

NYC Office of Civil Justice 2017

ANNUAL REPORT AND STRATEGIC PLAN

Acknowledgments

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About the Human Resources Administration/Department of Social Services

The New York City Human Resources Administration (HRA)/Department of Social Services (DSS) is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs, including:

- Economic support and social services for families and individuals through the administration of major benefit programs (Cash Assistance, Supplemental Nutritional Assistance Program benefits [food stamps], Medicaid, and Child Support Services);
- Homelessness prevention assistance, educational, vocational and employment services, assistance for persons with disabilities, services for immigrants, civil legal assistance, and disaster relief; and
- For the most vulnerable New Yorkers: HIV/AIDS Services, Adult Protective Services, Home Care, and programs for survivors of domestic violence.

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Introduction

In June 2015, with the signing of City Council Intro 736-A into law by Mayor Bill de Blasio, New York City's Office of Civil Justice (OCJ) was created as a part of the New York City Human Resources Administration (HRA)/Department of Social Services (DSS). For the first time, an office was created to oversee and monitor the City-supported civil legal services available to low-income New Yorkers and other residents in need, and to study the impact and effectiveness of the services that are available to New Yorkers as well as the need for such services. OCJ shares HRA's mission of fighting poverty, reducing income inequality, and addressing homelessness in New York City.

The creation of the Office of Civil Justice accompanies New York City's unprecedented investment in civil legal services programs for low-income New Yorkers over the past three years. After years of limited funding for legal services in areas like assistance for low-income tenants and immigration legal services, the de Blasio Administration, as well as the City Council, have established and enhanced an array of legal services programs to meet the civil legal needs of New Yorkers involving both specific categories of assistance (e.g., housing, immigration, unemployment) and for discrete populations with specific legal needs (e.g., survivors of domestic violence, seniors).

Now, in New York City's Fiscal Year 2018, City funding for civil legal services — free or low-cost assistance and advice by lawyers for people with non-criminal¹ legal problems involving basic necessities such as housing, health care, government benefits, and immigration status — is at an all-time high of \$142.6 million, of which \$135 million is in the OCJ budget. This includes the de Blasio Administration's commitment of \$77 million² for legal services for tenants, including funding for the first phase of New York City's historic Universal Access program which for the first time — and as the first city anywhere in the United States to do so — will make legal assistance available to all tenants facing eviction in Housing Court. \$48 million in Administration and Council funding supports an array of immigration legal services programs this year (from widely available legal screenings and advice to full-fledged legal representation for immigrants facing deportation) at a time when securing access to legal protections for immigrant New Yorkers has never been more urgent or important.

¹ In *Gideon v. Wainwright*, 372 U.S. 335 (1963), the United States Supreme Court unanimously ruled that states are required to provide attorneys to criminal defendants who are unable to afford counsel. Under New York State County Law Article 18-b, access to counsel for the indigent is guaranteed in certain other circumstances, including, but not limited to, cases alleging abuse or neglect of children against parents or guardians in the New York City Family Court.

² This includes \$41 million for anti-eviction legal services and \$35.7 million for anti-harassment services. It does not include \$2.8 million for administrative costs and staff to support legal services.

This report — OCJ's second, and its first to include a strategic plan for the provision of a variety of civil legal services for low-income New Yorkers — is respectfully submitted with the intention of promoting further discussion and policymaking about the efficient and effective provision of legal assistance, to level the playing field for litigants in the city's courts, and the promotion of a fair and accessible system of justice for all New Yorkers.

Main Findings

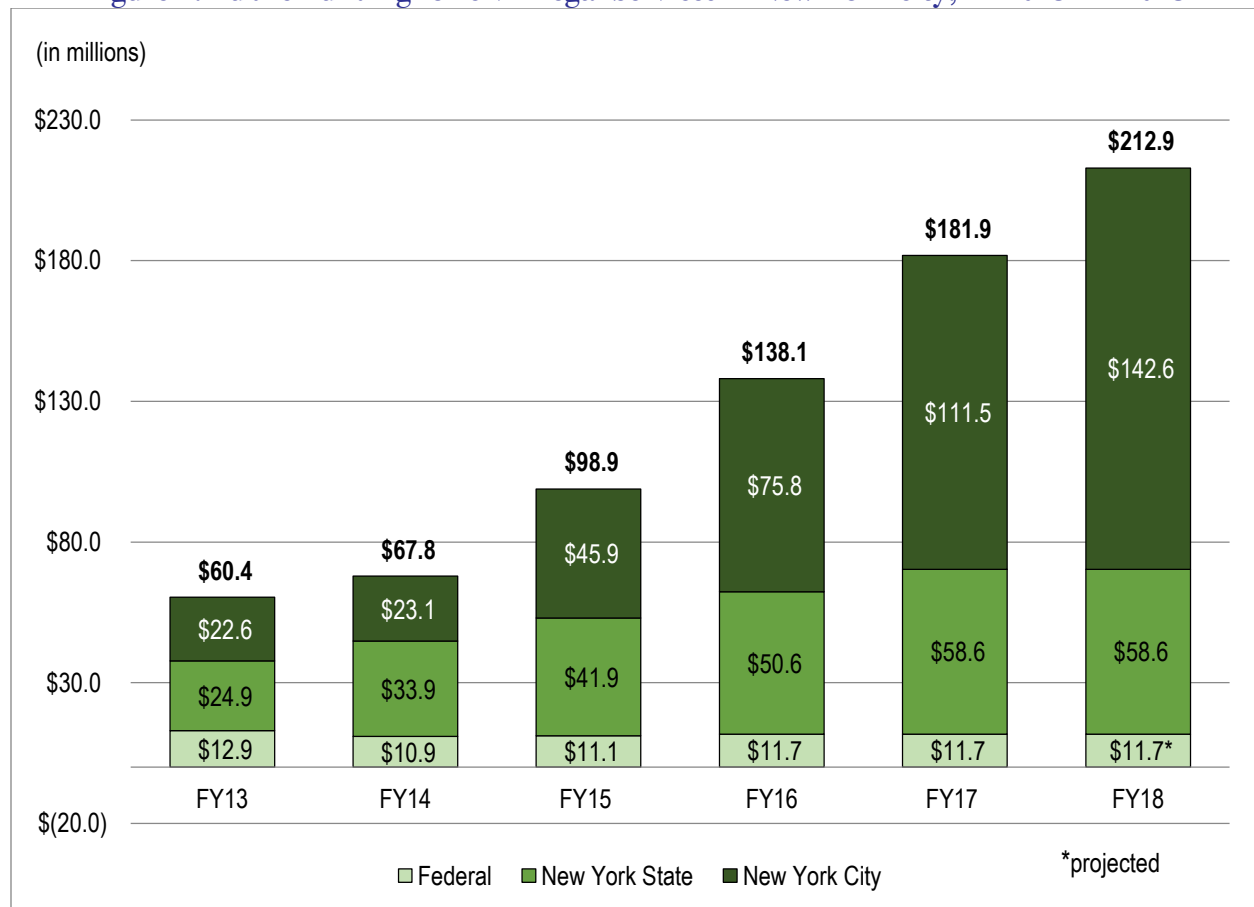
- **In Fiscal Year 2018, New York City’s overall investment in civil legal services for low-income New Yorkers will exceed \$142 million, a 28% increase from the year before.** In Fiscal Year 2018, Mayoral funding for civil legal services programs will exceed \$100 million for the first time. Taken together with City Council awards of over \$29 million administered by the Office of Civil Justice, these investments will fund free legal services for low-income New Yorkers in areas including housing, immigration, benefits access, domestic violence, and other areas of civil legal needs.
- **New York City will be the first city in the United States to provide access to legal services to every tenant facing eviction in court.** In August 2017, New York City enacted Local Law 136, establishing the nation’s first program for universal access to eviction defense legal services in Housing Court and in New York City Housing Authority administrative termination of tenancy proceedings. After a planned five-year phase-in period, this program will at full implementation be supported by a projected \$155 million in annual Administration funding and each year is expected to handle a projected 125,000 cases and serve 400,000 New Yorkers facing eviction.
- **Increases in legal services for tenants have led to substantially higher rates of legal representation in areas targeted for assistance and thousands more tenants receiving legal help.** In the ten zip codes across the city that were selected for targeted legal resources in the expanded legal services program, the legal representation rate for tenants facing eviction in Housing Court tripled, increasing from 16% in 2015 to 48% in 2017. HRA’s tenant legal services programs served more than three times the number of households in need in Fiscal Year 2017 — over 23,000 households, including over 70,000 New Yorkers — as these programs did in Fiscal Year 2014. In all, over 180,000 New Yorkers have received legal assistance through HRA’s tenant legal services programs since 2014.
- **As access to legal services for New York City tenants increased, evictions across the city have decreased.** In 2017 residential evictions by city marshals declined by approximately 5% compared to 2016 and are down approximately 27% since 2013 — a period during which New York City substantially increased funding for legal services for low-income tenants. Over the four-year period of 2014 through 2017, an estimated 70,000 New Yorkers remained in their homes as a result of the decreased evictions.

- **Increases in housing legal services continue to have an impact in the courts.** In the Housing Court, the number of eviction cases filed continues to fall, with approximately 17,000 fewer eviction proceedings filed in 2017 than in 2013, a decline of 7%. Warrants of eviction issued by Housing Court judges dropped by 29% over the same period. At the same time, court statistics reflect increased substantive litigation: the number of motions filed in 2016 was 19% higher than in 2014, while emergency orders to show cause declined 16% over the same period.
- **City-funded legal programs served immigrant New Yorkers in approximately 20,000 cases in Fiscal Year 2017, as a result of the sevenfold increase in the City’s overall commitment to immigration legal assistance programs since Fiscal Year 2013.** A continuum of Administration-funded legal services programs (including ActionNYC, the Administration’s Immigrant Opportunity Initiative, and federal Community Services Block Grant–funded services at HRA) provided legal representation, advice, comprehensive legal screenings, and assistance in approximately 15,000 cases in Fiscal Year 2017. Together with Council-funded programs (including the New York Immigrant Family Unity Project, the Immigrant Child Advocate’s Relief Effort, and others), City-funded programs collectively provided legal advice, assistance, and representation in over 20,000 cases in the City’s last fiscal year, a number likely to rise this year as the City increases its funding commitment for immigration-related legal services programs to \$48 million in Fiscal Year 2018, a dramatic increase from \$7 million in Fiscal Year 2013.
- **The Administration’s immigration legal services programs provided legal representation and advice to immigrant New Yorkers from over 170 countries last fiscal year, and in cases in which immigration authorities rendered decisions on status applications, clients saw their applications granted in approximately 96% of cases.** Immigrant New Yorkers received legal assistance through Administration-funded programs in cases ranging from citizenship and permanent residency applications to asylum matters and removal actions.

Civil Legal Services for Low-Income New Yorkers

In New York City civil legal services are supported by a diverse mix of funding streams including both public and private sources. Local and state governmental support for these services has grown substantially in recent years, while federal funding has declined over time. Although overlapping fiscal years for different levels of government make it challenging to calculate total funding by calendar year, it is clear that New York City funding for civil legal services has increased substantially in the past several years, including *nearly triple* the amount of New York City funding in Fiscal Year 2018³ compared to Fiscal Year 2013 (see Figure 1).

Figure 1: Public Funding for Civil Legal Services in New York City, FY2013–FY2018



Sources: Data on NYC funding compiled by HRA Office of Civil Justice. NY State funding compiled from data supplied by Office of Court Administration and published data on the NY State Interest on Lawyers Account (IOLA) Fund: (2012, 2014 Annual

³ Unless otherwise noted, “fiscal year” in this Report refers to the New York City fiscal year, which runs from July 1 to June 30 (e.g., Fiscal Year 2018 runs from July 1, 2017 to June 30, 2018).

Reports, 2015–17 grant schedule; 2018–19 grant schedule), at www.iola.org. Federal funding data taken from Legal Services Corporation Grantee Data, retrieved from <http://www.lsc.gov/grants-grantee-resources/grantee-data>.

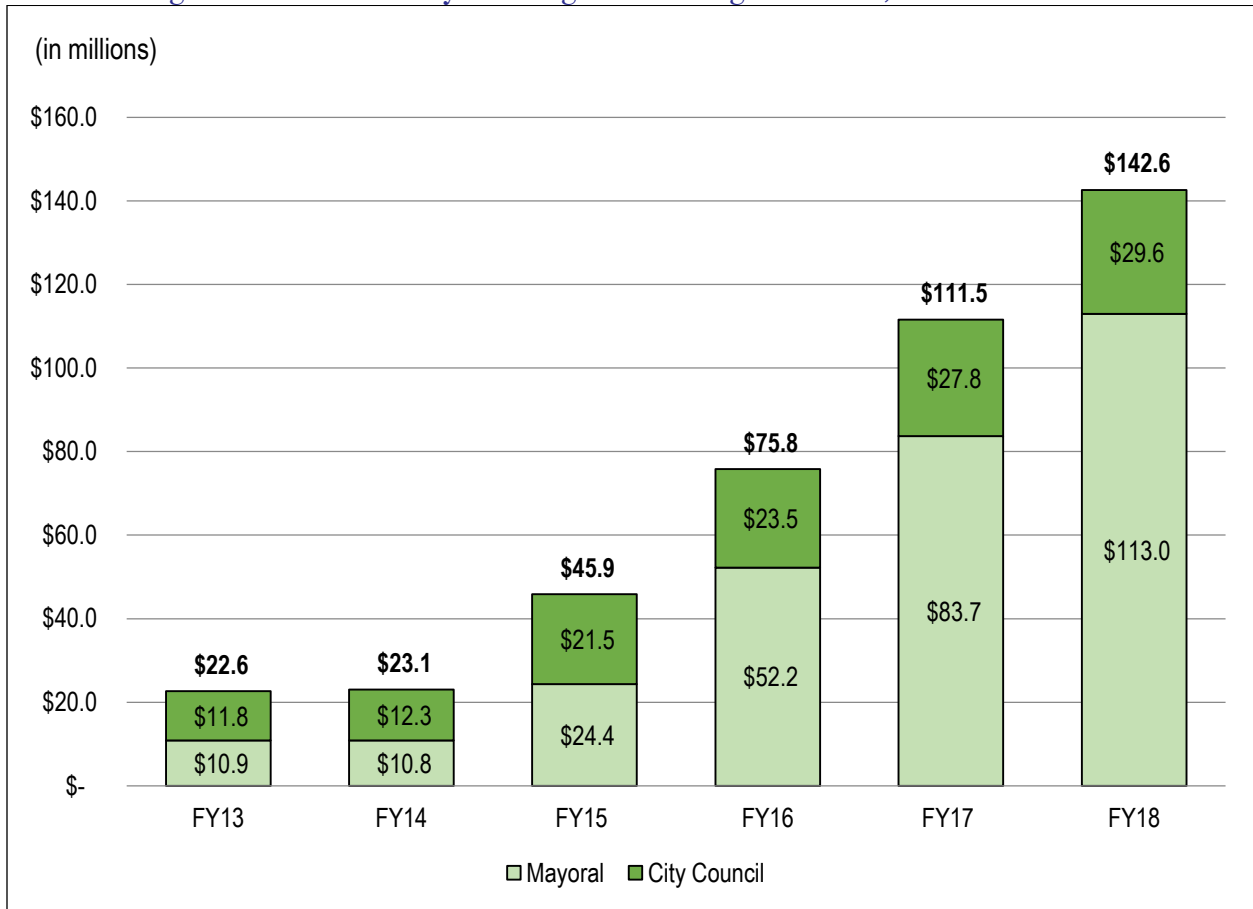
Note: Amounts reflect the fiscal year for the relevant government entity: Federal Fiscal Year starts October 1; State Fiscal Year starts April 1; and City Fiscal Year starts July 1.

