



January 7, 2022

**Senate Standing Committee on the Judiciary and
Senate Standing Committee on Housing, Construction and Community Development
Hearing re: Good Cause Eviction Legislation**

**Oral Testimony of The Bronx Defenders
By: Siya Hegde, Policy Counsel to the Civil Action Practice**

Good afternoon. My name is Siya Hegde and I am Policy Counsel to The Bronx Defenders (“BxD”) ¹ Civil Action Practice (“CAP”). We thank Senators Hoylman and Kavanagh for organizing this joint hearing and Senator Salazar for championing this critical Good Cause Eviction legislation.

Since the pandemic began, hundreds of thousands of New Yorkers have feared eviction from their homes. While tenant organizers and advocates fought tirelessly for the passage of multiple eviction moratoriums over the past 21 months, the current moratorium is set to lapse a little over a week from now on January 15² leaving an estimated 227,000 tenants at risk of eviction in New York City alone. While countless renters in New York face heightened risk of housing instability because of the pandemic, the 1.6 million renter households in unregulated housing -- who face the threat of no-cause holdover proceedings -- are especially vulnerable to

¹ We are a holistic public defender non-profit that is radically transforming how low-income Bronx residents are represented across various legal systems, and, in doing so, is transforming those systems themselves. Our robust staff of over 400 consists of criminal, civil, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, paralegals, data and communications experts, and team administrators, all of whom collaborate to provide quality holistic advocacy to our clients. Through an interdisciplinary team-based structure, we have pioneered a groundbreaking, nationally-recognized model of representation called holistic defense that works to address the causes and consequences of multi-legal system involvement. We annually defend over 20,000 Bronx community residents in criminal, civil, immigration, and child welfare cases, reaching thousands more through our community intake, organizing, and youth mentorship programs. Through impact litigation, policy advocacy, and community organizing avenues, we also push for broader systemic reform at the local, state, and national levels. Our direct services advocacy with clients and community members inform our innovative initiatives to bring about real and lasting change.

² See Rachel Holliday Smith and Josefa Velasquez, *Hochul Signals Aim to Let Eviction Moratorium Expire*, Albany Sources Say, The City (Jan. 4, 2022), <https://www.thecity.nyc/2022/1/4/22867697/hochul-signals-aim-to-let-eviction-moratorium-expire-albany-sources-say>.

homelessness as they have fewer legal protections, have fewer legal defenses in housing court, and are often left to seek alternate housing on their own.³

Roughly half of New York City's apartments are not rent stabilized, giving many landlords the ability to deny lease renewals and raise rents to unaffordable levels. As civil public defenders in the Bronx, we work with a disproportionate number of Bronx residents who are working-class and live in rent-burdened households. The Bronx faced a stark 12.4% unemployment rate in September 2021, almost triple the national figure.⁴ For renters in unregulated housing – the vast majority of whom are Black, Brown, Latinx, or undocumented – abrupt rent spikes are far too common. And even after an eviction and the end of a housing court case, many of our clients remain vulnerable to debt collection. The Good Cause Eviction bill recognizes the danger of rent spikes. By creating a rebuttable presumption of unreasonable rent increases, this legislation would not only preclude eviction filings without cause, but it would also strengthen tenants' abilities to challenge these spikes in court.

In the Bronx, the absence of eviction protections for renters in unregulated apartments has created significant barriers to enforcing the right to adequate housing. Many landlords evade making necessary repairs. Several of our clients facing no-cause holdovers have experienced heat and electricity shutoffs by their landlords in recent winter weeks. These and other substandard conditions that too many are suffering – for example, rampant mice and rat infestations, mold and mildew, lead-based paint, inoperable fixtures – have made their quality of life unbearable and inhumane. Though these inadequate living conditions directly violate the city's Housing Maintenance Code, the warranty of habitability, and, at minimum, international human rights standards regarding the right to housing, the lack of long term tenancy or succession rights hinder their ability to report and induce their fear of retaliatory evictions and illegal lockouts.

This bill would improve living conditions. Tenants in unregulated apartments would be in a stronger position to assert their right to organize for safer, more habitable conditions and hold code enforcement bureaus and landlords accountable for open violations without fear of retaliation. The bill recognizes the duty of landlords to make necessary repairs once renters in unregulated apartments have granted access to do so.

BxD fully supports the Good Cause Eviction bill and expresses deep concern about the housing instability this pandemic has triggered for low-income renters. The Legislature and the Governor should follow the lead of local upstate jurisdictions that have already passed their own Good Cause measures and prioritize it in this current session.

We appreciate the opportunity to testify today.

³ See Kate Ham, *Why New York Needs Good Cause Eviction*, Cmty. Serv. Soc'y (Sept. 29, 2021), <https://www.cssny.org/news/entry/good-cause-eviction-legislation-protect-rental-households-tenants>.

⁴ See Mihir Zaveri, Matthew Haag and Sofia Cerda Campero, *How the Pandemic Worsened a Housing Crisis in the Bronx*, N.Y. Times (Nov. 16, 2021), <https://www.nytimes.com/2021/11/16/nyregion/bronx-evictions-housing-coronavirus-pandemic.html>.