



**Manhattan**

841 Broadway  
Suite 301  
New York, NY 10003  
212/674-2300 Tel  
212/254-5953 Fax  
646/350-2681 VP

**Queens**

80-02 Kew Gardens Rd  
Suite 400  
Kew Gardens, NY 11415  
646/442-1520 Tel  
347/561-4883 Fax  
347/905-5088 VP

**Center for Independence of the Disabled, NY**

August 21, 2020

Examining the Reopening and Operation of New York  
State Courts during the COVID-19 Pandemic

Joint Committees on the Judiciary, Codes and Housing,  
Construction and Community Development

Lourdes I. Rosa-Carrasquillo, Esq.  
Director of Advocacy

My name is Lourdes I. Rosa-Carrasquillo, Esq. I am the Director of Advocacy for the Center for Independence of the Disabled, NY (CIDNY).

I would like to thank Senators Brad Hoylman, Jamaal Bailey, and Brian Kavanagh for having this Joint Hearing and allowing me to address the effects that reopening the New York State Court Systems will have on people with disabilities. I would also like to thank you for all the support you have given through the bills you sponsor on behalf of people with disabilities.

Thank you also to Chief Judge Marks for creating procedures regarding the eviction moratorium. This has prevented many tenants with disabilities from becoming homeless during the COVID-19 pandemic.

I would like to start with stating that people with disabilities are people of color, immigrants, survivors

or victims of sexual abuse and many other groups that are underrepresented today.

CIDNY is here to request that the extension on the moratorium continue for all tenants, including tenants who eviction matters commenced prior to March 17.

The Center for Independence of the Disabled, NY (CIDNY) serves people with disabilities throughout New York City. We offer various services, including benefits counseling and assistance with housing. Housing assistance varies from seeking and applying for housing, obtaining subsidies to pay rents, to obtaining reasonable accommodations and/or modifications.

Many people with disabilities who seek services from CIDNY are at risk of being evicted and becoming homeless. This occurs often when they request their legal right to a reasonable accommodation and/or

modification and/or are receiving subsidies to pay their rents.

New York State & New York City have Anti-Source of Income Discrimination Laws. The law protects tenants against being discriminated against because they receive government sources of income such as Social Security Disability Insurance, Supplemental Security Income, HUD – Section 8. Or the tenants receive subsidies that help people with disabilities in institutions, like nursing homes, return to the community as well as other forms of subsidies.

Although the law exists to prevent discrimination based on source of income, CIDNY staff constantly inform me that landlords continue to do so. Often the landlords don't accept the subsidy. If they do, after the tenant with disabilities signs the lease and moves in, the landlord demands more for rent from the tenant with disabilities. If the tenant with disabilities

refuses, the landlord intimidates them by stating they will evict them, harasses them such that the tenant wants to move out, or illegally evicts them.

This behavior continues even during the pandemic. The moratorium has protected tenants with disabilities from being evicted at this time.

Looking beyond source-of-income discrimination, we must acknowledge that people with disabilities are employed, although not at the same rate as people without disabilities. The people with disabilities who are employed are also in the same predicament as people without disabilities who are employed. They have been furloughed, had their work hours cut, or let go because there is no work. Some are eligible for unemployment, while others may not be.

At CIDNY there have been D/deaf clients, who were eligible for unemployment, that could not complete

the process because it took them more time to understand the questions needed to be completed. Remember, American Sign Language is not English nor a written language.

However, people with disabilities are often struggling to make ends meet because of their low income and having to pay for health care services.

The loss of employment causes even more shuffling of monies to make ends meet. It is a difficult choice to pay your rent or pay for medical treatment to address complications from their disabilities or just maintain their current health. Similarly, tenants with disabilities are also struggling to pay other expenses – like food on the table. The same as people without disabilities.

Tenants with disabilities whose eviction proceeding started before March 17 based on rent arrears may

have been able to apply for the Department of Social Services' (DSS) One-Shot deal that would pay for past due rents, had there been no pandemic. Now that program is stiffened.