New York City Funding

City governmental funding for civil legal services is primarily allocated through contracts currently administered by OCJ, encompassing baselined programs supported through the Mayoral budget as well as discretionary grants provided to nonprofit organizations by members of the City Council, as discussed further below. As shown in Figure 2, New York City invested more than \$111 million in civil legal services in Fiscal Year 2017, an annual budget for civil legal services programs that exceeded \$100 million for the first time. In Fiscal Year 2018, this commitment will grow even more to exceed \$142 million, representing a 28 percent increase in total City funding for civil legal programs.

Fiscal Year 2018 marks another historic milestone for New York City: *civil legal services funding in the Mayoral baseline budget exceeds \$100 million for the first time*, at \$113.0 million. City Council discretionary funding for civil legal programs is likewise at an historical high point at \$29.6 million; nearly triple the level of this funding in Fiscal Year 2013.

Figure 2: New York City Funding for Civil Legal Services, FY2013–FY2018



Source: HRA Office of Civil Justice

New York State Funding for Civil Legal Services

New York State funds for civil legal services are primarily allocated through two grant programs: Judiciary Civil Legal Services (JCLS) awards administered by the State Office of Court Administration (OCA), and the Interest on Lawyer Account (IOLA) Fund of the State of New York. Total annual Judiciary and IOLA funds for civil legal services granted to providers in New York City more than doubled in the past six years, from \$24.9 million in Fiscal Year 2013 to \$60.6 million in Fiscal Year 2017, and saw a modest \$600,000 increase in Fiscal Year 2018 (see Table 1). This is a result of increased civil legal services funds in the Judiciary budget allocated by Chief Judge Janet DiFiore and former Chief Judge Jonathan Lippman.

Total Judiciary and IOLA funding for legal services in New York City in Fiscal Year 2017 was greater than previously projected; anticipated funding was \$58.6 million for the City but with the issuance of actual grants and contracts by OCA and the IOLA fund to cover Fiscal Year 2017, \$60.6 million was ultimately allocated to providers serving New York City residents.

Table 1: New York State Judiciary Funding Awarded to Civil Legal Service Providers in New York City, FY2013–FY2018

	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018 (projected)
JCLS	\$14.1 million	\$21.3 million	\$29.3 million	\$37.3 million	\$47.4 million	\$47.4 million
IOLA*	\$10.8 million	\$12.5 million	\$12.5 million	\$13.2 million	\$13.2 million	\$13.8 million
Total**	\$24.9 million	\$33.9 million	\$41.9 million	\$50.6 million	\$60.6 million	\$61.2 million

* IOLA awarded 15-month grants for the period January 1, 2012 through March 31, 2013; amount reported for FY2013 has been prorated to reflect 12 months. For the period FY2014 through FY2017, IOLA funds were distributed through two-year contracts. Annual amounts reported here represent 50 percent of the total contract value.

** Amounts may not add up to totals due to rounding.

Sources: New York State funding compiled from data supplied by Office of Court Administration and published data on the NY IOLA Fund: (2012, 2014 Annual Reports, 2015–17 grant schedule, 2018–19 grant schedule), retrieved from www.iola.org.

OCA’s Judiciary Civil Legal Services Grants

JCLS grants to nonprofit legal services organizations fund assistance for low-income residents with civil legal matters involving four so-called “essentials of life” categories housing, family matters, subsistence income, and access to health care and education. These grants are the major component of the Judiciary’s \$100 million commitment to address the civil legal needs of low-income New York State residents. Per-county funding levels are determined based on the distribution of the state’s low-income residents (those with income at or below 200 percent of the Federal Poverty Guidelines) across New York State’s counties. Based on this method, approximately half of JCLS funding is awarded to providers in New York City, where approximately half of New York State’s low-income population resides.

JCLS funding for New York City–based legal services providers more than doubled between Fiscal Year 2013 and Fiscal Year 2017, from \$14.1 million to \$47.4 million, and the Judiciary is expected to maintain funding at this level through Fiscal Year 2021 (see Table 1). JCLS grantees in New York City include a diverse group of legal providers and community-based organizations, with some supporting a broad range of legal services and others targeting specific domains or populations. A list of JCLS grantee organizations for 2017–2021 is included at Appendix 1.

In January 2017, statewide JCLS funding reached a total of \$85 million. This funding, combined with financial support for the IOLA fund (see following section), amounts to a full realization of the Judiciary’s \$100 million commitment to civil legal assistance in New York State.

Interest on Lawyer Account Fund

The Interest on Lawyer Account (IOLA) Fund supports nonprofit organizations that provide legal assistance to low-income people throughout New York State. The IOLA Fund receives money through interest earned on a statewide escrow account. Attorneys in private practice routinely receive funds from clients to be used for future representation. If these funds are substantial, or are intended to be kept for long periods of time, they are customarily deposited in an attorney trust account. However, small or short-term funds are typically held in a statewide, centralized escrow account. Interest income generated by the statewide account is then competitively awarded to civil legal service providers throughout the state via the IOLA Fund. IOLA grantees serve clients in a range of civil legal areas, including housing, immigration, public benefit advocacy, family, education, and consumer law. These organizations provide direct representation, as well as brief advice and pro bono administration.

Because the amount of revenue generated by the IOLA account varies year to year as a result of fluctuations in interest rates and economic conditions (for example, the Fund decreased from \$32 million in 2008 to \$9 million in 2013),⁴ in recent years the Judiciary has provided \$15 million annually to stabilize the IOLA Fund. Annual IOLA funding levels for civil legal services awarded to New York City-based providers have thus remained roughly constant in recent years, with funding equivalent to \$12.5 million in Fiscal Year 2015 and \$13.2 million in Fiscal Year 2016 and Fiscal Year 2017. IOLA grants were recently awarded to New York City providers; funding is expected to increase modestly to \$13.8 million for Fiscal Year 2018. A list of NYC-based IOLA grantees for Fiscal Year 2018–19 is included at Appendix 2.

Other State Initiatives

The New York State Budget for State Fiscal Year 2018 provides \$16.4 million statewide to assist New York State residents with immigration concerns, including \$10 million allocated to the Liberty Defense Project, as discussed in greater detail below.⁵

Federal Funding for Civil Legal Services

Federal funding for civil legal services is distributed through the Legal Services Corporation. The Legal Services Corporation (LSC) was established by Congress in 1974 as a mechanism for federal funding of civil legal services for low-income families and individuals. LSC awards several categories of grants supporting access to justice in areas such as housing, health,

⁴ Task Force to Expand Access to Justice to Civil Legal Services in New York. (2014). *Report to the Chief Judge of the State of New York*. (2014). Retrieved from <https://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>.

⁵ It is unclear how much of this funding is allocated to providers or programs within New York City. This is not included in funding attributed to New York State in Table 1.

income maintenance, employment, education, and consumer finance. To be eligible for LSC funding, providers must offer a full range of legal aid in a specified service area; the five counties of New York City constitute one service area. Grantees must serve clients whose household income is at or below 125 percent of the Federal Poverty Guidelines.

Federal funding for civil legal services has decreased dramatically over the past two decades. In Federal Fiscal Year (FFY) 1994, LSC had a total national budget of \$400 million (in 1994 dollars), which was slashed by over 30 percent in 1996. Despite increases in the years since, after accounting for inflation, FFY2017 federal funding for civil legal services was over 40 percent lower than the FFY1994 allocation.⁶ Specifically, in FFY2017, LSC's total budget was \$385 million, roughly the same as in FFY2016, pursuant to the Further Continuing Appropriations Act of 2017.⁷

However, future funding levels for LSC are in jeopardy. While former President Barack Obama's FFY2017 budget blueprint called for a \$475 million award to LSC,⁸ which would have represented an increase in support by nearly 25 percent, President Donald Trump's proposed budgets for both FFY2018 and FFY2019 have called for the *elimination* of Federal funding for LSC, with just an \$18 million award in FFY2019, presumably to be used to conduct a closeout.⁹

Consistent with the federal trends, LSC funding awarded in the New York City service area through its Basic Field Grant program has declined over the past decades. The sole recipient of such funding in New York City is the legal services provider Legal Services NYC. This includes a recent reduction from \$17.6 million in 2010 to \$11.7 million in 2017. As noted, however, the future status of funding is unclear. If the President's budget is implemented as proposed, this would mean the loss of a significant portion of the current operating budget for Legal Services NYC, which could mean staffing cuts in the hundreds and could threaten the organization's ability to provide thousands of low-income households in New York City with free legal assistance. OCJ is monitoring the situation closely to gauge any potential impact on access to legal help for low-income New Yorkers.

⁶ Legal Services Corporation Grantee data, Retrieved from <http://www.lsc.gov/grants-grantee-resources/grantee-data>. Analyzed by NYC Department of Social Services, Office of Evaluation and Research.

⁷ Further Continuing Appropriations Act, 2017 (P.L. 114–254).

⁸ *Budget of the United States Government, Fiscal Year 2017*. (2016). *Other Independent Agencies*. Retrieved from <https://www.gpo.gov/fdsys/pkg/BUDGET-2017-APP/pdf/BUDGET-2017-APP-1-31.pdf>.

⁹ *Fiscal Year 2019 Effective, Efficient Accountable — An American Budget: Major Savings and Reforms* (2018) at 99. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/02/msar-fy2019.pdf>.

Legal Services for New York City Tenants

As discussed in greater detail in last year's OCJ Annual Report,¹⁰ the de Blasio Administration has created and expanded initiatives that provide access to free legal assistance to tenants facing eviction and other housing-related legal issues a core element of a prevention-first approach to combatting poverty, reducing income inequality, and addressing homelessness. A critical component of the City's *Turning the Tide* plan¹¹ to address homelessness is preventing homelessness before it occurs. This cost-effective and commonsense response to the 115 percent increase between 1994 and 2014 in the number of homeless New Yorkers promotes a fair and equitable justice system. This is particularly true in the City's Housing Courts, a historically uneven playing field for tenants facing eviction where the majority of landlords have usually been represented by legal counsel but the majority of tenants have not.

Anti-eviction legal services, administered through OCJ's citywide Homelessness Prevention Law Project (HPLP) and the neighborhood-focused Housing Help Program (a partnership with the Robin Hood Foundation, the Legal Aid Society, and the Mayor's Fund for the City of New York), are a keystone of the City's civil legal services initiatives. Under HPLP, OCJ contracts with nonprofit legal services providers to provide free legal representation and advice to low-income tenants facing eviction and other housing legal issues. A list of participating legal services providers is included at Appendix 3.

In Fiscal Year 2017, OCJ, the legal services provider organizations, and the Housing Court collaborated to develop robust and reliable processes for tenants in certain target zip codes who were facing eviction cases to be connected with available free legal counsel. This effort built on the Expanded Legal Services (ELS) program established as part of HPLP. The ELS program was intended to essentially provide universal legal representation for low-income tenants facing eviction from their homes in ten zip codes across the City, targeted because they include the most households at risk of eviction and homelessness as reflected in rates of shelter entry. A list of ELS zip codes is included at Appendix 4.

In Brooklyn, the Bronx, Manhattan, and Queens, OCJ collaborated with Supervising Judges, Resolution Part Judges, and non-judicial staff in each Housing Court, as well as legal services providers to create intake processes that connect tenants in need of legal services with lawyers to provide those services. The courts routed newly calendared cases drawn from the target zip codes to their own designated courtrooms. Brooklyn, Manhattan, and Queens have one such courtroom each, and in the Bronx the cases are routed to two designated

¹⁰ The *Office of Civil Justice 2016 Annual Report* may be found online at <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report.pdf>

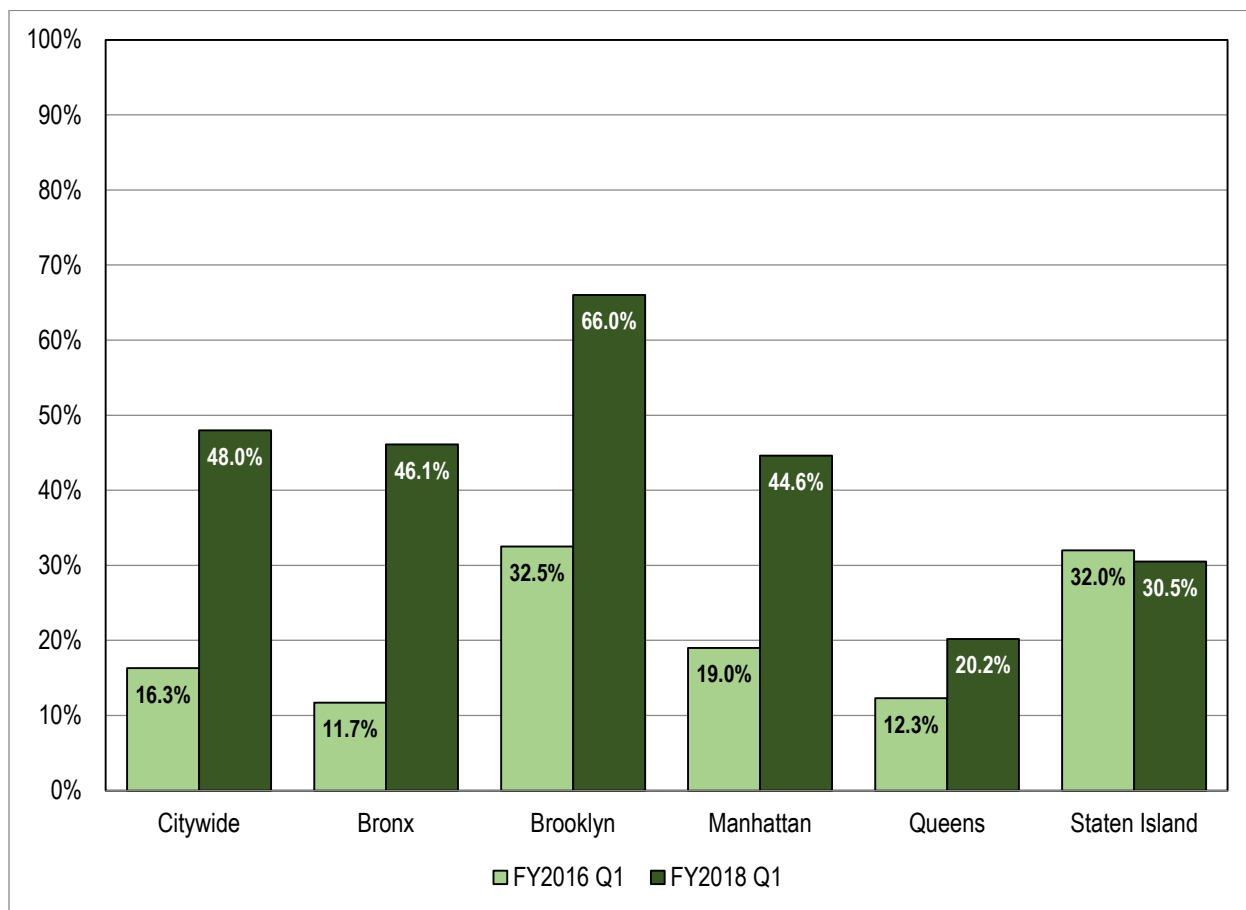
¹¹ The City's *Turning the Tide on Homelessness* plan may be found online at http://www1.nyc.gov/assets/hra/downloads/pdf/news/publications/Turning_the_Tide_on_Homelessness.pdf.

courtrooms, due to the high volume. Legal service providers have established intake operations close by these designated courtrooms, allowing eligible tenants to access their services in an efficient and effective manner. Legal service providers receive court calendars showing tenants who have court cases in the designated parts on that day. Providers then speak with tenants to offer services and assess their eligibility for programs — all within steps of the courtroom in which the cases are heard. Providers then conduct a brief intake with the tenant and file a notice with the court indicating that the tenant is represented.

