



NEW YORK STATE SENATOR

Brian Kavanagh

Krueger, Kavanagh, Colleagues Urge Chief Judge Not to Reopen Housing Court Without Safe Public Health Practices

BRIAN KAVANAGH June 12, 2020

| ISSUE: **HOUSING COURT, RACIAL JUSTICE, HOUSING RIGHTS, REOPENING NYC, COVID-19**

| COMMITTEE: **HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT**



On June 12, 2020 Senators Kruger, Kavanagh, and colleagues wrote to Judge Janet DiFiore regarding their concern that reopening New York City Housing Court to in-person proceedings prematurely could pose a significant public health risk to litigants, attorneys, and court personnel, and a particular risk for many of those already disproportionately impacted by Covid-19—low-income tenants of color living in communities hardest hit by the pandemic and older adults. The text of the Senators' letter is below; the original may be viewed via the link above.

June 12, 2020

The Honorable Judge Janet DiFiore
Chief Judge
Court of Appeals of the State of New York
20 Eagle Street
Albany, NY 12247

Dear Chief Judge DiFiore,

We are writing to express our concern that reopening New York City Housing Court to in-person proceedings prematurely could pose a significant public health risk to litigants, attorneys, and court personnel, and a particular risk for many of those already disproportionately impacted by Covid-19—low-income tenants of color living in communities hardest hit by the pandemic and older adults.

As elected officials representing New York City, we support the recent request by the leaders of almost two dozen legal services organizations for the Office of Court Administration to halt the reopening of Housing Court until a safety plan is developed with input from key stakeholders (see attached June 10, 2020 letter to Judge Lawrence Marks). Many of us have been to the Housing Courts during “normal times” and can bear witness to the problems of overcrowding in the hallways and the court rooms. Careful planning must take place to make certain that social distancing protocols can truly be followed in cramped Housing Court facilities where the majority of tenants are unrepresented.

Comprehensive planning must also be done in consultation with legal services providers and City agencies to ensure that providers are able to handle the expected influx of cases, the City is prepared to process emergency rent assistance applications at a significant volume, virtual assistance is available to respondents who may struggle with technology, and services are in place to help respondents who are in self-isolation.

Housing advocates estimate that as many as 50,000 new eviction cases may be filed in Housing Court soon after the Governor's initial eviction moratorium expires on June 20th. Given the demographics of tenants facing the greatest housing hardships and the zip codes with the highest number of past eviction filings, it is extremely likely a disproportionate number of new non-payment cases filed after June 20th will be against low-income tenants living in zip codes hardest hit by the pandemic as well as older adults. While New York City's Access to Counsel program has significantly increased the number of tenants who are represented in recent years, 68% of tenants were still unrepresented in eviction cases in the last quarter of FY2019. If Housing Court reopens too quickly, tens of thousands of unrepresented tenants will likely be forced to come to courthouses across the city in the coming months, potentially jeopardizing their own health, the health of their families, and health of court personnel.

Despite the fact that New York City began the first stage of gradually reopening its economy this week, tens of thousands of New Yorkers are sick or recovering, hundreds of additional residents are still testing positive for Covid-19 each day, and the city's contact tracing initiative only started last week. The New York City Health Department continues to urge residents to stay home as much as possible and to follow social distancing protocols when going outside. Many of our constituents, particularly those who are older adults and/or have pre-existing conditions, remain in self-isolation. All New York City schools, day care facilities, public institutions are closed, and most city residents who are still employed continue to

work from home.

We recognize the importance of Housing Court and believe that plans can be developed with input from key stakeholders to reopen court facilities for in-person operations at the appropriate time. We strongly urge the Office of Court Administration to pause its current timeline for reopening Housing Court, and to work with legal services providers, public health experts, and City agencies to ensure the proper systems and safeguards are in place to protect public health and prevent mass evictions.

Sincerely,

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