



**L E G A L
S E R V I C E S**

INCORPORATED

TESTIMONY

IN SUPPORT OF

**INTRO 736: A LOCAL LAW TO AMEND THE
NEW YORK CITY CHARTER, IN RELATION TO
AN OFFICE OF CIVIL JUSTICE**

PRESENTED BEFORE:

**THE NEW YORK CITY COUNCIL'S
COMMITTEE ON COURTS AND LEGAL SERVICES**

PRESENTED BY:

**MICHAEL GRINTHAL
SUPERVISING ATTORNEY
MFY LEGAL SERVICES, INC.**

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I. Introduction

MFY Legal Services, Inc. envisions a society in which no one is denied justice because he or she cannot afford an attorney. To make this vision a reality, for over 50 years MFY has provided free legal assistance to residents of New York City on a wide range of civil legal issues, prioritizing services to vulnerable and under-served populations, while simultaneously working to end the root causes of inequities through impact litigation, law reform and policy advocacy. We provide advice and representation to more than 10,000 New Yorkers each year.

Each year, MFY serves thousands of poor and working poor tenants, throughout New York City. For nine years, MFY has also been part of the Assigned Counsel Project, through which the Manhattan Housing Court refers cases involving tenants over 60 years of age who are facing eviction. The Assigned Counsel Project has been, in many ways, a pilot “right-to-counsel” project. MFY also serves hundreds of people who have already been displaced from their homes and are now living in nursing homes, adult homes, three-quarter houses, and hospitals.

MFY supports the creation of an Office of Civil Justice as an important first step towards the creation of a fully-funded right to counsel for low-income tenants facing the loss of their housing in New York City. MFY also recognizes and applauds the dramatic expansion of funding for eviction prevention legal services over the past year and proposed by the Mayor and the Speaker for the coming year.

The Savings from Eviction Prevention Have Not Been Fully Appreciated

Intro. 736 empowers the Civil Justice Coordinator to, for the first time, deeply study and quantify the impact that free legal services have on the exploding costs of homelessness in New York City. It is well-known that eviction prevention saves money. A bed in a municipal shelter costs the City \$36,000 per year. In contrast, full legal representation in a Housing Court case costs only \$1600-3200 and can prevent an entire household from becoming homeless. What has not been quantified is the even greater savings to be had preventing the often-hidden secondary costs to the school system, hospitals, mental health facilities, drug treatment providers, criminal justice system, and private safety net of meal providers.

At MFY Legal Services, we see these secondary costs directly. Every eviction case that we cannot take breeds multiple and more difficult cases down the line. Elderly or disabled clients who lose their homes in Housing Court are often inappropriately placed in nursing homes or adult homes, or held in hospitals long after their treatment is complete for want of safe discharge plans. Our Nursing Home and Adult Home Projects speak to hundreds of people each year trapped in these facilities -- not because they are unfit to live independently, but because they cannot afford to live anywhere else. In turn, their federal disability benefits are paid to operators at enhanced levels for institutional care or Medicaid pays for even more costly nursing home care. For people with mental illness, eviction triggers decompensation. For recovering substance abusers, eviction triggers relapse. For children, eviction means missed school, higher failure rates and higher dropout rates. All of these situations mean increased treatment costs, administrative costs, and even increased crime rates.

In the current and foreseeable real estate market, every eviction of a rent-regulated tenant means the loss of an affordable apartment, putting more pressure on the few avenues for development of new, truly affordable housing.

Collectively, these costs to the City far outweigh the cost of providing a lawyer in Housing Court. Unfortunately, in the past the cost of eviction has been measured only in the expense of additional shelter beds. MFY's daily experience shows that that is a drastic underestimate of the actual savings to be had in preventing evictions. A Civil Justice Coordinator would be able to study and account for all of these savings and document the true economic value of a right to counsel.

Free Legal Services Effectively Prevent Evictions

It is well-known that more than 90% of landlords in New York City Housing Court are represented by lawyers. Fewer than 10% of tenants are. Until the latter number changes, the many tenant rights and protections written into our laws will go to waste, and attempts to preserve affordable housing will founder at the courthouse door.

MFY's experience with the Assigned Counsel Project (ACP) demonstrates the potential effectiveness of a right to counsel in preventing evictions. Through the ACP, MFY and our partner Northern Manhattan Improvement Corporation are assigned by the Manhattan Housing Court to approximately 130 eviction cases each year. Though these cases tend to be more difficult and pose greater challenges than the average Housing Court case – the tenants -- elderly, disabled, isolated -- are often experiencing the simultaneous failure of multiple support systems. Yet the eviction rate for these cases is lower than the average for Housing Court. Lawyers make a difference. Lawyers prevent evictions. Lawyers help people obtain necessary services so that they do not face eviction again.

Conclusion

MFY Legal Services supports Intro 736 as an important step towards making eviction prevention legal services universal. Further, MFY calls upon the City Council to hold a hearing on Intro 214, which has 35 co-sponsors and would build on Intro 736 to make New York City the first city in the United States to guarantee poor people a right to counsel when facing the loss of their homes.