To examine the impact of this universal access model on rates of legal representation, OCJ analyzed Housing Court data about eviction cases faced by tenants in the ten targeted zip codes in July through September 2015 (before the launch of the in-court intake program) and July through September 2017 (after the launch of the program and implementation of the in-court intake models in all boroughs except Staten Island). These were the first quarters of Fiscal Years 2016 and 2018, respectively.

The results of this analysis demonstrate a marked increase in the rates of legal representation among tenants in eviction proceedings in these ten zip codes, as set forth in Figure 3 below.

Figure 3: Legal Representation Rates for Tenants Facing Eviction in Housing Court in 10 Expanded Legal Services Zip Codes, July-September 2015 and July-September 2017¹²



Source: NYS Office of Court Administration data as interpreted by the NYC Office of Civil Justice

As Figure 3 shows, the percentage of tenants in these geographical zones who had legal representation in their cases in the summer and early fall of 2017 approximately doubled — and in the Bronx, more than tripled — from the same period two years earlier. Substantial increases were seen in cases in the targeted zip codes in each of the four largest boroughs, where program referral and intake processes were reorganized during Fiscal Year 2017. The highest representation rate was in Brooklyn, where 66.0 percent of eviction cases in the two targeted zip codes in that borough involved tenants represented by an attorney in court (up from 32.5 percent two years prior). The largest increase came in the Bronx, where the rate grew from 11.7 percent in 2015 to 46.1 percent in 2017. The lowest rate in 2017 was in

¹² This analysis is based on Housing Court data about proceedings in which a scheduled appearance was indicated in the time period and which included information confirming the tenant’s appearance and whether or not the tenant appeared with counsel. Data on cases that contained inconclusive information about whether the tenant had appeared in court on the petition for eviction on the scheduled date was not considered.

Queens, where representation of tenants in eviction cases in the two zip codes targeted in the borough stood at 20.2 percent (but was nearly twice the rate of 12.3 percent for the same period in 2015).

OCJ has worked with the Housing Court and local legal providers to establish a similar intake process in Staten Island Housing Court that started in December 2017.

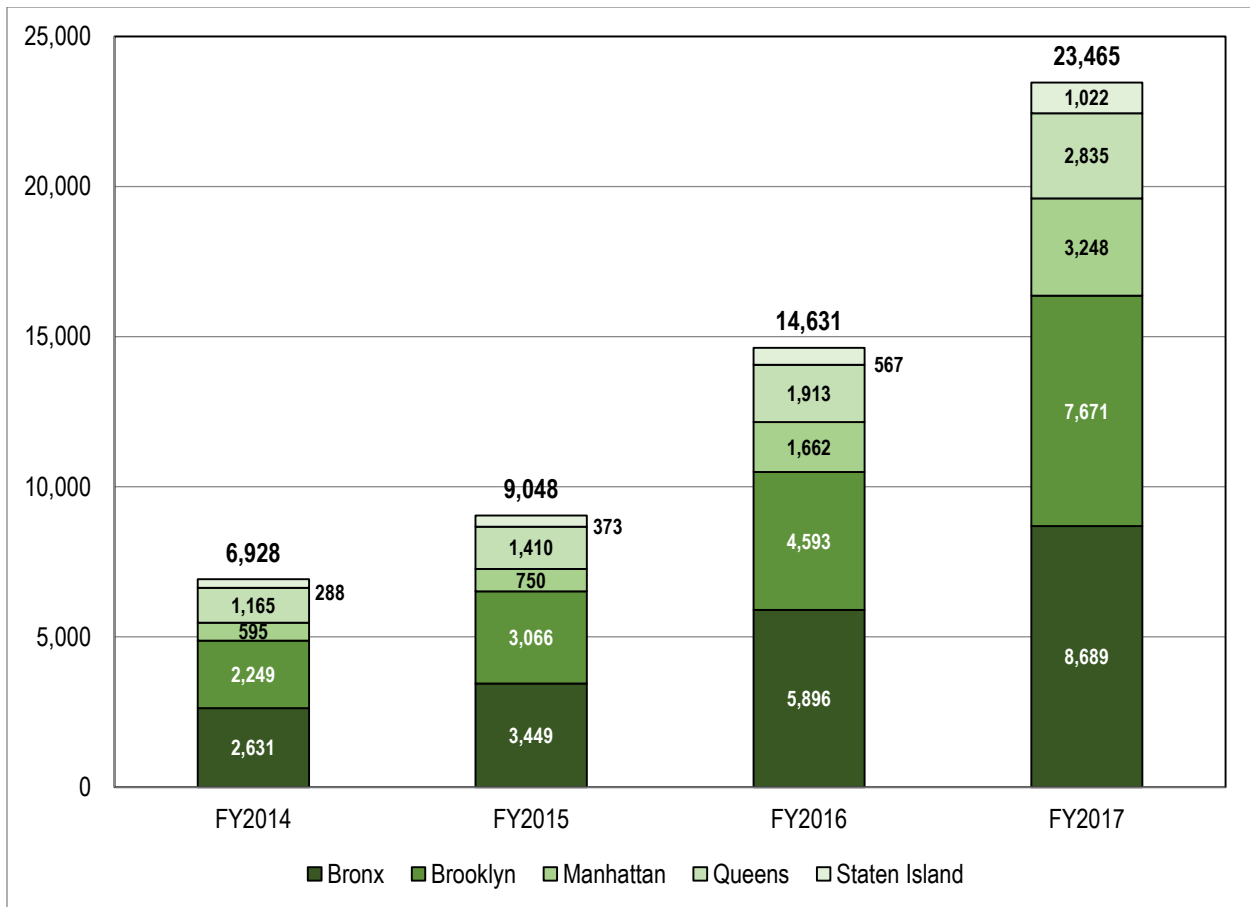
In addition to anti-eviction legal services, the Anti-Harassment and Tenant Protection (AHTP) legal services program was launched at HRA by the de Blasio Administration in early 2015. While the anti-eviction legal services programs target tenants who are already involved in Housing Court proceedings, AHTP provides resources for tenant outreach and pre-litigation services with the goal of preventing displacement. AHTP services have been focused on several select neighborhoods across the city that have been identified as posing a high risk for landlord harassment and/or tenant displacement. Legal providers assist tenants facing harassment by unscrupulous landlords through threats, disrepair, pressure tactics, or other conduct across the city. A complete list of AHTP providers and select neighborhoods is included at Appendix 5.

In Fiscal Year 2017, OCJ expanded the reach of these anti-harassment legal services by placing legal staff in all of the City's Family Justice Centers (FJCs) to protect survivors of domestic and intimate partner violence and their families by providing housing legal assistance and representation. This effort is part of the work of the NYC Domestic Violence Task Force, which was launched in November 2016 by Mayor de Blasio and is co-chaired by First Lady Chirlane McCray and Police Commissioner James O'Neill and co-led by the Mayor's Office to Combat Domestic Violence (OCDV) and the Mayor's Office of Criminal Justice (MOCJ). The Task Force was launched to develop a coordinated, citywide strategy to combat domestic violence. The Task Force consists of experts from inside and outside of government working together to develop a comprehensive citywide strategy to identify the most innovative and effective evidence-based practices to combat domestic violence. The FJCs, operated by the Mayor's Office to Combat Domestic Violence (OCDV), are the City's comprehensive resource and support centers for survivors of domestic and intimate partner violence. A \$500,000 increase in annual baseline funding for the AHTP program enables legal provider partners to provide legal intake and advice services through all five of the FJCs to assist survivors to remain in homes that are safe and stable for them and their families.

The de Blasio Administration's investments in funding and the operational implementation of these programs have led to a dramatic increase in the number of tenant households that have received free legal advice, assistance, and representation. As set forth in Figure 4 below, the number of households across the city that received legal services through these programs increased from 6,928 in Fiscal Year 2014 to 23,645 in Fiscal Year 2017, a 239 percent

increase. Substantial increases were seen in every borough, ranging from 143 percent in Queens to 446 percent in Manhattan. In all, over 47,000 households received housing-related legal services for eviction, harassment or displacement during this three-year period (Fiscal Year 2015 through Fiscal Year 2017), and more than 12,000 more households have received services through the first half of Fiscal Year 2018; from the start of the de Blasio Administration in January of 2014 through the issuance of this report in the winter of 2018, over 180,000 New Yorkers have been assisted by these legal services programs.

Figure 4: Households Served by City-Funded Tenant Legal Services Programs, FY2014–FY2017



Source: NYC Office of Civil Justice

Impact of Civil Legal Services for Tenants

Studies of the provision of legal services to tenants in housing courts have supported the conclusion that attorney representation leads to far better outcomes for tenants facing eviction than self-representation. These studies include two Boston-area pilots conducted in 2009–2010, which found that tenants who received legal representation were five times less likely to have an eviction writ issued in their case compared to tenants who were not

represented, and half as likely to have actually lost possession of their home. A comparable New York City Housing Court study found that unrepresented tenants were more than four times as likely to have a warrant of eviction issued in their case compared to represented tenants.¹³

As the City's tenant legal services programs have grown and the implementation of the Universal Access law through assignment of legal representation for low-income tenants in eviction proceedings has begun in earnest, OCJ sought to further explore the potential benefits and limitations of legal representation in eviction cases in New York City Housing Court today.

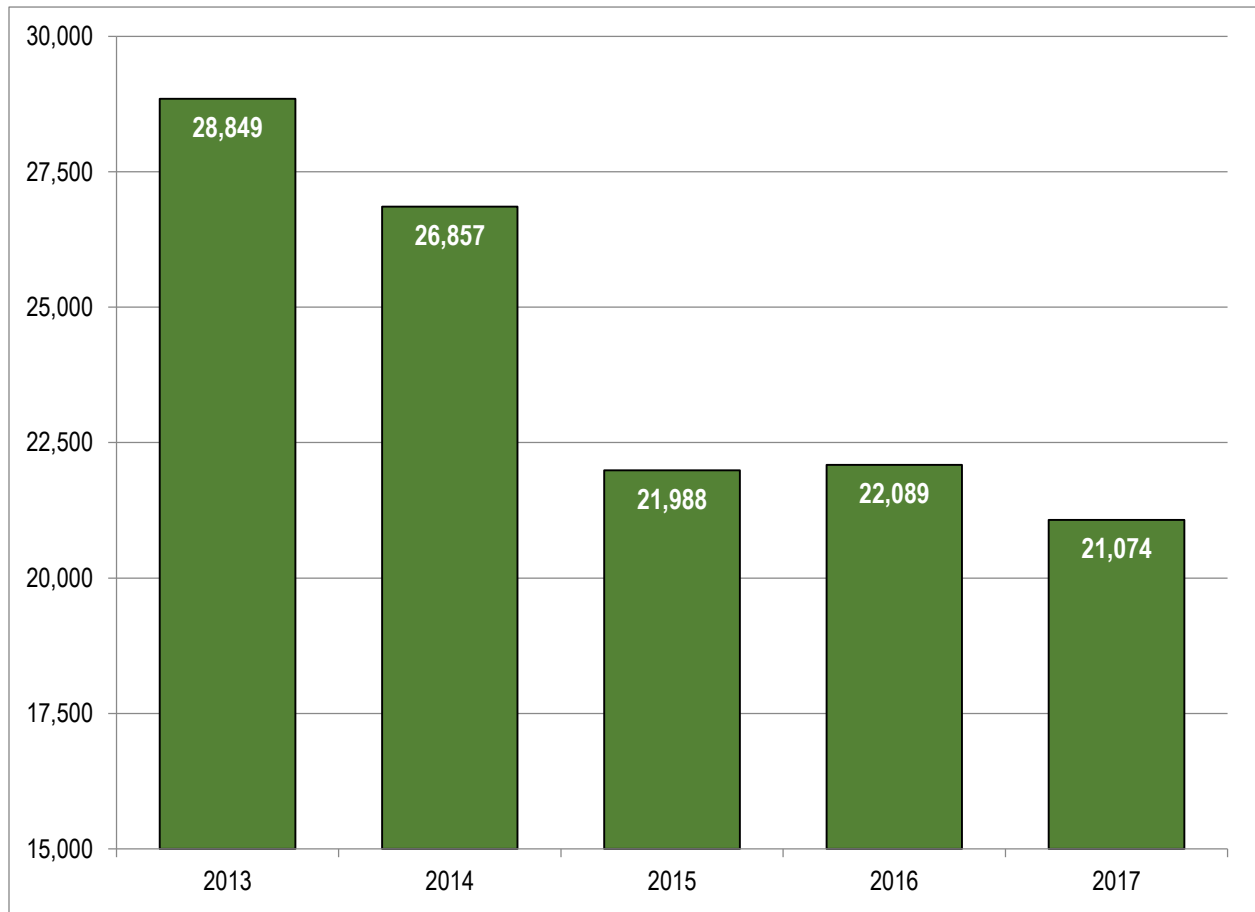
Analysis of Data on Eviction and Housing Court Trends

Trends in the number of residential evictions executed by marshals and activity at the city's Housing Courts suggest an impact of the increased prevalence of counsel for tenants in eviction cases adjudicated in these courts.

Over the last four years, as the City has substantially increased its commitment to anti-eviction and other tenant legal services and as the rate of legal representation for tenants in eviction cases has substantially increased, New York City has seen a substantial reduction in a key indicator of housing stability and displacement: residential evictions by city marshals. Residential evictions by marshals have decreased by approximately 27 percent over the last four years, declining from 28,849 in 2013 to 21,074 in 2017. There were 1,015 fewer residential evictions in 2017 compared to 2016, representing a 4.6 percent decrease in the last year alone (see Figure 5 below). In all, over the four-year period of 2014 through 2017, an estimated 70,000 New Yorkers remained in their homes as a result of decreased evictions.

¹³ For a detailed discussion of the literature, please see the *Office of Civil Justice 2016 Annual Report*, available at https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report%20FINAL_08_29_2016.pdf.

Figure 5: Residential Evictions Conducted by New York City Marshals, 2013–2017



Source: NYC Department of Investigation

In addition, data provided by OCA show trends across a variety of indicators, as reflected in Tables 2 through 8 and discussed in detail below.

