



Breaking the Cycle of Homelessness
for Women and their Children

Testimony of Win (Formerly Women in Need) for the New York City Council Committee on General Welfare on Access to Legal Representation in Housing Court March 27, 2023

Introduction

Thank you to Chair Ayala and to the esteemed members of the Committee on General Welfare for the opportunity to submit testimony. Currently, Win is the nation’s largest provider of shelter and services to families with children experiencing homelessness. We operate 14 shelters and nearly 500 supportive housing units across the five boroughs. Each night, more than 6,500 people call Win “home”, including 3,600 children — in total, we house over 14 percent of homeless families with children in New York City.

In New York state there are 150,000+ households at risk of eviction and 90,000+ individuals living in homelessness.¹² This already unfathomable number is only rising—during the first four months of FY23, the average number of individuals in shelter per day increased by 21 percent compared to the same period in FY22.³ The shortage of shelter beds has forced the city and state to push for emergency spending worth over \$2 billion dollars, while warehousing families experiencing homelessness in hotels without the critical resources they need.^{4 5} Currently, across our shelters, Win has a less than a one percent vacancy rate. Across the whole city, shelters for families with children have a vacancy rate of less than .5 percent.⁶

Eviction, while symptomatic of many factors, is a direct and leading cause of our homelessness crisis.⁷ Around half of eviction court cases result in an eviction, an outcome that causes spikes in homelessness and decreases in earnings and credit scores, with particularly severe consequences for black and female tenants.⁸ Eviction proceedings in courts can be costly and traumatizing, regardless of the outcome. For those who are issued a possessory judgement, or warrant of

¹ Tanya de Sousa, Alyssa Andrichik, Marissa Cuellar, Jhenelle Marson, Ed Prester, and Katherine Rush, Abt Associates, “The 2022 Annual Homelessness Assessment Report (AHAR) to Congress, Part 1: Point-in-time Estimates of Homelessness,” *The U.S. Department of Housing and Urban Development*, <https://www.huduser.gov/portal/sites/default/files/pdf/2022-AHAR-Part-1.pdf>

² “NYS Eviction Crisis Monitor,” *Right to Counsel: NYC Coalition*, March 19, 2023.

<https://www.righttocounselnyc.org/evictioncrisismonitor>

³ The City of New York: Mayor Eric L. Adams. *Preliminary Mayor’s Management Report*. (2023).

https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/2023_pmmr.pdf.

⁴ New York City Comptroller: Brad Lander. *The State of the City’s Economy and Finances*. (2022).

<https://comptroller.nyc.gov/reports/annual-state-of-the-citys-economy-and-finances/>

⁵ Joe Anuta, “New York Mayor: Cost of asylum seekers could hit \$2B as shelters reach capacity,” *Politico*, Jan 13, 2023.

<https://www.politico.com/news/2023/01/13/nyc-cost-asylum-seekers-2b-00077885>

⁶ “Daily Report,” The New York City Department of Homeless Services, March 27, 2023.

<https://www.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf>

⁷ “Protect Tenants, Prevent Homelessness,” *National Law Center on Homelessness & Poverty*, 2018. <https://homelesslaw.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf>

⁸ Robert Collinson, John Eric Humphries, Nicholas S. Mader, Davin K. Reed, Daniel I. Tannenbaum, and Winnie van Dijk, “Eviction and Poverty in American Cities,” *National Bureau of Economic Research*, Working Paper No. 30382, August 2022.



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eviction, the verdict can uproot a family, result in a school transfer for the children, and force them into homelessness.

Right to Counsel

Fortunately, in 2017, New York City became the first city to establish a right to counsel for low income tenants facing eviction proceedings. This program, as established by the City Council with Intro 214A, provides free legal representation in housing court to tenants with income at or below 200 percent of the federal poverty guideline. Before the right to counsel was established, the representation rate for eviction cases was less than one percent. Now, 74 percent of tenants facing eviction cases were represented by a lawyer. The program is proven to work, and tenants with representation tend to face smaller monetary judgments and are less likely to be evicted.⁹ Since the right to counsel was implemented, 84 percent of tenants who receive representation during their housing court cases are able to stay in their homes rather than moving out and entering emergency shelter, and the probability of ultimately being evicted has decreased by between 44.8 and 77.8 percent.¹⁰¹¹ Legal counsel is thus an invaluable and proven tool in combatting the homelessness crisis. A housing court case is often the final intervention before a family enters the homeless services system, and an investment in the right to counsel will be reflected in a reduction of the overall homeless population across the state.

Right to counsel is proven to work in New York City and should be implemented at the state level. In the legislature, A. 7570C, introduced by Assembly Member Joyner and pending in the New York State Assembly, and companion bill S.6678C, introduced by State Senator May and pending in the New York State Senate, would create a New York State office of civil representation to provide access to legal services in eviction proceedings and require eligible individuals to be given notice of their ability to obtain legal representation or consultation. This resolution, which would call on the state to pass legislation to support access to representation for individuals at or below 80 percent of the area median income, is also much more inclusive for New York City residents. There are many lower-class families still at risk of eviction who do not qualify for representation per the city's current cut off (up to 200 percent of the federal poverty line). These bills would have the same positive impact as Intro 214A but would go even further in awarding pro bono representation to the lower-to-middle class households for whom a court case and its associated legal fees could squander life savings. Now, families will be able to access legal services and avoid shelter entry.

