

Public Advocate Panel: "Evictions" 12/22/20 6:00 PM

Thank you for your time and for the opportunity to speak about the broken system of NYCHA evictions, also known as Termination of Tenancy proceedings. My name is Alice Hindanov, and I am a paralegal at the New York Legal Assistance Group in the Tenants' Rights Unit. As part of my job, I represent clients at the hearing office at 803 Atlantic. The process and proceedings are draconian, putting our most vulnerable neighbors in untenable positions. Termination proceedings are filed for the slightest infractions, sometimes manufactured, sometimes motivated by personal grudges between tenants and housing managers. Filings are done on paper only, with no way to check the status of a case digitally. If a client misses their hearing date or loses at their hearing, their only recourse before being summarily evicted through housing court is to file an Article 78 proceeding in Supreme Court. Not only is this a daunting process even for someone with time and money on their hands, it is a time-limited process. One missed deadline because you happen to be in the hospital, or caring for children, or you can't take off work, and now you've suddenly lost your home. This unjust process is particularly offensive because it disproportionately affects those that are already on the receiving end of systemic oppression.

Take for example the case of Ms. Q, an elderly woman and a resident at Ravenswood Houses in Astoria that NYLAG met during intake. She had missed her hearing date, and was served with a notice that she could file an Article 78 to challenge the automatic ruling against her. But to do so, she would need access to a computer and a printer or the capacity to travel to Supreme Court and hope that a clerk would patiently help her file. She would then need to navigate the dense legalese and opaque procedures of the court system. Elderly, alone, and disabled, Ms. Q didn't have those resources. In fact, she hardly understood what the notice on her door meant, missed the deadline for filing, and was evicted. There was little we could do for her.

Consider also the case of Ms. V and her family, ongoing for nearly six years. An immigrant from the Soviet Union with limited English, Ms. V's case began when the challenges faced by her developmentally delayed son caused her apartment to fall into disrepair---or at least that's how NYCHA characterized it. What we saw was a repeated failure by housing management to take the necessary steps to provide Ms. V's family with the support they needed. Through tireless work by the advocates in our office, we finally compelled the City to take action. But it should never have come to this---it shouldn't require the threat of eviction to find help for a family. Termination of Tenancy proceedings are not the place where fundamental questions about how we care about each other should be resolved. 803 Atlantic should not be a tribunal on human rights.

I'd like to conclude by reminding everyone that NYCHA is considered housing of last resort. NYCHA tenants often have nowhere else to go in a city that is wildly unaffordable. Evicting our neighbors in public housing is tantamount to sentencing them to shelter entry, which only has further adverse impacts on socioeconomic outcomes. The eviction mill running rampant through the halls of 803 Atlantic must change. The first and easiest step the City can take is to fully roll out the Right to Counsel program for all NYCHA tenants, effective immediately. We must also push NYCHA to reform the Management Manual to prevent the rote, automatic filing of termination proceedings. NYCHA has made a conscious choice to

create a system of rules that is stricter than what required by the federal department of Housing and Urban Development, but there is no reason things have to be this way. Moreover, NYCHA is obligated to provide access to certain alternative dispute resolution and social services, but funding for those services has been cut again and again. We must reverse that by changing our funding priorities. Lastly, and most optimistically, we must continue to fight injustice in all places: in immigration policy, in the criminal justice system, in disability services and elder care, and everywhere racism rears its ugly head.

Thank you.