Table 2: Eviction Petitions Filed in New York City Housing Court, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	246,864	237,639	234,270	233,884	230,071	-6.8
Bronx	83,006	84,670	85,503	85,957	86,035	3.6
Brooklyn	69,812	67,659	63,037	62,488	61,048	-12.6
Manhattan*	46,960	40,893	40,333	42,039	40,645	-13.4
Queens	37,441	35,924	35,918	33,930	32,692	-12.7
Staten Island	5,159	5,029	4,907	4,845	4,776	-7.4

*Excludes Harlem

Table 3: Non-Payment Petitions Filed in New York City Housing Court, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	218,400	208,158	203,119	202,300	201,441	-7.8
Bronx	78,111	79,694	79,778	79,464	80,637	3.2
Brooklyn	59,323	56,254	51,709	51,623	50,983	-14.1
Manhattan*	42,189	36,488	35,919	37,287	36,525	-13.4
Queens	30,285	28,322	27,498	25,836	24,908	-17.8
Staten Island	4,275	4,141	3,864	3,731	3,716	-13.1

*Excludes Harlem

Table 4: Holdover Petitions Filed in New York City Housing Court, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	28,464	29,481	31,151	31,584	28,630	0.6
Bronx	4,895	4,976	5,725	6,493	5,398	10.3
Brooklyn	10,489	11,405	11,328	10,865	10,065	-4.0
Manhattan*	4,771	4,405	4,414	4,752	4,120	-13.6
Queens	7,156	7,602	8,420	8,094	7,784	8.8
Staten Island	884	888	1,043	1,114	1,060	19.9

*Excludes Harlem

Table 5: Warrants of Eviction Issued in New York City Housing Court, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	132,734	116,059	111,666	113,654	94,214	-29.0
Bronx	49,197	46,432	42,287	48,420	34,215	-30.5
Brooklyn	34,884	31,670	32,770	29,979	28,580	-18.1
Manhattan*	20,893	15,991	13,875	15,202	11,846	-43.3
Queens	23,325	18,204	19,220	15,682	15,986	-31.5
Staten Island	2,823	2,759	2,311	2,605	2,270	-19.6

*Excludes Harlem

Table 6: Residential Evictions Conducted by New York City Marshals, 2013–2017

	2013	2014	2015	2016	2017	% change 2013–17
NYC	28,849	26,857	21,988	22,089	21,074	-27.0
Bronx	10,194	9,580	7,401	7,667	7,438	-27.0
Brooklyn	8,313	7,908	7,033	6,476	5,984	-28.0
Manhattan*	4,525	3,933	2,898	2,907	2,843	-37.2
Queens	4,862	4,542	3,939	4,290	4,105	-15.6
Staten Island	955	894	717	749	704	-26.3

*Includes Harlem

Table 7: Pretrial Motions Filed in New York City Housing Court, 2014–2016

	2014	2015	2016	% change 2014–16
NYC	21,513	22,252	25,617	19.1
Bronx	5,528	5,959	7,885	42.6
Brooklyn	6,668	6,929	7,244	8.6
Manhattan*	6,392	6,418	7,185	12.4
Queens	2,704	2,540	2,859	5.7
Staten Island	221	406	444	100.9

*Includes Harlem.

Table 8: Emergency Orders to Show Cause Filed in New York City Housing Court, 2014–2016

	2014	2015	2016	% change 2014–16
NYC	205,398	173,023	172,928	-15.8
Bronx	95,834	79,287	81,801	-14.6
Brooklyn	52,089	44,398	41,273	-20.8
Manhattan*	30,906	25,909	26,176	-15.3
Queens	21,187	19,416	19,379	-8.5
Staten Island	5,382	4,013	4,299	-20.1

*Includes Harlem.

Sources: Data reported by New York City Civil Court, as reported on the “Statistical Report of Activity of L & T Clerk’s Office, ST30” published on the Housing Court Answers website at <http://housingcourtanswers.org/evictions-in-new-york-city/>; NYC Housing Court

As evidenced in Table 2, eviction filings against tenants citywide have declined by 6.8 percent over the four-year period from 2013 through 2017. During this period non-payment proceedings (which outnumbered holdovers by more than seven to one in 2017) decreased by

7.8 percent as the number of holdover proceedings rose but then fell by 9.3 percent in 2017 compared to the prior year. (citywide, holdovers were essentially flat in 2017 compared to 2013.) In every borough but the Bronx, eviction filings decreased during this four-year period, with declines ranging 13.4 percent in Manhattan to 7.2 percent in Staten Island. In the Bronx, filings rose by 3.6 percent over this period, including increases in both non-payment cases (3.2 percent) and holdovers (10.3 percent). In all, there were approximately 18,000 fewer eviction cases in New York City Housing Courts in 2017 than four years earlier.

For this report, OCJ was able to review and analyze aggregate data provided by the Housing Court reflecting changes over time in indicators of court activity and litigation. As reflected in Tables 7 and 8 above, between 2014 and 2016, at the same time that the City increased its investments in tenant legal services and access to counsel for low-income tenants was made more widely available, the Housing Courts saw an overall increase in the number of pretrial motions filed (an increase of 19.1 percent) along with a decrease in the number of emergency orders to show cause (a decrease of 15.8 percent). These trends taken together suggest that the last two years have seen more litigation occurring in the earlier, pre-judgment stages of eviction proceedings and fewer requests being made by tenants to restore cases to the court calendar to dispute a negative judgment or to request additional time to meet conditions contained in a stipulated agreement with a landlord.

Civil Legal Services for Homeowners Facing Foreclosure

Foreclosure is the legal process used by lenders to recoup overdue balances on property loans, by forcing the sale of the property used as loan collateral. New York State is a “judicial foreclosure” state, meaning that foreclosures are adjudicated in the State Supreme Court system. While both residential and commercial properties can be subject to foreclosure, the vast majority of foreclosures in New York State are for residential properties. In New York City, a foreclosure case is formally initiated when a lender (or mortgage owner, if the debt has been purchased) files a *lis pendens* in one of the city’s five borough-based Supreme Courts. The *lis pendens* notifies all parties, including the public, that ownership of a property is being disputed. In addition, lenders must serve a homeowner with a summons and complaint that informs the defendant of the foreclosure suit and instructs them to answer in Supreme Court. Since 2013, plaintiffs must also submit a “certificate of merit,” certifying that an attorney has reviewed the facts of the case as well as the relevant loan documents (e.g., mortgage agreements or loan modifications). Lenders are required to file proof that the summons and complaint was properly served, and file a request for judicial intervention (RJI) notifying the court that a party needs a judge’s involvement in the case. After these steps, the court typically schedules a conference with the parties to see whether the case can be settled through agreement and the formal foreclosure of the mortgage debt can be avoided. These conferences, at which lenders must produce documentation of mortgage terms (including past payment history, current arrears, and proof of ownership), were made mandatory for all residential foreclosure cases involving owner-occupied houses and condominiums with four or fewer units in 2010. If no agreement is made in conference the case goes through discovery and motion practice, and, if needed, trial. If the case is decided in the plaintiff’s favor, a judge appoints a third party to calculate total money owed (principal, interest, and late fees), and the property — which is now “foreclosed” upon — is put up for public auction and bidding starts at the amount still outstanding on the previous owner’s loan.¹⁴

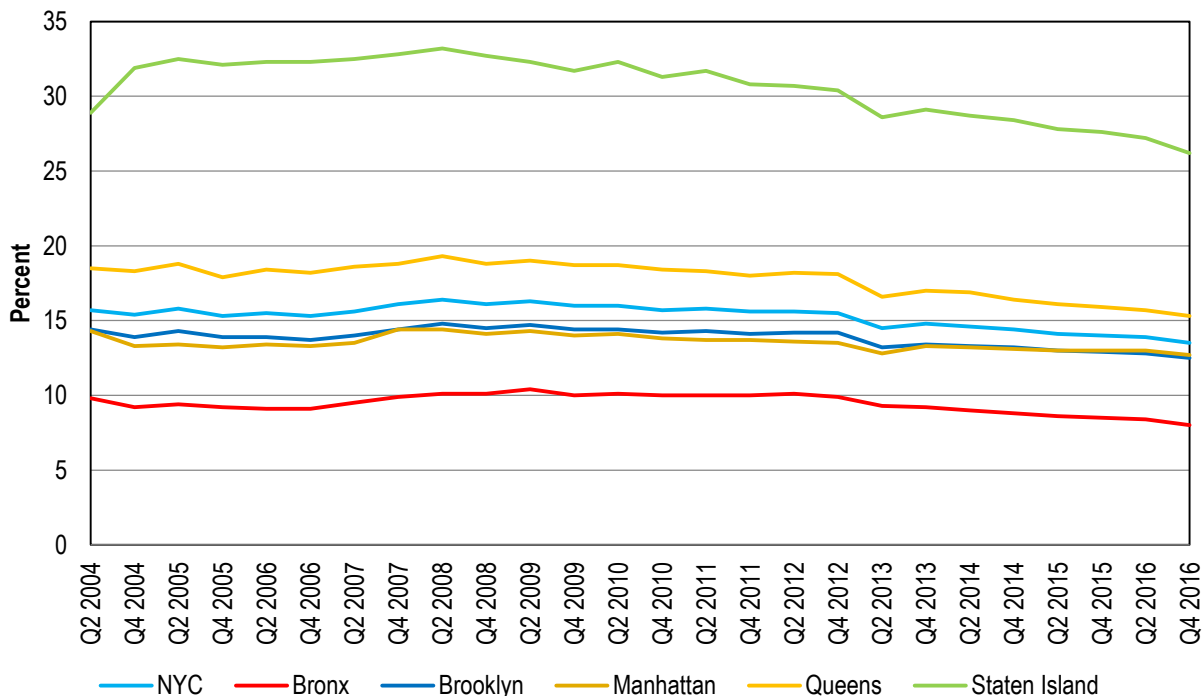
The percentage of consumers who have mortgages in New York City has modestly but steadily declined over the last several years. According to data from the New York Federal Reserve, 13.5 percent of New York city consumers had a mortgage in 2016,¹⁵ down 2.2

¹⁴ New York State Homes and Community Renewal. (n.d.). *Understanding New York State’s Mortgage Foreclosure Process*. Retrieved from <http://www.nyshcr.org/Topics/Home/Owners/ForeclosurePrevention/FactSheets/Understanding-Foreclosure-Process-in-NYS-Fact-Sheet.pdf>.

¹⁵ The NY Fed Consumer Credit Panel (CCP), a longitudinal survey of consumer Federal Reserve reports on household debt by analyzing Equifax credit reports. The survey presents estimates of consumer finance indicators for individuals with a Social Security number and a credit report. Household debt types included in national estimates include mortgages, home equity lines, credit card debt, car loans, and student loans. For further discussion of methods, see Federal Reserve Bank of New York, Research and Statistics Group. (n.d.). *Regional Household Debt & Credit Snapshot Technical Notes*. Retrieved from <https://www.newyorkfed.org/medialibrary/media/regional/regional-hhdc/RegionalHHDC-Snapshot->

percentage points since 2004 (see Figure 6). This downward trend is relatively consistent across the boroughs, and borrowing rates are similar to American Community Survey (ACS) homeownership rate estimates in borough order, with Staten Island significantly higher than the other boroughs, followed by Queens, Manhattan, Brooklyn, and the Bronx.

Figure 6: Percent of Consumers with a Mortgage in New York City, Q2 2004–Q2 2016



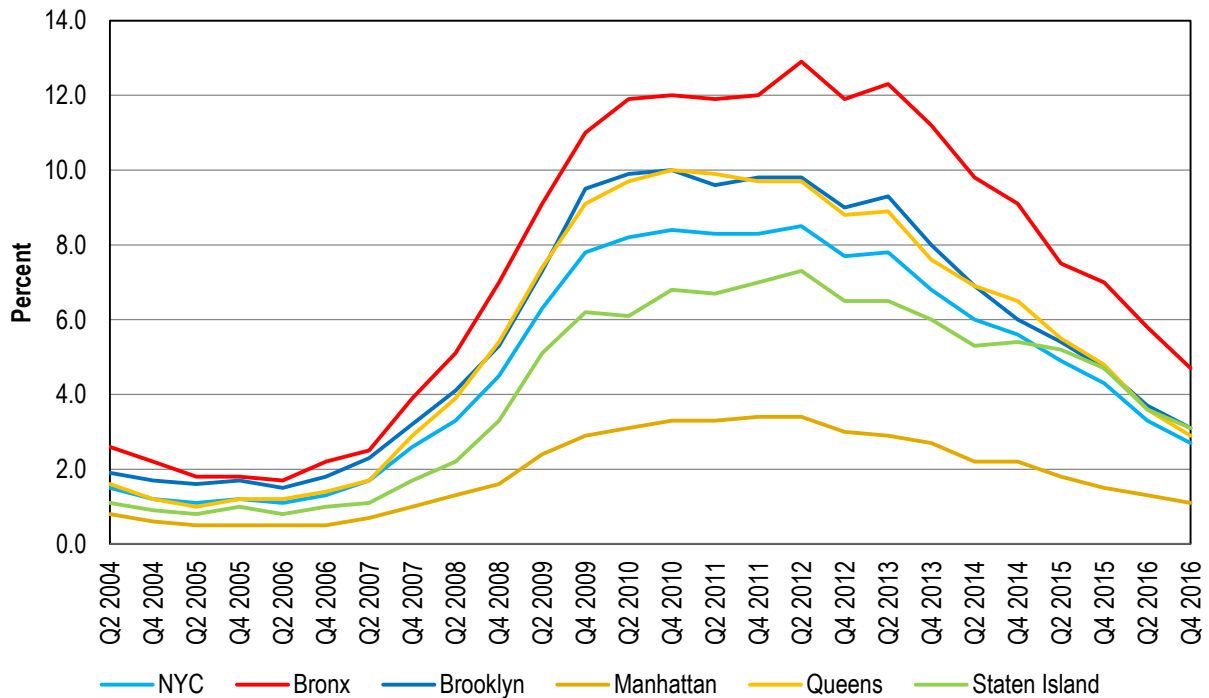
Source: New York Fed Consumer Credit Panel / Equifax. Regional Household Debt and Credit Snapshot Data File. *Federal Reserve Bank of New York*. Analyzed by DSS Office of Evaluation and Research. Retrieved from <https://www.newyorkfed.org/outreach-and-education/regional-household-credit.html>.

While mortgage holding rates have held relatively constant over the past twelve years, the *rate of consumer delinquency* on these mortgages, however, has been volatile. Following a spike in delinquencies the wake of the 2008 housing market crisis and despite the introduction of increasingly regulated lending processes intended to protect would-be borrowers from predatory loans, delinquency rates still remain elevated above pre-recession levels. In 2016, 2.7 percent of New York City consumers were 90 days delinquent on a mortgage payment (including both owner-occupied and investment mortgages) (see Figure 7), down from a peak of 8.5 percent in 2012 but still more than twice as high as the recent historical low point of 1.2 percent in 2006. While the Bronx has the fewest mortgage holders

TechnicalNotes.pdf; Federal Reserve Bank of New York, Research and Statistics Group. (2017). *Household Debt and Credit Developments in 2017Q1*. Retrieved from https://www.newyorkfed.org/medialibrary/interactives/householdcredit/data/pdf/HHDC_2017Q1.pdf.

per capita, it has the highest proportion of consumers with delinquent mortgages, 4.7 percent in 2016.

Figure 7: Percent of Consumers with a 90-Day Delinquent Mortgage in New York City, Q2 2004–Q2 2016



Source: New York Fed Consumer Credit Panel / Equifax. Regional Household Debt and Credit Snapshot Data File. *Federal Reserve Bank of New York*. Analyzed by DSS Office of Evaluation and Research. Retrieved from <https://www.newyorkfed.org/outreach-and-education/regional-household-credit.html>

Trends in Foreclosure Filings in New York City Courts

As of the end of 2016, there were over 28,000 pending foreclosure cases in New York City courts. As shown in Table 9 below, roughly three-quarters of these cases were deemed “conference-eligible” — that is, related to owner-occupied one to four-unit houses and condominiums for which a settlement conference is required pursuant to State law implemented in the wake of the 2008 housing crash.

Table 9: Foreclosure Cases Pending in New York City Supreme Courts at End of 2016

	Conference- Eligible*	Non-Conference- Eligible	Total Pending	Cases
Brooklyn	8,131	3,517	11,648	
Bronx	3,060	1,647	4,707	
Manhattan	341	353	694	
Queens	8,532	1,393	9,925	
Staten Island	829	236	1,065	
New York City	20,893	7,146	28,039	

Source: New York State Office of Court Administration

*Foreclosure cases eligible for settlement conferences involve 1–4 unit, owner occupied buildings and condominiums.