Of course, guaranteed access to representation is only effective for as long as there is available counsel. In the city's Right to Counsel Progress Report for Fiscal Year 2021, 100 percent of

⁹ Michael T. Cassidy and Janet Currie, "The Effects of Legal Representation on Tenant Outcomes in Housing Court: Evidence from New York City's Universal Access Program," *National Bureau of Economic Research*, Working Paper No. 29836 March 2022, Revised July 2022.

¹⁰ "Universal Access to Legal Services: A Report on Year Four of Implementation in New York City," *Office of Civil Justice New York City Human Resources Administration*, 2021.

https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2021.pdf

¹¹ Ibid.



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tenants with calendared eviction cases had access to legal services and 71 percent of tenants who appeared in Housing Court had full representation by attorneys. However, recently, due to factors like the ending of the eviction moratorium and public defender staffing shortages, thousands of tenants have appeared in court without representation because there are not enough attorneys to meet the demand.¹² This reality puts defendants in eviction court proceedings at a legal disadvantage, as self-represented litigants tend to lack the insight and experience to craft a defense to fully support their cases. They are at a further disadvantage in housing courts, where overwhelmed dockets may cause judges to rush the cases of pro se litigants.¹³ Thus, we support Resolution 499 that calls on the State Legislature to require courts to pause any eviction case in which a tenant can't secure representation. Thank you to the resolution's sponsor, Council Member Shaun Abreu, for introducing this legislation, and we hope to see the Administration and State Legislature sign on.

The underlying attorney staffing issue must also be addressed, and we urge the city to invest the requested \$425 million in funding for the six major public defender groups—Legal Aid Society, New York County Defender Services, Brooklyn Defender Services, Queens Defenders, Bronx Defender Services and Neighborhood Defender Services of Harlem—so that they can continue to provide life-saving services to low-income New Yorkers in criminal and civil matters. Public defenders already make significant sacrifices with regards to their salaries, and the city must relieve their caseload and compensate them properly for their invaluable work.

Cost Savings and Impact

Additionally, guaranteeing universal access to representation is the most cost-effective option. When Intro 214A, the city's Right to Counsel, was signed into law, a financial advisory firm conducted a cost/benefit analysis. They concluded that providing counsel would produce net cost savings to the city of \$320 million annually, with \$251 million saved in estimated shelter saving costs. The firm also estimated \$9 million in annual savings from costs associated with homelessness, such as medical and law enforcement.¹⁴ More lasting than the financial savings, however, is the potential that legal representation has to save families statewide from the trauma of homelessness.

Homelessness and its resulting trauma can exacerbate the severity of preexisting mental illness or trigger additional disorders. Housing instability and homelessness may contribute to psychosocial vulnerability to negative health outcomes, including higher levels of psychiatric

¹² Chris Sommerfeldt, "NYC Council infuriated by Adams admin's refusal to back housing court slowdown amid 'Right to Counsel' crisis," *Daily News*, March 27, 2023. <https://www.nydailynews.com/news/politics/new-york-elections-government/ny-council-infuriated-by-adams-refusal-to-back-housing-court-slowdown-20230327-x3blcuwhwbesvpx446quqhxh4-story.html>

¹³ Ellen, IG, O'Regan, K, House, S & Brenner, R 2021, 'Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City', *Housing Policy Debate*, vol. 31, no. 3-5, pp. 540-561. <https://doi.org/10.1080/10511482.2020.1825009>

¹⁴ Stout Risius Ross, Inc., "The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A," Mar. 16, 2016, available at http://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf.



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distress and reported alcohol use, and lower perceived levels of recovery from serious mental illness.⁵ The toll that homelessness has on children is particularly severe, leading to developmental delays, cognitive impairment, and increased mental health problems.⁶ With these implications, eviction prevention is also mental and physical healthcare.

Conclusion

Of course, access to representation does not address the underlying problems that lead a family to arrive in housing court. We also look to the city and state to expand access to affordable housing through allowing office conversions to residential units, lifting the residential floor area ratio cap, and awarding a tax incentive to encourage converted buildings to include permanently affordable apartments. For families who rely on housing subsidies to stay in their homes, we demand faster payments to tenants and an electronic transfer option, as outlined in Intro. 704.

Ultimately, access to representation can be the difference between housing and homelessness. An attorney can save a family from the trauma of upending their lives and moving into shelter. Implementing the right to counsel across New York state will not only decrease evictions, but also has the potential to impact medical visits, mental illness, absenteeism, and all the other repercussions that come with a family being forced out of their home. We therefore support Resolutions 345 and 499 to create the right to counsel and to preserve the right's integrity through paused legal proceedings until representation is secured. In tandem, these resolutions are key to combatting homelessness in New York City and across the state.