
NYCBA HOUSING NEWSLETTER

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Please send any news or article you wish to publicize to [Anna Scarfutti](#) or [Melissa Banks](#).

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[HPD Eases Up on Downsize Policy](#)

HPD reversed its position on a controversial policy that would have forced thousands of Section 8 tenants to move to smaller apartments. HPD had announced that Section 8 tenants occupying one-bedrooms were “overhoused” and would have to move to studios. Following a considerable uproar regarding possible uprooting of elderly and disabled residents, housing officials reversed the policy to “alleviate the hardship” on single tenants and because the city’s low supply of studio apartments had made it difficult for them to find new homes.

[California Dreaming of Novel Eviction Assistance](#)

Started in 2011, the Eviction Assistance Center in Los Angeles is part of an experiment by the California courts on the benefits of providing more lawyers and legal advice to low-income people in civil cases such as child custody, protective orders against abusers, guardianship and, most commonly, evictions. Like similar programs in Massachusetts and New York, the center is providing full or partial assistance to a third of the 15,000 tenants who face evictions each year in a single courthouse. One of its goals is to improve the assessment guidelines determining who most needs a lawyer and who can manage with ‘self-help’ direction. The program also tracks those denied assistance.

Free legal assistance in noncriminal cases is rare and growing rarer. A recent study in Massachusetts found that two-thirds of low-income residents who seek legal help are turned away.

The California project adds to the current legal discourse—sometimes called “Civil Gideon”—about the right to representation in civil actions involving basic needs like housing, safety and custody. Having an attorney made a huge difference in one elderly Salvadoran immigrant couple's housing case. Without Ms. Sharma’s legal help, Mr. Artiga said, “we would have been kicked out.”

LEGISLATIVE NEWS

[Tax Hike for Apartments Stalls](#)

City Council proposal targeted at changing the tax code where apartment buildings pay disproportionately higher taxes than one-, two- & three-family homes seems to have stalled.

[NYT on the Push for Right to Representation](#)

The New York Times reported on the current legislative push for the right to counsel in housing court cases.

The article recounts several accounts of tenants who lost their homes for reasons that could easily have been averted with help from legal counsel.

In conclusion, the article notes that, while the pending right to counsel bill would cost the city \$100 million to more than \$200 million, savings in shelter costs could offset the expenditures.

[NYCHA's 'Solution' in the Same Mold](#)

A year after promising to fix mold problems, NYCHA has largely failed to address systemic problems like roof and pipe leaks in its developments. Tenants complain that NYCHA relies on ineffective stopgap measures such as painting over the mold.

Matthew Perzanowski, associate professor of environmental health sciences at Columbia University's Mailman School of Public Health, points out that mold can cause respiratory illnesses like asthma. Repairs should address the root of the problem—moisture behind the wall or ceiling—noted Sister Susanne LaChappelle, a nurse who has children with respiratory problems since 1999. A class-action lawsuit organized by the Urban Justice Center's Safety Net Project on behalf of thirty-five tenants at the Hope Gardens Apartments in Bushwick aims to force NYCHA to address the mold problem.

[What's the 311?](#)

The City has released a 311 Mobile Application update whereby tenants can register heat and hot water complaints from their mobile devices. After filing the complaint, users can check for updates by going to the complaint screen in the app.

[Right to Counsel Forum Held on December 5th](#)

The Impact Center for Public Interest Law at New York Law School held on December 5 a forum on the right to counsel in eviction proceedings. Among the speakers were Hon. Jonathan Lippman, NY Court of Appeals, HRA Commissioner, Steven Banks, NYCBA President, Debra Raskin, NYCBA General Counsel, Alan Rothstein and our own Hon. Sabina Kraus, NY County Housing Court Judge.

This initiative is a part of the broader "Civil Gideon" movement that aims to establish a right to counsel in noncriminal, yet impactful, legal proceedings such as eviction and child custody.



LEGISLATIVE NEWS

[NY State Bar Endorses Court Spending Proposal](#)

[Joel Stashenko, New York Law Journal

December 4, 2014]

The New York State Bar Association said Wednesday that the Judiciary's proposed \$1.86 billion for next fiscal year would, if accepted by Gov. Andrew Cuomo and state lawmakers, enhance the public's access to justice. The spending plan calls for an extra \$15 million in state funding for civil legal services to low-income New Yorkers, for a total of \$70 million.