According to data reported by the Furman Center in 2017,¹⁶ foreclosure filings in New York City for one- to four-unit properties¹⁷ increased dramatically in the years leading up to the housing crash. Indeed, a Furman Center analysis of *lis pendens* filings between 2005 and 2009 found that such foreclosure filings increased three-fold to over 20,000, with the largest annual increase between 2008 and 2009. Filings dropped steeply in the two following years, only to rebound in 2012 and 2013. Filings in New York City subsequently decreased again, yet as of 2016 remain at close to 12,000 according to the 2017 Furman Center data.¹⁸

Legal Services for New York City Homeowners Facing Foreclosure

National data on homeowner access to legal representation in foreclosure cases are limited. There is some evidence that in states with judicial foreclosure, a majority of homeowners in foreclosure cases lack legal representation.¹⁹ In New York State, however, rates of representation in foreclosure cases have increased in recent years. Specifically, reports from the New York State Judiciary show that the number of homeowners with lawyers in

¹⁶ Furman Center. (2016). *CoreData.NYC*. Analyzed by DSS Office of Evaluation and Research. Retrieved from <http://coredata.nyc/>.

¹⁷ Note that the annual foreclosure filings trend data reported here appear to include both owner-occupied and investment properties, though the latter are not eligible for foreclosure settlement conferences.

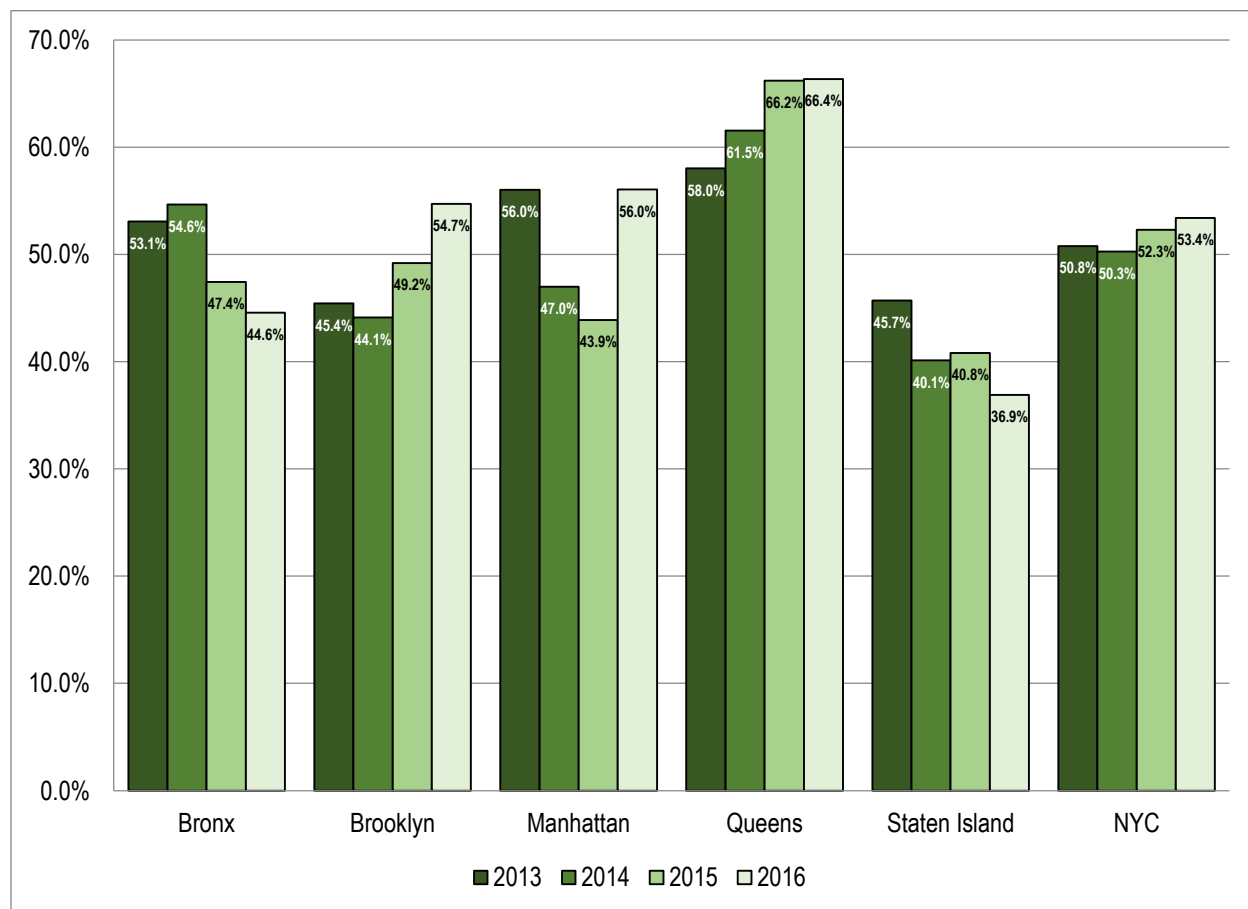
¹⁸ Also note that data on foreclosure filings provided to OCJ by the New York State Unified Court System show lower numbers, with a total of 7,819 residential foreclosure filings in New York City in 2016, of which 5,954 were conference-eligible (New York State Unified Court System. (2017). *Report of Foreclosure Settlement Conference (FSC) Activity: 2016*). The discrepancy may reflect analyses of different steps in the foreclosure process, which involves multiple filings.

¹⁹ For example, see this report on access to representation in Connecticut: Clark, M., Barron, M. (2009). *Foreclosures: A Crisis in Legal Representation*. Brennan Center for Justice. Retrieved from <https://www.brennancenter.org/sites/default/files/legacy/Justice/Foreclosure%20Report/ForeclosuresReport.pdf>.

foreclosure settlement conferences increased from 33 percent to 62 percent from the years 2011 through 2016.²⁰

In New York City, data show that a majority of homeowners in foreclosure proceedings have the assistance of legal counsel; 53.4 percent of homeowners appearing for foreclosure settlement conferences in 2016 had legal representation, reflecting a modest increase from 50.8 percent three years prior (in 2013). At the borough level, Queens had the highest rate, while Staten Island had the lowest rate (see Figure 8).

Figure 8: Foreclosure Settlement Conferences Appearances in New York City: Representation Rates, 2014–2016



Source: New York State Office of Court Administration

²⁰ State of New York Unified Court System. *Report of the Chief Administrator of the Courts Pursuant to Chapter 507 of the Laws of 2009*. Retrieved from <https://www.nycourts.gov/publications/pdfs/2015ForeclosureReport.pdf>; *Report of the Chief Administrator of the Courts Pursuant to Chapter 507 of the Laws of 2009*. Retrieved from <http://nycourts.gov/publications/pdfs/ForeclosureAnnualReport2016.pdf>.

Much of the support for foreclosure legal services comes from work by state attorneys general, New York State included. In 2012, 49 state attorneys general and the Obama Administration agreed on a settlement with five large mortgage servicers. Through this settlement, New York State borrowers who lost their homes or whose mortgages were worth more than their home's value received settlements that totaled over \$1 billion across the State. In addition, \$130 million was awarded to New York State to fund legal services and housing counseling for homeowners facing foreclosure.²¹ The State Attorney General's Office used these funds to create the Homeowner Protection Program (HOPP), which provides housing counseling and legal assistance to New York State homeowners at risk of foreclosure.

In New York City, HOPP is administered by the Center for NYC Neighborhoods (CNYCN), a nonprofit organization. CNYCN distributes HOPP, philanthropic, and other public funds to community-based organizations to provide housing counseling for homeowners in jeopardy of foreclosure and legal assistance to homeowners already in foreclosure proceedings. HOPP is the main source of legal assistance for homeowners in the city. CNYCN received \$8.1 million in funding via HOPP for the period of July 2016 to June 2017, which represents the fifth year of funding since the program was established. In total CNYCN has received over \$40 million in funding, including approximately \$500,000 for services related to recovery from Superstorm Sandy. For the past City fiscal year, 7,025 homeowners were served, and over 22,000 New York City homeowners have received legal assistance since the establishment of the program. The Attorney General's Office recently announced the renewal of statewide HOPP funding for State Fiscal Year 2019.²² In addition, CNYCN receives approximately \$4.5 million through discretionary and baseline programs administered by the Department of Housing Preservation and Development (HPD) to support legal and other services for homeowners at risk of or facing residential foreclosure.

²¹ New York Attorney General Eric T. Schneiderman. (n.d.). *Homeowner Protection Program: Key Provisions of the Settlement*. Retrieved from <http://www.aghomehelp.com/Key-Provisions-Of-The-Settlement.html>.

²² New York Attorney General Eric T. Schneiderman. (2017). "A.G. Schneiderman Announces Additional \$20 Million In Funding For Homeowner Protection Program." Retrieved from <https://ag.ny.gov/press-release/ag-schneiderman-announces-additional-20-million-funding-homeowner-protection-program>.

Legal Services for Immigrant New Yorkers

In our first Annual Report, OCJ presented an in-depth examination of legal services related to housing and eviction in New York City, summarizing the various legal processes that impact tenants and landlords, investigating the legal services available to tenants and the needs that remain, and presenting data reflecting the characteristics of the individuals served and cases handled by City-funded legal providers. In this year's report, OCJ worked with our partners at the Mayor's Office of Immigrant Affairs (MOIA) to develop a similar analysis of the issues related to immigration legal services in New York City.

New York City will dedicate approximately \$48 million in funding to a continuum of free legal services programs for immigrant New Yorkers facing issues ranging from a need for clear and reliable information about their rights to full-fledged legal representation to defend against deportation from the United States, which in many cases means leaving behind both their livelihoods and their families.

The needs for legal assistance for immigrants have perhaps never been more urgent or more varied. Through a series of executive and administrative actions as well as announcements of new policy priorities, the administration of President Trump has targeted non-citizens in the United States in a variety of ways, including:

- the elimination of programs providing temporary status to thousands of immigrants, among them the Deferred Action for Childhood Arrivals (DACA) program and Temporary Protective Status (TPS) programs designation for several countries;
- expanding deportation enforcement priorities to include a longer list of immigrants to be prioritized for removal regardless of public safety considerations;
- an executive order paving the way for a dramatic increase in federal immigration enforcement agents and officers; and
- bans on travel to the United States for residents of targeted countries; and repeated announcements of a wall to be built on the southern border of the country.

Immigrant and foreign-born New Yorkers comprise an increasing component of the city's population. Today approximately 38 percent of New York City residents are foreign-born.²³ New York City's foreign-born population has grown modestly in recent years, from 2.9 million in 2000 to an average of 3.1 million in 2012 to 2016.²⁴ The foreign-born share of New York City's population has similarly increased from 35.9 percent to 37.8 percent over the same period.²⁵ New York's immigrant population includes families and individuals from a wide range of countries and with a variety of residency statuses. Roughly half of foreign-born

²³ United States Census Bureau, American Community Survey, 2012-2016 Five Year Estimates.

²⁴ United States Census Bureau, American Community Survey, 2012-2016 Five Year Estimates.

²⁵ United States Census Bureau, American Community Survey, 2012-2016 Five Year Estimates, 2000 Census.

New Yorkers are naturalized citizens. The other half is comprised of foreign-born non-citizens with permanent authorization to stay in the country (legal permanent residents, or LPRs); immigrants with temporary residency authorization (a group that includes New Yorkers who currently possess temporary status under the DACA program launched in 2012 by President Obama and rescinded in 2017 by President Trump); and immigrant residents without status, or undocumented immigrants. Many city families are “mixed status,” composed of members with different immigration statuses. According to a 2009 study by the Pew Center, 37 percent of undocumented adults in the United States are parents of U.S.-born citizen children.²⁶ In other cases, an undocumented immigrant may have a partner who is a citizen or permanent resident.

Within the city, Queens has the largest population of foreign-born persons, with 35 percent of foreign-born New Yorkers living in the borough (see Table 10 below). Another 31 percent reside in Brooklyn, while roughly 16 percent live in the Bronx and 15 percent in Manhattan. Approximately half of all foreign-born people in the city are naturalized citizens, a proportion that is relatively consistent across the boroughs.

Table 10: Borough-Level Distribution of Native, Foreign-born Persons in New York City

	Total	Native-born	Foreign-born	Foreign-born, Naturalized	Foreign-born, Not a U.S. Citizen
New York City	8,285,181	5,151,373	3,133,808	1,705,061	1,428,747
Bronx	1,394,595	893,456	501,139	238,747	262,392
Brooklyn	2,566,817	1,593,308	973,509	560,739	412,770
Manhattan	1,574,688	1,112,852	461,836	224,504	237,332
Queens	2,282,566	1,186,749	1,095,817	613,625	482,192
Staten Island	466,515	365,008	101,507	67,446	34,061

Source: U.S. Census Bureau, American Community Survey, 2012–2016 Five Year Estimates

Lawful Permanent Residents

Lawful Permanent Residents (LPRs), also known as “green card” holders, have authorization to permanently reside and work in the U.S. and ultimately apply for citizenship once qualifications are met. LPRs are also eligible for most public benefits in New York State; however, those with less than five years in status are ineligible for public benefits such as SNAP (also known as food stamps), and only those with 40 qualifying quarters of employment can obtain federal Social Security Insurance benefits.

²⁶ Passel, J. S., Director, P. T., & Lopez, M. H. (2009). *A Portrait of Unauthorized Immigrants in the United States*. Retrieved from www.pewhispanic.org/files/reports/107.pdf.

Permanent residency is not completely secure; immigrants with this status who are convicted of certain crimes or who leave the country for extended periods of time are potentially subject to removal.

New York City is a hub for newly admitted permanent residents. Data from the Department of Homeland Security show that between 2014 and 2016 a rough average of 16.4 percent of all individuals granted LPR status in the United States each year resided in the New York metropolitan area (which includes areas of New York State, New Jersey, and Pennsylvania).²⁷

Federal immigration law provides some pathways through which immigrants can become permanent residents. Some of these pathways are detailed below and include: family preference/reunification; refugees and asylees; employment sponsorship; and the diversity visa program.

In New York City, the majority of persons attaining LPR status have done so through family preference.²⁸ Both United States citizens and LPRs are able to sponsor non-citizen family members (e.g., spouses and unmarried children under 21). Citizens can also sponsor additional relatives, such as married adult children and siblings.²⁹ To initiate a family preference visa, the sponsoring family member files a petition with U.S. Citizenship and Immigration Services (USCIS), the federal agency charged with adjudicating petitions for immigration benefits. Family sponsorship is the largest single channel through which foreign-born persons gain permanent residency in New York City, accounting for nearly half of admissions between 2002 and 2011.³⁰

Refugees and Asylees

Another pathway to LPR status is application for residency as a refugee or asylee based on humanitarian concerns. Between 2002 and 2011, nearly 13 percent of New York City's new LPRs attained residency through this channel.³¹ To be awarded residency, both refugees and asylees need to demonstrate that they can no longer live in their home country due to past persecution or a reasonable fear of persecution on account of race, religion, nationality, or membership in a political or social group. The distinction between the two groups is that refugees obtain their refugee status before entering the United States, while asylees seek to apply for asylum at port of entry or once they are already in the country. Asylees may apply

²⁷ Department of Homeland Security. (2016). *Yearbook of Immigration Statistics (Table 5)*. Retrieved from <https://www.dhs.gov/immigration-statistics/yearbook>.

²⁸ New York City Department of City Planning. (2013). *The Newest New Yorkers*. Retrieved from https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nnny2013/nnny_2013.pdf

²⁹ United States Citizenship and Immigration Services. (2016). *Green Card Through Family*. Retrieved from <https://www.uscis.gov/green-card/green-card-through-family>.

³⁰ New York City Department of City Planning. (2013). *The Newest New Yorkers*.

³¹ New York City Department of City Planning. (2013). *The Newest New Yorkers*.

either affirmatively or defensively in response to the initiation of removal proceedings. Asylum applications are processed by USCIS, and may involve a hearing before a USCIS officer as well as a potential hearing in immigration court.

