



United Tenants of Albany

A Better Place to Live

21 AUGUST 2020

TO: Burton Phillips, Albany Chief of Staff and Counsel, Senator Brad Hoylman

FROM: United Tenants of Albany (UTA), Laura Felts, Executive Director & Julia Long, Court Advocate

ATTN: Joint –Senate Standing Committee on Judiciary and Senate Standing Committee on Codes and Senate Standing Committee on Housing, Construction and Community Development

RE: United Tenants of Albany (UTA) Submission, Public Hearing Testimony: To examine the re-opening and operation of New York's courts during the COVID-19 pandemic

United Tenants of Albany (UTA) is a local community based nonprofit in Albany, NY which seeks to protect tenants' rights for safe, decent, affordable housing with special emphases on those who have the greatest need or who experience the most severe problems. UTA assists thousands of tenants across New York State who face housing instability – instability which frequently manifests itself in the form of court issues & proceedings. For more than 30 years, UTA has attended court with tenants facing eviction in Albany City Court. UTA also has a history of assisting tenants responding for eviction proceedings in surrounding courts throughout Albany County, some of which are in rural areas. UTA has deep experience and knowledge of the environment with which tenants contend when petitioned to court to face the prospect of eviction, and the organization has great concern regarding the re-opening and operation of courts in Upstate New York during the COVID-19 pandemic.

Courts should not re-open without all things in place that will allow tenants to fairly and equitably access the justice system, in a manner that enables them to have a chance to save their housing. Particularly in a time where “Stay at Home” orders continue to exist, it has never been more important for renters to have the capacity to remain safely and stably housed. Across the country, more than 100 million Americans rent. Often, the narratives surrounding tenants' rights issues in housing matters in court are overwhelmingly focused on New York City – two-thirds of NYC residents are renters. However, 65% of households in Albany, NY are renting. Across Upstate New York, many cities are comprised of a majority renting population – including Buffalo, Rochester, and Syracuse. Even in a small village such as Catskill, NY, 51% of the population rents.

In the City of Albany, this 65% population subset equates to roughly 26,000 households. Of these 26,000 renter households - roughly 5,000 were petitioned to eviction court annually over the course of the past two “normal” years. Pre-Covid-19, there were days when as many as 15 households were on the Albany City court calendar. Public housing cases were calendared monthly, with as many as 250 households petitioned in one day. As news headlines repeatedly indicate concerns surrounding a “wave of evictions” across the country, the staff at UTA attempt to wrap their minds around what our community might look like if our “normal” rate of eviction petitions were to, say, double. Will half of the entire renting population face eviction over this year?

According to USA data: Median household income in Albany, NY is \$43,790. Males in Albany, NY have an average income that is 1.3 times higher than the average income of females, which



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is \$59,246. The income inequality in Albany, NY (measured using the Gini index) is 0.499, which is higher than the national average. Given these statistics along with fact that the majority of renters in Albany, NY are single women with children, this population was at a higher risk of facing eviction and homelessness prior to Covid-19. The rate of eviction will only amplify in the wake of the pandemic. The cost of living in Albany, NY is nearly 10% higher than the national average, yet, Albany and virtually all of upstate NY **do not have**:

1. Any form of stabilized rent or rent control. Rents are increased at any rate, at any time upon lease expiration or notice to tenant without a lease;
2. Right to Counsel
3. Emergency Tenant Protection Act (ETPA)

To flush this out, factoring in income inequality (since the majority of households facing eviction are families of color), a Black/Latina woman head of household earns just \$21,851.12 in Albany, NY which breaks down to \$1820.93 per month. The average rent as quoted by apartments.com is 1,258 for two bedrooms, and \$1,502 for three bedrooms and most apartments do not include heat/electric (the average national grid bill (Albany, NY gas & electric supplier) ranges from approximately \$100 during the summer months- to several hundred per month during the winter months. If one were to deduct \$1502. From the monthly income of 1821. That would leave the renter just \$318.92 from which national grid and other monthly expenses must be deducted.

It stands to reason that these aforementioned families detailed in this equation, which is representative of the majority of households that are currently facing eviction, cannot afford to pay internet/Skype for Business which is the preferred mode of operation for housing court in Albany, NY. The courts should not be allowed to re-open Albany, NY until courts afford tenants residing in this county full due process and the ability to have their cases heard in a safe equitable manner.

Julia Long is the SOLE court advocate in the City of Albany - where 5,000 evictions occurred annually during a “normal” cycle. She already assisted hundreds of households in court each year. However; things are no longer “normal” due to Covid-19. Evictions are expected to soar due to the enormous loss of jobs, immeasurable financial impacts on families due to illness and loss; and community instability resulting from the political mishandling & inaction surrounding the pandemic at all levels.

Post Covid-19, the calls of anguish requesting assistance are too many to count. Tenants detail illegal lock-outs (due to the tenant’s inability to pay rent); code violations where rodent infestation is rabid (landlords refusing to exterminate); unsafe and unfit conditions; water and power cut-offs by landlords and other inhabitable conditions of which the tenants cannot adequately represent themselves to argue against. While the courts have a duty to keep judges, court staff and the general public safe, virtual court is not the solution for the above mentioned reasons.

Additionally, while the Tenant Safe Harbor Act was a meaningful piece of legislation that stayed evictions, money judgments against tenants prevent renters from becoming homeowners, building generational wealth and fully buying into the American Dream. Tenants who find themselves in debt at no fault of their own, who contend with the unavoidable consequences of the pandemic, have no recourse or defense that allows them to emerge from COVID19 unscathed. The Safe Harbor Act is a policy measure that burdens & punishes people with debt



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who experienced hardships during COVID19, especially low-income people who were already living without a safety net. The Safe Harbor Act further forces renters into housing emergencies, and makes struggling tenants prove their financial struggles before a judge, in the middle of a court proceeding for eviction.

In terms of Federal Protections from the CARES Act, tenants have no way of knowing if their landlord's mortgage is in forbearance or if the landlord has received federal stimulus money to offset their loss of rental income. If the courts are able to fully open albeit virtually, tenants will not have the opportunity to question whether a landlord has a Fannie Mae, Freddie Mac or other Federal loan agreement and is in essence seeking double payment for the rental property because tenants in Albany, NY do not have a Right to Counsel and lack the means to conduct legal research. Thousands of tenants in the City of Albany alone will

In short, as the organization which has provided the singular, sole Court Advocate for over 30 years in the City of Albany, NY with a population of 100,000, we beseech this honorable panel to do all in its power to **prevent the courts from re-opening for eviction proceedings until the tenants in this city and all of those outside of the five boroughs are afforded the opportunity of equal justice and due process.**

Julia Long, Court Advocate, United Tenants of Albany

Laura Felts, Executive Director, United Tenants of Albany