsor: Assembly member Latoya Joyner

S.3703 Sponsor: Senator Brian Kavanagh

The Emergency Tenant Protection Act (ETPA) protects close to a million rental units in New York City from unreasonable rent increases. Every protected apartment matters in New York City, where the on-going housing affordability crisis disproportionately impacts the lowest income renters and drives the number of homeless New Yorkers to new record highs.

Housing focused non-profit organizations, including Women in Need (Win), lease apartments in private buildings to provide scatter-site permanent supportive housing for families at risk of repeated homelessness. Families qualify for supportive housing based on a history of homelessness, coupled with special needs such as a diagnosed disabling condition, or a history of trauma, such as fleeing domestic violence or being in the foster care system. Supportive housing, whereby a non-profit identifies permanent housing and provides the eligible family with on-going, wraparound support services in their home, is a proven, effective tool for preventing future homelessness among vulnerable families. Supportive housing is funded by various federal, state, and city programs.

At times, the search for appropriate apartments that fall within the funded rent levels leads non-profits to lease apartments that are rent stabilized. Currently, ETPA protections do not apply when rent stabilized housing is leased by a non-profit for a charitable purpose. As a result, they do not apply to non-profit operated supportive housing. Without ETPA protections, landlords can refuse to renew leases at their discretion. This is destabilizing for the families we serve, and the risk of dislocation undermines the purpose and effectiveness of the supportive housing program. Moreover, when the unit is no longer used for supportive housing, the owner is required to register the unit once again as stabilized, but in practice this may not happen. Thus, this loophole likely results in apartments permanently exiting rent stabilization, further eroding New York City's already scant supply of affordable housing.

The ETPA's exclusion of non-profit leased dwellings from its protections ultimately harms the struggling New Yorkers it was conceived to protect, and could result in the loss of thousands more rent stabilized units in the years to come. Win is here today to urge support for a bill that would close this loophole. A.7115 / S.3703 will establish that rent stabilization continues to apply to units even when they are used by a non-profit for supportive housing. It will also affirmatively establish that, once that use ends, the unit will remain stabilized at the rent paid by the previous tenant plus Rent Guidelines Board increases. Further, with the amendments recommended by Win

in collaboration with our service and advocacy partners, all leases with non-profits providing supportive housing – future leases and renewals of existing leases -- will be rent stabilized (please see pages 3 and four for proposed amendments).

As New York confronts the homelessness and affordability crises, the need to protect the supportive housing program and the rent stabilized stock is urgent. Currently, about 14,000 apartments are rented by non-profits providing supportive housing to clients. For the vulnerable families Win serves, the integrity of the supportive housing program is the critical safeguard against homelessness. For the New Yorkers who struggle to find appropriate, affordable housing in a city of ever escalating rents, every unit lost from rent regulation equates to lower odds of finding and staying in a home.

About Win

Win was founded in 1983 as a shelter for two women and their children, and has expanded to become New York City's largest provider of shelter and services for homeless families with children. Win served nearly 10,000 people last year, including more than 5,400 children and youth, across its 10 family shelters and 335 units of supportive housing. Fifty one percent of people living in Win shelters are employed, and 86 percent of Win mothers raising families have a high school diploma or lower accreditation. Win supports families who earn significantly less than the threshold of extremely low-income, defined as earning 30 percent or less of the area median income for a family of three in New York City (\$28,171/year). Win provides safe housing, programs, and services for families who consistently struggle to establish or maintain housing stability. Win helps families break the cycle of homelessness and succeed independently. Win's CEO is Christine C. Quinn, who served as New York City Council Speaker from 2006 to 2013.

STATE OF NEW YORK

7115

2019-2020 Regular Sessions

IN ASSEMBLY

April 9, 2019

Introduced by M. of A. JOYNER -- read once and referred to the
Committee
on Housing

AN ACT to amend the emergency tenant protection act of nineteen
seven-
ty-four, in relation to not-for-profits' use of certain
residential
dwellings

The People of the State of New York, represented in Senate and
Assem-
bly, do enact as follows:

1 Section 1. Paragraphs 10 and 11 of subdivision a of section 5
of
2 section 4 of chapter 576 of the laws of 1974, constituting the
emergency
3 tenant protection act of nineteen seventy-four, paragraph 11 as
amended

4 by chapter 422 of the laws of 2010, are amended to read as follows:
5 (10) housing accommodations in buildings operated exclusively
for

6 charitable purposes on a non-profit basis except for permanent ex
~~tempo-~~

7 rary housing accommodations with government-contracted services
provided, as of and after the effective date

8 of the chapter of the laws of two thousand nineteen that amended
this

9 paragraph, to vulnerable individuals or individuals with disabilities
individuals who are or were homeless or at risk of home-

10 lessness; provided, however, that terms of leases in existence as of
the

11 effective date of the chapter of the laws of two thousand nineteen
that

12 amended this paragraph, shall only be affected upon lease renewal not
be affected, and further provided that

13 upon the vacancy of such housing accommodations, the legal
14 regulated
15 rent for such housing accommodations shall be the legal regulated
16 rent
17 paid for such housing accommodation by the prior tenant, subject only
18 to
19 any adjustment adopted by the applicable rent guidelines board;
20 (11) housing accommodations which are not occupied by the tenant,
not including subtenants or occupants, as his or her primary residence,
as determined by a court of competent jurisdiction. For the purposes
of determining primary residency, a tenant who is a victim of
domestic violence, as defined in section four hundred fifty-nine-a of the
social services law, who has left the unit because of such violence, and
who asserts an intent to return to the housing accommodation shall be
deemed to be occupying the unit as his or her primary residence. For
the

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets [-] is old law to be omitted.

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1 purposes of this paragraph, where a housing accommodation is rented
to a
2 not-for-profit hospital for residential use, affiliated
subtenants
3 authorized to use such accommodations by such hospital shall be
deemed
4 to be tenants. For the purposes of this paragraph, where a
5 housing
6 accommodation is rented to a not-for-profit for providing, as of
7 and
8 after the effective date of the chapter of the laws of two
9 thousand
10 nineteen that amended this paragraph, permanent ~~or temporary~~ housing
11 to
12 individuals who are or were homeless or at risk of homelessness,
13 affil-
14 iated subtenants authorized to use such accommodations by such not-
15 for-
16 profit shall be deemed to be tenants. No action or proceeding shall
be
17 commenced seeking to recover possession on the ground that a
housing
18 accommodation is not occupied by the tenant as his or her primary
resi-
19 dence unless the owner or lessor shall have given thirty days notice
to

14 the tenant of his or her intention to commence such action or
proceeding
15 on such grounds.
16 § 2. This act shall take effect immediately; provided, however,
that
17 the amendments to paragraphs 10 and 11 of subdivision a of section 5
of
18 the emergency tenant protection act of nineteen seventy-four made
by
19 section one of this act shall expire on the same date as such
act
20 expires and shall not affect the expiration of such act as provided
in
21 section 17 of chapter 576 of the laws of 1974, as amended.