Employer Sponsorship

Another predominant channel for permanent residency is employer sponsorship. Between 2002 and 2011, approximately 9.3 percent of New York City LPRs attained status through this program, in which visas are allotted to a range of immigrants whom employers can sponsor for permanent residency.³² Immigrant New Yorkers are employed in a wide range of industries; approximately 25 percent of immigrant New Yorkers work in the education, health, and human services fields.³³

Diversity Visa Program

The fourth major channel through which immigrants can attain permanent residency is the diversity visa program (also known as the “green card lottery”). The diversity visa program provides 50,000 annual visas through a lottery open to people from countries deemed under-represented in the U.S. immigrant population. This program is not open to undocumented immigrants in the United States and is largely reserved for people living abroad or in the United States on a temporary visa. Between 2002 and 2011, 7 percent of city immigrants granted LPR status did so through the diversity program.³⁴ This program first came under specific attack by the Trump Administration in late 2017 and the most recent Presidential budget proposal threatens to end it entirely and replace it with a “merit-based” regime.³⁵

Immigrants Lacking Status

There are an estimated 560,000 New York City residents without legal authorization to live in the United States, or undocumented immigrants, including persons who have overstayed a temporary non-immigrant visa or who entered the United States without authorization.

Currently, immigrants lacking status have limited legal options to seek status. Some of these options include:

- Immigrants who come to the United States in search of protection from threats from their native country may be eligible for **asylum status**. As noted above, to qualify for asylum, a person must demonstrate past persecution or a reasonable fear of future persecution on account of one or more of the following factors: race, religion, national

³² New York City Department of City Planning. (2013). *The Newest New Yorkers*.

³³ United States Census Bureau, American Community Survey, 2012-2016 Five Year Estimates.

³⁴ New York City Department of City Planning. (2013). *The Newest New Yorkers*.

³⁵ Fiscal Year 2019 Federal Budget Proposal; White House. at <https://www.whitehouse.gov/wp-content/uploads/2018/02/budget-fy2019.pdf>

origin, political opinion, or membership in a social group. Individuals who are eligible for asylum are protected from several grounds of inadmissibility that could place other immigrants in removal proceedings. Immigrants who are granted asylum may then apply for LPR status after one year.

- The “**U visa**” program is designed for foreign-born people who have suffered emotional or physical harm resulting from certain qualifying crimes that occurred in the United States and are helpful to law enforcement authorities or government officials in the investigation or prosecution of the criminal activity. Nationally, demand for U visas grossly exceeds the statutory annual cap of 10,000, leading to a substantial backlog.³⁶ The U visa is issued under a federal program, but applicants need documentation from state or local officials (also known as a certification) to verify “helpfulness” in investigating or prosecuting a crime. Approval of a U visa results in work authorization for a period of four years, with eligibility to apply for permanent resident status after three years. Given the backlog in U visa processing, the pathway to LPR status for someone approved for a U visa today is nearly a decade long.
- Survivors of human trafficking who reside in the United States can apply for a “**T visa**.” Similar to U visas, T visas grant legal residence and work authorization with the subsequent ability to apply for permanent residence. To be eligible for a T visa, applicants need to be present in the United States as a result of trafficking, able to demonstrate that that they would suffer extreme hardship should they be removed from the United States, and be willing to cooperate with law enforcement in the investigation of trafficking operations.
- Under the federal **Violence Against Women’s Act (VAWA)**, survivors of domestic violence who are undocumented spouses, children, or parents of a U.S. citizen or spouses or children of an LPR can independently file a petition for lawful permanent residence.
- Some undocumented youth living in New York are able to attain permanent residency by applying to the USCIS for **Special Immigrant Juvenile Status (SIJS)**. Applicants must be unmarried, under 21 years old, and reunification with one or both parents must not be viable because of abuse, abandonment, neglect, or similar grounds under state law; in addition, it must not be in the youth’s best interest to

³⁶ United States Citizenship and Immigration Services. (2016). *Number of I-918 Petitions for U Nonimmigrant Status by Fiscal Year*. Retrieved from https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I918u_visastatistics_fy2016_qtr4.pdf.

return to their home country. SIJS petitions can be a defense to removal. SIJS cases involve multiple legal processes and often include litigation in both immigration and family court.

Removal Proceedings

Non-citizens living in the United States, but especially those without immigration status, are at risk of removal to their native country. Removal is the formal deportation of a foreign-born person from the United States for violation of immigration laws. Unlike most civil proceedings, removal cases can involve detention — that is, incarceration pending the outcome of the case or other relief ordered by the presiding court — though the vast majority of removal cases involve immigrants at liberty. The removal process is under the jurisdiction of the federal government and is ordered by federal administrative judges in immigration courts under the Executive Office of Immigration Review (EOIR).

In New York City, there are two immigration courts that hear removal cases: the New York City Immigration Court located at 26 Federal Plaza in lower Manhattan, which handles cases for non-detained immigrants; and the Varick Street Immigration Court, also in Manhattan, which handles cases involving immigrants in detention. In FFY2016, there were over 20,000 removal cases heard in these two courts, with the great majority at New York City Immigration Court where non-detained cases are heard. The number of removal cases in these courts has fluctuated widely over the past ten years, with a low of 12,630 in FFY 2008 and a high of 21,170 in FFY 2016.³⁷

The jurisdiction of these courts extends beyond the five boroughs of New York City, as can be seen in information from the New York Immigrant Family Unity Project (NYIFUP), a program which provides legal representation to detained immigrants facing removal proceedings at the Varick Street court. NYIFUP is discussed in greater detail below.

Civil Legal Services Programs for Immigrant New Yorkers

As described above, foreign-born New Yorkers can face a range of civil legal issues associated with their immigration status. These issues can impact their ability to work and live in their homes and communities in and around New York City. While immigration law is primarily federal, the City has played an important and increasing role in partnering with local nonprofits to develop programs and support services for immigrant New Yorkers to navigate this complex legal landscape.

³⁷ TRAC Reports. *New Deportation Proceedings Filed in Immigration Court*. Retrieved from http://trac.syr.edu/phptools/immigration/charges/deport_filing_charge.php.

The need for affordable, high-quality legal services is underscored by the activity of unscrupulous *notarios*, or individuals who falsely claim to be attorneys and engage in unauthorized practice of immigration law, take advantage of many low-income immigrants by charging excessive application fees without performing actual legal work and submitting applications for types of relief the applicant is not even eligible to receive. *Notarios* can have a detrimental impact on immigrants who unknowingly end up missing important deadlines, mistakenly put work authorization or legal residency in jeopardy, or in the worst cases, put themselves at risk for removal. These unauthorized immigration law practitioners have plagued New York City for years, but in April 2017 Mayor de Blasio signed into local law City Council Intro 746 containing a set of stepped-up requirements for immigration assistance providers and penalties for the unauthorized practice of immigration law in New York City.³⁸ These local law provisions prohibit knowingly misleading someone about their eligibility for immigration relief as well as falsely advertising expediting of immigration-related government benefits.

In the face of increasing needs and a widening scope of issues for which immigrant New Yorkers have sought assistance, New York City has implemented an extraordinary expansion in local funding for immigration-related legal services in recent years. City funding for these services — that is, Administration-funded programs and discretionary grants awarded annually by the City Council — has risen *sevenfold*, from \$6.8 million in Fiscal Year 2013 to \$47.5 million in Fiscal Year 2018. The rise has largely been driven by increases in Mayoral funding, which rose from \$2.1 million in Fiscal Year 2013 when it represented 31.3 percent of total City funding to \$30.9 million in Fiscal Year 2018, when it represented 65.0 percent of total City funding. At the same time, the Council increased its commitment to immigration legal services funding nearly fourfold, from \$4.6 million in Fiscal Year 2013 to \$16.6 million in Fiscal Year 2018 (see Table 11 below).

³⁸ Local Law 63 of 2017, at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2264229&GUID=DD60F933-3BA9-4068-A75A-89DD26DA9EB8>.

Table 11: City Funding for Key Immigration Legal Services Programs, FY2013–FY2018

Funding (in millions)						
	FY13	FY14	FY15	FY16	FY17	FY18
Mayoral Programs	\$ 2.1	\$ 2.1	\$ 6.2	\$ 10.0	\$ 16.5	\$ 30.9
ActionNYC	\$ -	\$ -	\$ 0.9	\$ 7.9	\$ 8.4	\$ 8.7
Immigrant Opportunity Initiative/Deportation Defense	\$ -	\$ -	\$ 3.2	\$ -	\$ 5.9	\$ 19.6
CSBG-Funded Legal Services	\$ 2.1	\$ 2.1	\$ 2.1	\$ 2.1	\$ 2.1	\$ 2.1
Legal Services for Immigrant Survivors of DV	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.5
City Council Discretionary Awards	\$ 4.6	\$ 5.1	\$ 6.9	\$ 10.9	\$ 11.3	\$ 16.6
New York Immigrant Family Unity Project	\$ -	\$ -	\$ 4.9	\$ 5.2	\$ 6.2	\$ 10.0
ICARE/Unaccompanied Minors and Families Initiative	\$ -	\$ -	\$ 1.0	\$ 1.5	\$ 0.5	\$ 2.0
Immigrant Opportunity Initiative	\$ 4.0	\$ 4.3	\$ -	\$ 3.2	\$ 2.6	\$ 2.6
CUNY Citizenship Now!	\$ 0.6	\$ 0.8	\$ 1.0	\$ 1.0	\$ 2.0	\$ 2.0
Total New York City Funding	\$ 6.7	\$ 7.2	\$ 13.1	\$ 20.9	\$ 27.8	\$ 47.5

Source: NYC Office of Civil Justice, NYC Mayor’s Office of Immigrant Affairs

Below is a summary of the programs referenced in Table 11 that provide civil legal assistance to immigrant New Yorkers. Just as immigrants in New York City experience a wide range of legal needs, programs identified here vary widely in their scale and level of intervention.

ActionNYC

Launched in 2016, ActionNYC is a citywide community-based immigration legal services program operated jointly by MOIA, HRA, and the City University of New York and implemented in collaboration with over 20 community-based organizations and legal services providers across the five boroughs. Through ActionNYC, immigrant New Yorkers receive free, safe, and high-quality immigration legal services in their community and in their language. Through its citywide hotline, centralized appointment making system, and accessible service locations at community-based organizations, schools, and hospitals, ActionNYC serves as the entry point for New Yorkers seeking immigration legal services. New Yorkers can call 311, say “ActionNYC” and make an appointment at an ActionNYC permanent navigation site. The services include comprehensive immigration legal screenings regarding their immigration legal options; trusted legal advice; full legal representation in straightforward immigration matters such as citizenship, LPR renewals, and TPS, among others; full legal representation with some complex cases such as SIJS and U visas, among others; and directed referrals to relevant social services (including IDNYC, the City’s municipal identification card), educational services, and healthcare enrollment. ActionNYC

providers direct referrals to other City-funded programs to handle more complex immigration legal matters as well as cases involving removal defense. In Fiscal Year 2017, ActionNYC provided services at seven permanent navigation sites based at community-based organizations, held clinics in over 33 Department of Education schools, established permanent sites at three NYC Health+Hospitals (H+H) facilities, and provided services to long-term and acute care H+H patients.

Additionally, ActionNYC organizers conduct tailored outreach in traditionally underserved immigrant communities to provide information about ActionNYC and other City services, conduct Know Your Rights forums, and schedule appointments.

Another hallmark of ActionNYC is its work to foster capacity for the provision of high-quality immigration legal services. To this end, ActionNYC has adopted a community navigation model of providing immigration legal services. ANYC community navigators are hired from the community, are culturally competent, undergo rigorous foundational and ongoing training in immigration law, and are supported to become Department of Justice accredited representatives. Through a legal technical assistance partner, all ActionNYC providers are supported to obtain and maintain Department of Justice recognition and are kept informed of changes in immigration law and practice. Navigation and outreach technical assistance partners support the work of ActionNYC's navigators and organizers. Moreover, through the ActionNYC Capacity Building Fellowship, ActionNYC is working with small to medium-sized community-based organizations serving hard-to-reach immigrant communities to strengthen their outreach efforts and to deepen their immigration legal services practice. Finally, in Fiscal Year 2018, ActionNYC issued a request for proposals to provide direct immigration legal services at small to medium-sized community-based organizations that serve hard-to-reach immigrant communities with services expected to launch later in the year. A list of ActionNYC providers is included at Appendix 6.

Immigrant Opportunity Initiative and Deportation Defense

Since Fiscal Year 2017, the Administration has funded the Immigrant Opportunity Initiative (IOI) program, through which networks of nonprofit legal providers and community-based organizations conduct outreach in immigrant communities across the city and provide legal assistance to low-income immigrant New Yorkers in matters ranging from citizenship and lawful permanent residency application, to more complex immigration matters, including asylum applications and removal defense work. The program was initially funded at \$3.2 million annually but in the spring of 2016, in recognition of the need for additional quality legal representation for immigrant New Yorkers in more complicated legal cases, IOI providers received supplemental Mayoral funding of \$2.7 million to provide representation in 1,000 complex immigration cases, including asylum applications, SIJS proceedings, and U and T visa applications. The Council similarly added \$2.6 million to

support immigration legal services as part of the IOI program in Fiscal Year 2017 and again in Fiscal Year 2018.

Importantly, the IOI program is flexible and can respond to emergent needs. OCJ's contracts with the IOI service provider consortia allow for rapid deployment of staff and resources to address legal needs of the immigrant community across the continuum of service, from brief legal counseling sessions to full legal representation in removal and asylum matters.

Mayoral funding for immigration legal services programs was dramatically increased for Fiscal Year 2018 to include \$16.4 million in additional baseline funding to respond to the pressing need for representation in removal proceedings, assistance with seeking alternate forms of immigration relief for Dreamers and other immigrant New Yorkers, as well as the increasing challenges posed by a shifting landscape for federal immigration law and policy. The flexibility of the IOI program enables the City to provide additional funding to a variety of legal services providers including community- and borough-based nonprofit law offices and groups specializing in providing legal services to vulnerable populations, as well as citywide legal provider organizations. A list of IOI providers is included at Appendix 7.

CSBG-Funded Legal Services

In addition to IOI, OCJ oversees immigration legal services programs funded through federal Community Service Block Grants, administered in partnership with the Department of Youth and Community Development (DYCD). With CSBG funding, legal services organizations provide a range of services such as legal assistance to help immigrant adults and youth attain citizenship and lawful immigration status, as well as services targeted at groups such as immigrant survivors of domestic violence and human trafficking, low-wage immigrant workers at risk of exploitation and violations of their employment rights, and immigrant youth in foster care.

Notably, the Trump Administration has proposed to eliminate this source of funding,³⁹ an issue that OCJ and its partners are monitoring as the federal budget process continues. A list of CSBG-funded legal providers is included at Appendix 8.

Legal Services for Immigrant Survivors of Domestic Violence

Following the issuance of the NYC Domestic Violence Task Force's goals and recommendations in 2017, the City invested \$500,000 in Fiscal Year 2018 to support direct domestic violence-specific legal services for immigrant survivors, administered by HRA's Office of Emergency Intervention Services (EIS) in partnership with OCJ, MOIA, and OCDV. Through this initiative, legal organizations with expertise in domestic violence and

³⁹ *Fiscal Year 2019 Effective, Efficient Accountable — An American Budget: Major Savings and Reforms*, (2018), at 41. Retrieved from <https://www.whitehouse.gov/wp-content/uploads/2018/02/msar-fy2019.pdf>.

experience providing immigration legal services are partnering with local community-based groups serving immigrant populations to enhance access to these services in communities and build capacity within community-based groups, providing them with tools to identify and respond appropriately to these issues. A list of participating providers is included at Appendix 9.

