

TESTIMONY OF JILL BRADSHAW-SOTO, ESQ.

On Behalf of Legal Services of the Hudson Valley

RE: Good Cause Eviction Bill (S3082)

January 7, 2022

Thank you, Senators, for your invitation to testify before this Committee regarding the proposed legislation and its effects on our client population. I welcome the opportunity to share my experiences as a legal services attorney and manager, in addition to the experiences of my clients and their families.

INTRODUCTION

My name is Jill Bradshaw-Soto, and I am the Chief Program Officer at Legal Services of the Hudson Valley. LSHV is the sole provider in the Hudson Valley of free, comprehensive, legal services in civil matters for individuals and families who cannot afford an attorney when their basic human needs are at stake. This includes urgent legal needs such as: housing emergencies (eviction and foreclosure prevention); domestic violence (orders of protection, child custody, etc.), healthcare, children's advocacy, disability and benefits, elder law, consumer fraud and more. In pursuit of this mission, LSHV maintains a staff of 171 individuals, including 101 attorneys working across nine offices throughout our service area including: Westchester, Putnam, Rockland, Orange, Dutchess, Ulster and Sullivan counties. In 2021, LSHV opened approximately 12,000.00 cases, 5500 of these cases involved housing related issues, including evictions and substandard living conditions. Despite the moratorium Landlords have continued to evict tenants by withholding essential services, threats, and the filing of new eviction petitions. In our coverage area alone, 4788 new proceedings were filed in 2021. ¹

¹ww2.nycourts.gov/lt-evictions-33576

The Pandemic has served to highlight the ongoing, systemic problems within our eviction proceedings court system. Having represented tenants for the last 24 years in some of the busiest Courts in our service area, I can provide first-hand testimony regarding the speediness of evictions that take place outside of New York City and its effects on families, particularly children. Studies have shown that lack of regular, stable housing and homelessness, can negatively affect children's physical, social, emotional, and cognitive development.² Children who become homeless are typically set back six months or more in their education. Communities endure enormous costs in the form of providing shelter, increased social services, and other emergency services. Not to mention the disintegration and destabilization of neighborhoods.

As most tenants are unrepresented, I have watched hundreds of eviction proceedings where Landlords are issued judgment and warrants of eviction in as little as 5 minutes. While the moratorium has meant that the cases will last a little longer, the result is the same and the system remains broken and inequitable.

STATE OF AFFORDABLE HOUSING

While the Pandemic has greatly contributed to loss of employment, stability of housing and families, the brokenness of our eviction system pre-existed the onset of COVID. As a housing attorney, I have watched families struggle to stay in their homes, advocate and fight for habitable housing and rapidly relocate, over and over in search of affordable housing.

In the Counties in which we provide assistance, affordable housing is a scarcity. While Section 8 subsidies exist, they are few and require staying on waiting lists for several years. In

² Early Childhood Highlights/Child Trends, *When the Bough Breaks: The Effects of Homelessness on Young Children*, February 2012, By, Marci McCoy-Roth, Bonnie B. Mackintosh & David Murphey.

Nassau, Rockland, and Westchester counties there is rent regulation which affords tenants some basic rights under the Emergency Tenant Protection Act (ETPA). The ETPA prohibits excessive rent increases, evictions without cause and allows tenancies to remain within families. However, tenants who do not live in ETPA apartments, do not have these protections. Certain subsidized housing requires good cause to evict a tenant, however, their availability is far less than the need.

Additionally, in more rural areas, many families live in substandard mobile home parks, where they are subjected to exorbitant fees for water and sewage services. While the laws governing mobile home parks were recently reformed to increase protections for homeowners who rent lots, the laws are complex. Lack of representation for tenants is particularly acute in rural areas, preventing lot tenants from asserting their rights and thus losing their homes and investments into them.

Prior to the pandemic, in New York, there were only 37 affordable and available rental units for every 100 renters with extremely low incomes. Studies have shown that a New Yorker has to work 109 hours a week at minimum wage to afford a modest apartment. This means that families are forced to choose between basic necessities like groceries and medicine or payment of rent.³ It also means that often, renters are forced to live in uninhabitable and unsafe housing for extended periods of time.