Currently, the Department of Social Services is not accepting applications for One-Shots. They base their decision on the fact that there is a moratorium. Therefore, tenants don't need financial assistance. However, no discussion or information has occurred on how DSS will process the massive amount of applications that will be submitted.

In addition, many DSS offices have been consolidated due to the pandemic. An office that may have been in a tenant with disability's neighborhood now may be closed. So the individual with a disability will need to travel further to another location. This makes it more difficult due to the lack of accessible transportation

and/or the fact that people with disabilities have a higher risk of being infected by the Coronavirus.

Opening the courts, even if only for cases commencing prior to March 17, will have dire effect on people with disabilities. Many speak of the health risks appearing in person. People with disabilities are equally concerned.

However, virtual hearings also create barriers for people with disabilities. Yes, access to Wi-Fi, computers, etc. are significant barriers. Some members of the panel raised the issues interpreters whose spoken language was not English. The issues of interpreters have also created barriers in the courts to the D/deaf community. Virtual hearings will make it even more difficult.

ASL is a very physically expressive language that includes body movement. Requiring a three



dimensional interaction. In addition, virtual hearings' reliance on uninterrupted Wi-Fi connection and certain speeds. If the connection buffers or is lost, so is the communication between the ASL interpreter and tenant.

I am hard of hearing and require captioning. Often, the stenographer lags behind a few sentences. While everyone on the virtual setting can hear, they don't understand why my responses lag. Or worse I miss an opportunity to speak because I cannot respond timely. Effectively being excluded from the meeting.

Chief Judge Marks, your Administrative Order states that during a conference there will be an inquiry into the effects, if any, that the COVID-19 pandemic has had upon parties. He references the New York Tenant Safe Harbor Act as a possible special relief.

Thank you to Senator Hoylman and Assembly Member Dinowitz who sponsored and ensure the passing of the New York Tenant Safe Harbor Law. I am certain that has saved thousands of people from eviction and potential homelessness.

But the Safe Harbor Law is limited as stated by Senator Hoylman after its passing. His statement was right on-point.

“No single law can single-handedly solve the eviction crisis – but the Tenant Safe Harbor Act is one crucial step to address the looming tidal wave of evictions.”

Senator, you acknowledged that there is looming a “tidal wave of evictions.” As well as that, this powerful law cannot solve the eviction crisis.

The legislation prohibits courts from ever evicting residential tenants who experienced financial hardship for non-payment of rent that accrues or becomes due during the COVID-19 period. It would apply to unpaid

rent accrued between March 7 and a date yet to be determined.

Yet Chief Judge Marks, evictions filed prior to March 17 will be commenced. CIDNY requests not to commence any evictions and continue the moratorium.

The court has a heavy burden and extremely large caseload on which to hold status or settlement conferences, review procedural history, confirm compliance with notice requirements, inquire into the effects of the pandemic, ensure all tenants have sufficient right to counsel representation – who have an extremely large caseload are underfunded causing understaffing.

I can't imagine the numbers in the looming tidal wave Senator Hoylman speaks of. I can't fathom how the courts can possibly ensure, while the pandemic is still alive and hovering over the State, that tenants with

disabilities are given their right to reasonable accommodations. A right that gives them the ability to fully participate in all aspects of their case.

Pre-COVID-19 the courts could not make many reasonable accommodations for many people with disabilities who requested it.

Again, CIDNY thanks the Senate. CIDNY hopes that by telling the struggles of people with disabilities, generally, with a focus on tenants with disabilities, the legislators can join together to prevent the commencement of housing cases prior to March 17. Furthermore, that a moratorium continues until the courts can address all the issues raised by the panelist today. The issues of safety, risk of homelessness that can lead to the spread of the COVID-19 virus, a risk higher among people of color, survivors/victims of sex abuse, immigrants, seniors, etc. Populations that also

have people with disabilities who will be significantly impacted.