New York Immigrant Family Unity Project

The New York Immigrant Family Unity Project (NYIFUP) is the first publicly-funded legal representation program specifically for detained immigrants in the United States. NYIFUP was launched as a pilot program in Fiscal Year 2013 and has steadily grown since; the Fiscal Year 2017 budget for the program (via Council discretionary funding) was \$6.2 million, up from an initial investment of \$500,000 in Fiscal Year 2013. In Fiscal Year 2018, NYIFUP is funded by Council grants totaling \$10.0 million.

Through the NYIFUP program, immigration attorneys at three legal service providers provide legal representation to low-income immigrants who are in detention and face removal cases at the Varick Street Immigration Court. NYIFUP uses a “public defender” model in which low-income immigrants are identified and screened at their first appearance in court. NYIFUP attorneys represent clients throughout the removal proceedings, which can include litigation seeking a release from custody on bond as well as investigation into a client’s health and psychosocial history for presentation to the court. A list of participating providers in the NYIFUP program is included at Appendix 10.

Immigrant Child Advocates’ Relief Effort/Unaccompanied Minors and Families Initiative

The Immigrant Child Advocates’ Relief Effort (ICARE)/Unaccompanied Minors and Families Initiative (UMFI) was established in 2014 through a public-private partnership of the City Council, the New York Community Trust, and the Robin Hood Foundation to provide legal and social services to unaccompanied immigrant children entering and living in New York City. National trends suggest that unaccompanied minors have represented a growing component of the city’s undocumented resident population. In 2014, the number of unaccompanied minors entering the United States and apprehended by U.S. Customs and Border Protection (CBP) soared nearly tenfold from previous years.⁴⁰ Most of these minors have come from Central America and have fled dangerous situations in their home countries, such as gang violence or domestic abuse.

The processing of unaccompanied minors by federal immigration authorities has presented unique challenges as well as opportunities for intervention and provision of services. Upon

⁴⁰ Fordham University School of Law and Vera Institute of Justice (2015). *Unaccompanied Immigrant Youth in New York: Report on Study Findings August 2015*. Retrieved from https://www.fordham.edu/download/downloads/id/2416/unaccompanied_immigrant_youth_in_new_york_august_2015.pdf.

apprehension by CPB, custody of unaccompanied minors is transferred to the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR), while DHS begins removal proceedings. At the same time, ORR conducts an assessment to determine whether the minor can be released to a sponsor (typically a relative or family friend) somewhere in the United States.

In FFY 2016, New York State received nearly 5,000 minors through this process, the second highest state allotment. Thirty percent of these children were released in New York City and over 90 percent were released in the greater New York metropolitan area (New York City and surrounding counties).⁴¹ In response to the influx, the Justice Department had prioritized the processing of youth through the establishment of priority dockets, informally known as "surge dockets," serving both unaccompanied youth as well as families with children; the surge docket system, however, was discontinued by the federal government in early 2017.

The ICARE/UMFI project was developed to provide legal advice and representation to this vulnerable population, including immigration legal screening, as well as counsel with experience in seeking relief from removal through more complex processes available to immigrant youth such as SIJS applications (described above). A list of participating providers in the ICARE/UMFI program is included at Appendix 11.

CUNY Citizenship Now!

The CUNY Citizenship Now! project celebrated its twentieth anniversary in 2017. The program provides free immigration assistance at centers located throughout New York City. Through the project, attorneys and paralegals offer one-on-one consultations to assess participants' eligibility for legal status and assist them in applying when qualified. The program operates at CUNY sites across the city as well as at City Council district offices. In Fiscal Year 2018, CUNY Citizenship Now! received an allocation of \$2 million through a Council discretionary grant.

Studying the Represented: An Analysis of Legal Services Program Data

To provide an overview of the reach and impact of the immigration legal services programs funded and managed by the Administration, OCJ partnered with MOIA to analyze, for the first time, case-level data provided to the City by legal services organizations providing assistance through these programs. This report offers a look at the volume and characteristics of individuals being served and of the cases being handled, with the goal of supporting policy discussions on immigration legal services needs in New York City.

⁴¹ United States Department of Health & Human Services, Office of the Administration for Children & Families, Office of Refugee Resettlement (2016). *Unaccompanied Children Released to Sponsors by County*.

Data for cases handled in Fiscal Year 2017 have been collected from three Administration-funded programs that provide immigration legal assistance to immigrant New Yorkers, described above: ActionNYC, the Administration’s IOI program, and the CSBG-funded legal services programs. Our analysis showed:

- Through the Administration’s immigration legal assistance programs, legal organizations provided assistance in 14,698 cases and filed 5,820 applications in pursuit of status with USCIS in Fiscal Year 2017.
- Applications were decided by USCIS in 1,388 cases, of which 1,331 — 95.9 percent — were granted.
- In 79.1 percent of all cases handled, lawyers provided full legal representation to immigrants in need of services, and in 20.9 percent, immigrants received comprehensive immigration legal screenings, legal advice, or other brief assistance.
- Among immigrants served, the largest age group was between 22 and 34 years old (27.0 percent). Youth aged 21 and younger comprised 16.3 percent of clients served, while seniors aged 65 or older comprised 8.2 percent.
- Legal service providers assisted immigrants from over 170 countries; the largest single groups of program clients were from Mexico (18.5 percent) and the Dominican Republic (11.1 percent).
- Looking at IOI and CSBG only,⁴² a substantial majority of legal services clients resided in Queens (37.6 percent) and in Brooklyn (29.1 percent), proportions which are consistent with the distribution of immigrant New Yorkers across the boroughs.
- Across the three programs, about 40 percent of cases in which lawyers provided full representation to clients involved citizenship matters (21.9 percent) or establishing permanent residency (20.8 percent). Representation for immigrant workers in wage, labor and other employment-related issues accounted for 17.5 percent of full representation cases. Lawyers represented immigrants in over 1,000 cases seeking asylum or refugee status or relief from removal, and an additional 1,100 cases involved representation for immigrant survivors of domestic violence or trafficking and immigrant youth.

The tables below present this analysis in greater detail.

⁴² This information is not available for ActionNYC.

Table 12: Legal Services Cases Handled through Mayoral Immigration Programs, FY2017⁴³

Program	#	%
ActionNYC	8,443	57.4%
Mayoral IOI	4,093	27.8%
CSBG-Funded	2,162	14.7%
Total	14,698	100.0%

Table 13: Applications to USCIS for Immigration Status Filed through Mayoral Immigration Programs, FY2017

Filing Status	#
Applications Filed With USCIS	5,820
Applications Decided by USCIS	1,388
Applications Granted by USCIS	1,331
Applications Denied/Other by USCIS	57

⁴³ Cases handled include individuals who receive brief advice, comprehensive legal screenings, and those who are taken on representation

Table 14: Borough of Residence of Legal Services Clients (Mayoral IOI and CSBG-Funded), FY2017

Borough of Residence	#*	%
Bronx	1,131	18.1%
Brooklyn	1,817	29.1%
Manhattan	714	11.4%
Queens	2,345	37.6%
Staten Island	231	3.7%
Total	6,238	100.0%

* excludes cases in which borough of residence is unknown.

Table 15: Age Group of Legal Services Clients in Mayoral Immigration Programs, FY2017

Age of Client	#	%*
21 and Under	2,228	16.3%
22 to 34	3,693	27.0%
35 to 44	2,844	20.8%
45 to 54	2,258	16.5%
55 to 64	1,525	11.2%
65 and Over	1,118	8.2%
Unknown	1,032	N/A
Total	14,698	N/A

* excludes cases where age is unknown.

Table 16: Country of Origin of Legal Services Clients in Mayoral Immigration Programs, FY2017

	Country of Origin	#	%
1	Mexico	2,720	18.5%
2	Dominican Republic	1,628	11.1%
3	Ecuador	1,198	8.2%
4	Haiti	680	4.6%
5	Jamaica	622	4.2%
6	Colombia	587	4.0%
7	Nepal	477	3.2%
8	Honduras	468	3.2%
9	El Salvador	358	2.4%
10	Guatemala	326	2.2%
11	China	278	1.9%
12	Trinidad and Tobago	275	1.9%
13	Guyana	236	1.6%
14	Peru	219	1.5%
15	Egypt	191	1.3%
16	Philippines	131	0.9%
17	Guinea	124	0.8%
18	Nigeria	113	0.8%
19	Cuba	109	0.7%
20	Bangladesh	107	0.7%
	Other	3,851	26.0%
	Total		100.0%

Table 17: Levels and Types of Legal Services Provided in Mayoral Immigration Programs, FY2017

All Programs			
Type of Legal Assistance	#	% of All Cases	% of Legal Representation
Comprehensive Immigration Legal Screenings/Legal Advice/Brief Assistance	3,075	20.9%	
Permanent Residency	2,420	79.1%	20.8%
Citizenship	2,544		21.9%
Legal Services for Immigrant Workers ⁴⁴	2,035		17.5%
DACA	1,214		10.4%
Asylum and Refugee Issues	836		7.2%
Legal Services for DV and Trafficking Survivors	650		5.6%
Legal Services for Immigrant Youth	487		4.2%
Removal Defense	216		1.9%
Other	1,221		10.5%
Total	14,698		100.0%
ActionNYC			
Type of Legal Assistance	#	% of All Cases	% of Legal Representation
Comprehensive Immigration Legal Screenings ⁴⁵	1,873	22.1%	N/A
Permanent Residency	1,900	77.8%	28.9%
Citizenship	1,937		29.5%
Legal Services for Immigrant Workers ⁴⁶	579		8.8%
Asylum and Refugee Issues	216		3.3%
DACA	800		12.2%
Legal Services for DV and Trafficking Survivors	178		2.7%
Legal Services for Immigrant Youth	68		1.0%
Removal Defense	0		0.0%
Other ⁴⁷	892		13.6
Total	8,443		100.0%

⁴⁴ Legal Service for Immigrant Workers encompasses wage theft and other immigrant worker protections as well as applications for employment authorization documents

⁴⁵ This category includes comprehensive immigration legal screenings that resulted in no legal relief being identified. Screenings that identify immigration legal relief are typically accepted or referred for full legal representation.

⁴⁶ In the case of ActionNYC, Legal Services for Immigrant Workers only includes applications for employment authorization documents.

⁴⁷ Under ActionNYC, this category is mostly composed of Freedom of Information Act (FOIA) requests, requests for background checks, and applications for consular processing.

Mayoral IOI			
Type of Legal Assistance	#	% of All Cases	% of Legal Representation
Legal Advice/Brief Assistance	1,154	28.2%	N/A
Permanent Residency	370	71.8%	12.6%
Citizenship	165		5.6%
Legal Services for Immigrant Workers	997		33.9%
Asylum and Refugee Issues	525		17.9%
DACA	269		9.2%
Legal Services for DV and Trafficking Survivors	115		3.9%
Legal Services for Immigrant Youth	192		6.5%
Removal Defense	208		7.1%
Other	98		3.3%
Total	4,093		100.0%
CSBG-Funded			
Type of Legal Assistance	#	% of All Cases	% of Legal Representation
Legal Advice/Brief Assistance	48	2.2%	N/A
Permanent Residency	150	97.8%	7.1%
Citizenship	442		20.9%
Legal Services for Immigrant Workers	459		21.7%
Asylum and Refugee Issues	95		4.5%
DACA	145		6.9%
Legal Services for DV and Trafficking Survivors	357		16.9%
Legal Services for Immigrant Youth	227		10.7%
Removal Defense	8		0.4%
Other	231		10.9%
Total	2,162		100.0%

New York State Support for Immigration Legal Services Programs

As discussed above, the Judiciary’s CLS grants are the largest New York State-funded source of funding for civil legal services in New York City. However, the use of these funds in immigration matters is limited. In recent years, New York State has created programs specifically aimed at assisting foreign-born New York State residents. In 2013, New York State created a new administrative division, the Office for New Americans (ONA),⁴⁸ tasked with assisting foreign-born New York State residents to fully “participate in New York State civic and economic life.”⁴⁹ The Fiscal Year 2018 New York State Budget provides \$16.4 million to assist New York State residents with immigration concerns, the majority of which (\$10.0 million) is allocated to the Liberty Defense Project (LDP), created in 2017 as a partnership between New York State, philanthropic partners (Carnegie Corporation and the Ford Foundation), and a network of advocacy organizations and legal service providers.

In New York City, ONA administers funding to support 14 community-level Opportunity Centers — housed in existing community-based organizations — that assist foreign-born people with immigration-related legal matters⁵⁰ as well as six immigration attorneys statewide to provide legal support and assistance to Opportunity Centers that lack in-house legal services. Although New York City–specific statistics were not available, ONA estimated in 2015 that since launching in 2013, more than 78,600 individuals received assistance through Opportunity Centers throughout New York State.⁵¹

Federal Programs for Immigration Legal Services

Although federal funding for civil legal assistance has declined in recent decades, the Department of Justice (DOJ) has implemented some legal assistance initiatives targeted to the foreign-born. Through the Recognition and Accreditation (R&A) Program,⁵² EOIR permits non-lawyers to provide legal assistance in immigration court. This program does not provide funding to legal service providers or immigrant advocacy groups but instead provides vetting and credentialing for non-lawyers to advise and represent the foreign-born when applying for citizenship and defending against removal. The R&A program was enacted both to increase competent support available to immigrants with legal matters and to reduce the likelihood that immigrants fall victim to fraud or exploitation.

⁴⁸ New York State Office for New Americans. (n.d.) Retrieved from <https://www.newamericans.ny.gov/>.

⁴⁹ New York State Office for New Americans. (n.d.). *Governor’s Message*. Retrieved from <https://www.newamericans.ny.gov/about/governor.html>.

⁵⁰ Office for New Americans. (2015). *Office for New Americans Concept Paper*. Retrieved from https://www.newamericans.ny.gov/pdf/ONA_Concept_Paper_2016-2019.pdf.

⁵¹ Office for New Americans. (2015). *Office for New Americans Concept Paper*. Retrieved from https://www.newamericans.ny.gov/pdf/ONA_Concept_Paper_2016-2019.pdf.

⁵² United States Department of Justice. *Recognition & Accreditation (R&A) Program*. Retrieved from <https://www.justice.gov/eoir/recognition-and-accreditation-program>.

Representatives must be based out of a recognized nonprofit organization. To participate, organizations apply with the Office of Legal Access Programs (OLAP) to demonstrate knowledge of and experience in dealing with immigration matters.⁵³ Nationwide, there are nearly 1,000 recognized organizations, 77 of which are based in New York City.⁵⁴

Non-lawyers from participating organizations can receive either partial or full accreditation. Partially accredited representatives are permitted to assist foreign-born residents in completing immigration applications and represent clients at U.S. Citizenship and Immigration Services (USCIS) interviews. In addition to these tasks, fully accredited representatives are authorized to represent clients in removal hearings in immigration courts, as well as in removal appeals before the Board of Immigration Appeals (BIA). In applying for accreditation, non-lawyers must demonstrate expertise as well as support from immigration attorneys or other fully accredited representatives.⁵⁵

The BIA Pro Bono project is a collaboration between EOIR and a group of non-governmental organizations that aims to extend pro bono representation to people with removal appeal cases before BIA. Through this project, pro bono volunteers screen and identify potentially meritorious removal cases that have been heard by immigration judges. Volunteers then forward on these cases to pro bono attorneys, who review and, if they decide to move forward, file for appeal before BIA. EOIR's July 2017 list of pro bono legal service providers includes a dozen NYC-based organizations.⁵⁶

A 2004 internal evaluation of the project compared court outcomes for program participants to detained people filing appeals pro se and found that 22 percent of filers represented through the project attained a favorable outcome at their hearing, compared to 7 percent of pro se filers.⁵⁷

⁵³ United States Department of Justice, Office of Legal Access Programs. *Recognition and Accreditation Program: Frequently Asked Questions*. Retrieved from <https://www.justice.gov/sites/default/files/pages/attachments/2017/04/11/olaprafagsfinal20170411.pdf>.