Essentially, the reality is that most tenants live in housing that is unregulated and unprotected. There is no lease and no legal right to a lease, so at the whim of the Landlord, a long-term tenancy can end with either a 30-, 60- or 90-day notice. Additionally, as there is no right to counsel outside of New York City, tenants oftentimes cannot assert the protections and

³ National Low-Income Coalition's Out of Reach Report, 2021, pg. 9.

defenses set forth in the Housing Stability & Tenant Protection Act of 2019 (A.8433/S.6615). Instead, they are forced to agree to unconscionable settlements that require them to vacate with very little time to locate alternative housing or locate affordable storage options while they are forced into a homeless shelter.

Additionally, as there is no warranty of habitability court parts outside of the New York City Housing Court system, tenants do not have an enforcement mechanism for addressing a Landlord's failure to make repairs and maintain habitable housing, or otherwise comply with local housing laws including discrimination statutes. Aware of the lack of enforcement and the power imbalance, rather than maintain habitable premises and charge fair rents, Landlords will seek to evict tenants and move on to rent to the next family and continue the cycle.

BENEFIT OF GOOD CAUSE EVICTION BILL

The proposed legislation will go a long way in transforming our eviction court proceedings into a more equitable system. It requires the Landlord to commence an eviction proceeding based upon good cause shown, rather than personal greed or biases. The result will be that a Landlord cannot decide that because a tenant refuses to pay an exorbitant or illegal rent increase, or makes complaints to their local Building Department, they will commence a summary eviction proceeding and evict them.

Landlords will no longer be able to commence proceedings without a valid basis for terminating a tenancy. Instead, their petitions will not be heard unless they plead and establish good cause for termination. The effect of this additional requirement will be that Landlords will think twice before proceeding to eviction court and instead will be forced to interact fairly with their tenants and the cumulative result will be less eviction proceedings filed. The legislation

also provides safeguards that protect Landlords from illegal or detrimental actions of tenants by providing exceptions to the good cause requirement.

In order to make the current legal protections effective, most tenants need attorneys to assert the appropriate legal arguments. However, more than 90% of the time, tenants are not represented. Consequently, the legal protections are not consistently applied and tenants become homeless.

Imagine that you have lived in a rented apartment for many years and have always paid your rent timely and were an overall good tenant. Suddenly, your Landlord decides that he wants to increase the rent by several thousands of dollars, when you object, he threatens not to renew your lease and subsequently files an eviction proceeding against you in your local City Court. At the first appearance, within 5 minutes of your case being called, your Landlord obtains a judgment and warrant with a 14 day stay. This fact pattern is not unique, in fact it happens daily in housing courts across the state. A second scenario involves the same Landlord but instead of a rent increase, there are repairs that the landlord fails to make for over a year. It's now winter and you have had no heat for the last two months and you live in your apartment with two young children who are walking around with sweaters and mittens to keep warm. After you complain to your Landlord several times, you are forced to make a complaint to your local Building Department. Your Landlord is very angry when he is notified of your complaint and ultimately serves you with notification that your lease will not be renewed. A couple of months later you are served with court papers and after appearing in court without representation, believing that you have no defenses, you negotiate three weeks to move out. Unable to locate affordable housing, you are placed in a homeless shelter where you and your family remain for a year. Now imagine that these scenarios have happened to your family several times over a five-

year period. This is reality for many of our clients. We have seen families who live in constant flux having to move every other year, always being in search of an affordable apartment. Being forced to make choices between basic necessities and rental payments; forced to live in apartments lacking repairs due to fear of retaliation by their Landlord.

Even the most experienced housing attorney cannot prevent an eviction when legal defenses for unprotected housing do not exist in the law. If there is no lease or the lease expires, and there are no procedural defects to the landlord's petition, an attorney is limited to negotiating time to vacate. With the creation of a good cause requirement, where none has previously existed, tenant attorneys are being provided with an additional tool to prevent evictions. It levels the playing field and creates equity and fairness. If a Landlord is required to prove good cause exists to terminate a tenancy, they will be less likely to take a hard stance in negotiating a settlement that is equitable to both parties. In fact, I am confident that while the passage of such legislation will not create additional affordable housing units, it will result in the preservation of current units and lead to fewer eviction filings.

As we seek to address the systemic issues and abuse of power inherent in our Landlord/Tenant court proceedings, this legislation will be an essential tool in reforming our current system and establishing equity and fairness.