⁵⁴ United States Department of Justice. (2017). *Recognized Organizations and Accredited Representatives Roster*. Retrieved from <https://www.justice.gov/eoir/page/file/942301/download>.

⁵⁵ A.B. Tenney. (2014). *BIA Recognition and Accreditation: A Step-by-Step Guide for Non-Profit Community-Based Agencies*. World Relief. Retrieved from <https://cliniclegal.org/sites/default/files/bia/WorldReliefandCLINICBIAGuideFeb2016Final.pdf>.

⁵⁶ United States Department of Justice, Executive Office for Immigration Review. (2017). "List of Pro Bono Legal Service Providers: New York." Retrieved from <https://www.justice.gov/eoir/file/ProBonoNY/download>.

⁵⁷ United States Department of Justice, Board of Immigration Appeals. (2004). *The BIA Pro Bono Project Is Successful*. Retrieved from <https://www.justice.gov/sites/default/files/eoir/legacy/2005/02/01/BIAProBonoProjectEvaluation.pdf>.

Other City-Funded Civil Legal Services Programs

Legal Services Connecting New Yorkers with Disabilities to Federal Benefits

The SSI Maximization project, operated by HRA's Customized Assistance Services (CAS) unit identifies and connects HRA clients with disabilities to assistance in obtaining federal disability benefits. The project targets vulnerable HRA clients who have been determined to have disabilities and assists them in receiving and maximizing their Social Security Disability Income (SSDI) and Supplemental Security Income (SSI). The program provides home-based assistance in completing the disability application process and includes assistance for program clients for whom SSDI and SSI have been denied or who obtained insufficient awards in having these determinations reviewed by the Social Security appeals court or in Federal courts. The program is intended to improve the quality for the extremely vulnerable living on fixed incomes and who have limited mobility. The SSI Maximization project is funded by HRA at approximately \$2.5 million in Fiscal Year 2018. A list of legal services providers participating in the SSI Maximization project is included at Appendix 12.

Legal Assistance for Senior New Yorkers

The Department for the Aging (DFTA) administers \$1.3 million in annual funding for legal services for seniors. DFTA contracts with nonprofit legal services organizations to provide legal advice and representation to senior New Yorkers in areas including income and benefits, healthcare advocacy, long-term care issues, housing, guardianship, and issues of elder abuse, neglect, exploitation, and discrimination. In early 2018, DFTA issued a Request for Proposals for qualified organizations to provide legal assistance to senior New Yorkers, with providers expected to be selected for Fiscal Year 2019.

Legal Services for Small Businesses Facing Commercial Leasing Issues

While much of the City's civil legal services programming is targeted to assist individuals or families, a recently launched initiative seeks to help small businesses in New York City. The Commercial Lease Assistance Program, administered by the City's Department of Small Business Services (SBS), launched in Fiscal Year 2018 and will allow small business owners to obtain free legal assistance in negotiating or renewing leases, resolving landlord issues, and helping to settle contract disputes. The Commercial Lease Assistance Program, funded at \$1.2 million in Fiscal Year 2018, will provide small businesses that meet income and other requirements with access to a free attorney for advice and representation for pre-litigation services intended to help small business resolve problems before they end up in court. The program will also assist in drafting and sending legal correspondence to landlords, addressing issues related to tenant harassment, and helping to resolve challenges when a building changes ownership. A list of legal services providers participating in the Commercial Lease Assistance Program is included at Appendix 13.

Strategic Plan for Civil Legal Services in New York City

Introduction

Under the City Charter, the Office of Civil Justice (OCJ) is tasked with creating a five-year plan for providing civil legal services to low-income New Yorkers in need of assistance. The City has plans in place for providing legal services to assist low-income tenants facing eviction, displacement and harassment, as well as for legal services for immigrant New Yorkers related to their immigration status or with respect to their employment rights — key areas of legal services in which the City has become a national leader over the past several years through its investments and programs.

Future commitments in other areas of civil legal services are challenging in the current climate, given potential reductions in the City's budget due to Federal fiscal and tax policies and the New York State budget proposal announced by the Governor.⁵⁸ Moreover, comprehensive plans that would seek to meet needs or close gaps in representation in other areas of civil legal services will be more realistic, and ultimately more achievable, after we evaluate the implementation, the impact, and the lessons learned from the City's Universal Access rollout. As the City's (and the nation's) first comprehensive program for providing municipally-funded legal representation for all low-income litigants in a civil court (eviction cases in the city's Housing Courts and New York Housing Authority (NYCHA) administrative proceedings), the creation of the Universal Access initiative involves an unprecedented increase in civil legal staffing and organizational infrastructure, and requires development of methods for program referrals and intake, community outreach, and performance monitoring that will serve as models for expansion of access to legal services into other areas of the civil justice system.

However, as detailed herein, there are concrete steps that OCJ and the City can take to make meaningful progress in making civil legal services more available in key areas of need for low-income New Yorkers — specifically, legal cases involving debt delinquency that face thousands of consumers in New York City every year, and low-income New Yorkers facing employment and wage-related legal issues.

Through the launch and enhancement of its legal services initiatives, OCJ has identified key steps and milestones in the study, development, and implementation of programs to address the civil legal needs of low-income New Yorkers. Our work in support of legal services programs for tenants reflects this approach. The approach can be schematized in three

⁵⁸ New York City Office of Management and Budget. (2018). *The City of New York Preliminary Budget Fiscal Year 2019 — Financial Plan Summary*. Retrieved from <http://www1.nyc.gov/assets/omb/downloads/pdf/sum2-18.pdf>.

phases: framing the area and assessing the need; exploring modes of service delivery; and synthesizing lessons learned.

The first phase of our approach involves research into understanding the components of the area of civil legal services. This includes understanding what legal proceedings are involved in the area and understanding what Courts are involved in adjudicating these proceedings. Next, we analyze what currently existing services serve low-income New Yorkers seeking assistance in this area of law. This analysis includes seeking to understand the capacity of legal service providers in a particular area and garnering an understanding of what resources may be available to low-income New Yorkers from governmental agencies. To understand what impact counsel may have on low-income litigants, OCJ conducts an exhaustive literature review and case study analysis. The literature review may be cross-jurisdictional, allowing us to draw on the experiences of different localities. In order to understand the local context, OCJ conducts stakeholder research to understand what opportunities and obstacles may exist specifically relating to New Yorkers. The next step is to quantify the need for legal services in the area. We seek a numerical understanding of how many New Yorkers have a need for legal services in this area. This process involves compiling information about the number of cases filed, reviewing New York-specific studies, analyzing data, and meeting with stakeholders, including OCA. Of particular relevance are details about the number of low-income New Yorkers in need of services and how the underlying legal need in this area impacts housing instability or exacerbates poverty and income inequality. Further, we seek to understand if there are groups of New Yorkers who, due to their demographic characteristics, may be unfairly disadvantaged by a lack of legal assistance.

The second phase of planning involves synthesizing what was learned in the first phase and creating solutions to address the challenges of providing legal services and assistance to New Yorkers. During this phase of planning, OCJ develops pilot projects. Often the pilot projects are small, but are designed to be scaled up. Pilots are effective ways of testing the efficacy of legal representation, developing comparative data, and, at the same time, providing services to New Yorkers. We closely monitor the progress of the pilot projects and make adjustments as needed to respond to new needs and challenges that arise. Pilots are also useful ways to understand synergies that may exist between different areas of law, allowing us to respond to civil legal needs that may overlap and compound. During this phase OCJ also delves into understanding service delivery methods; that is, ways of connecting New Yorkers in need with any services which currently exist or are being piloted. The lessons learned in connecting those in need of representation with that representation are applicable across scale and often across issue area.

In the third phase of planning, OCJ consolidates all of the findings from phase one and two. This wealth of information is academic, practical, qualitative, and quantitative. With these

data OCJ is equipped to understand best practices, develop cost estimates, and if warranted develop a plan and budgets for providing legal representation and assistance in the relevant area of civil legal services. OCJ is also in a position to understand the capacity of legal services providers and where lacking, develop a pipeline to increase that capacity. The planning process is iterative; once we have completed this process we begin a phased-in implementation of any plan which may have been developed.

Legal Services for Tenants

Universal Access to Legal Services

On August 11, 2017, Mayor de Blasio signed into law City Council Intro 214-b. With the enactment of this law (of which prime sponsors in the Council were Councilmembers Mark Levine of Manhattan and Vanessa Gibson of the Bronx), the City of New York became the first city in the United States to ensure that all tenants facing eviction in housing court will have access to legal assistance. The Universal Access law specifically provides that New York City will provide access to every low-income tenant facing an eviction case in Housing Court to free legal representation — that is, a defense attorney in the tenant’s eviction case — by the end of the five-year phase-in period.

Under the Universal Access law,⁵⁹ OCJ is tasked with establishing a legal services program that will provide free full legal representation in court to tenants facing eviction proceedings in Housing Court whose household incomes are at or below 200 percent of the federal poverty level, which is approximately \$50,000 annually for a household of four.⁶⁰ The law further provides that OCJ will establish a program to provide free brief legal assistance for those households whose income exceeds 200 percent of the Federal Poverty Guidelines, and will implement a universal access to legal services program for tenants facing eviction in administrative proceedings in NYCHA.

Phasing In Investments and Implementation

The law directs that these requirements be fully implemented by Fiscal Year 2022. With the establishment and enhancement of the Expanded Legal Services program in ten zip codes across the city as described above, and five additional zip codes (one per borough) being added to the program in Fiscal Year 2018, the Universal Access program is now underway, with additional zip codes to be added incrementally going forward. A list of targeted zip codes added in Fiscal Year 2018 is included at Appendix 15. Zip codes targeted for services will be selected during the phase-in period based on a variety of factors, including shelter entries from the zip code; prevalence of rent-regulated housing; the volume of eviction proceedings; whether the area is already being served through other legal services programs; and other factors of need.

New investments to support Universal Access will be implemented and phased in over the next four fiscal years, and have begun with an additional \$15 million in Fiscal Year 2018 that

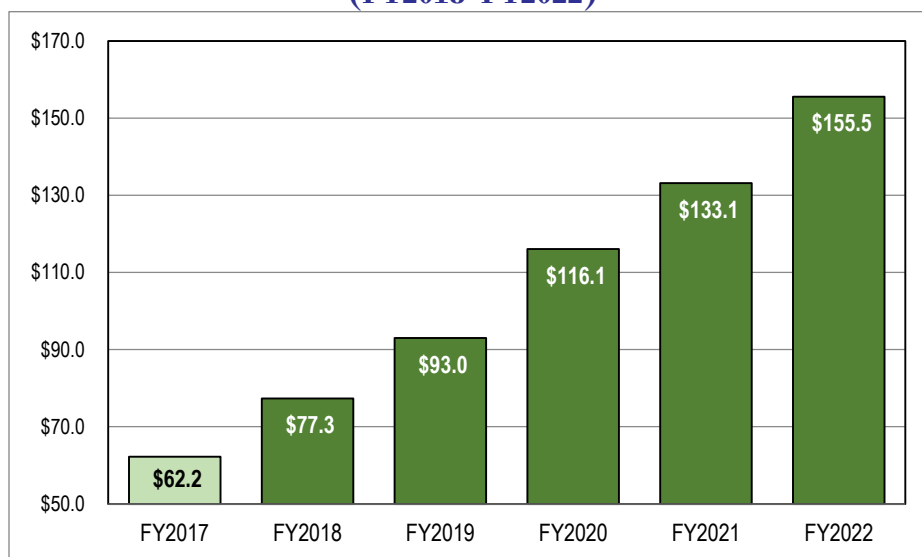
⁵⁹ The full text of the Universal Access Law, Local Law 136 of 2017, is included at Appendix 14.

⁶⁰ The 2018 Federal Poverty Guidelines are available at

<https://www.federalregister.gov/documents/2018/01/18/2018-00814/annual-update-of-the-hhs-poverty-guidelines>. For a household of one, 200 percent of the guidelines is \$24,280 (annually); for two, \$32,920; for three, \$41,560; for four, \$50,200; for five, \$58,840, for six, \$67,480.

brings OCJ’s current investment in tenant legal services to over \$77 million. In Fiscal Year 2019, this investment will grow to \$93 million, as additional zip codes are added to the program. These investments will reach \$155 million by Fiscal Year 2022 to support the phased-in implementation model for Universal Access (see Figure 9 below). At full implementation, the City’s tenant legal services programs are expected to provide access to legal services for a projected 125,000 households annually, or 400,000 New Yorkers, and will level the playing field for tenants facing eviction and displacement.

Figure 9: Projected Annual Funding Levels (in millions) for Legal Services for Tenants (FY2018–FY2022)



Source: NYC Office of Civil Justice

Expanding Universal Access to NYCHA Administrative Proceedings

At the same time, OCJ is working with legal provider partners to develop a program model to comprehensively and effectively provide access to legal services for NYCHA tenants facing termination of tenancy proceedings. Following the recent proposal by Chief Judge DiFiore’s Special Commission on the Future of Housing Court that Staten Island serve as a bellwether for Universal Access implementation,⁶¹ this process is beginning in the spring of 2018 with a pilot program focusing on NYCHA tenants in Staten Island facing termination of tenancy proceedings that is expected to provide such tenants with access to legal services and serve as a model for expansion across the city.

⁶¹ *Special Commission on the Future of the New York City Housing Court: Report to the Chief Judge, January 2018* (2018). Retrieved from <http://www.nycourts.gov/publications/housingreport2018.pdf>.

Conducting Outreach and Education

An important component of implementation over the next several years will be community education and outreach. To that end, in the coming year the City's Tenant Support Unit (TSU) is building a dedicated 15-person team of tenant specialists to conduct outreach in neighborhoods targeted for Universal Access services to reach low-income tenants facing eviction in Housing Court, notify them of their access to free legal representation and connect them to services. TSU and OCJ will also launch a multilingual paid advertising campaign in these neighborhoods to ensure that tenants are aware of their access to legal assistance.

Studying Anti-Harassment and Tenant Protection Legal Services

In addition, in the coming fiscal year, OCJ will be working with legal services provider partners, the courts, and other City agencies to study the Anti-Harassment and Tenant Protection legal services program. OCJ will develop a plan to harmonize the Universal Access program with the legal services work for low-income tenants facing displacement pressures that is a part of the Anti-Harassment and Tenant Protection (AHTP) program.

Building and Supporting Service Capacity

Finally, OCJ will partner with local law schools, legal services providers, the Judiciary and other stakeholders to develop a plan for a robust "pipeline" of skilled and dedicated housing lawyers and supervisors. This will be critical to ensure that organizations providing legal assistance to tenants can hire and train both new and experienced attorneys and other legal professionals to ensure that the City's legal services programs for tenants can maintain a steady pace of growth and increased availability of services during and after the five-year phase-in period.

Legal Services for Immigrant New Yorkers

Introduction

As noted earlier, the de Blasio Administration increased its annual investment in immigration legal services by adding more than \$16 million in Fiscal Year 2018, to a total of \$30 million annually for programs providing legal advice, representation and assistance for immigrant New Yorkers. The City's robust increase in support for immigration legal services programs is supported by the evidence that, in many instances, access to legal assistance can and does have a meaningful positive impact on case outcomes. The 2011 Immigration Study Report found that 74 percent of non-detained persons facing removal who had lawyers obtained favorable outcomes in their cases, as compared to only 13 percent of those without counsel.⁶² The same pattern held among detained litigants, although outcomes were far less favorable overall; 18 percent of represented detained litigants received a favorable outcome, as compared to only 3 percent for the unrepresented. A recent evaluation by the Vera Institute of Justice found that legal representation provided to detained immigrants in removal proceedings in the Varick Street court through NYIFUP led to successful case outcomes in 24 percent of cases which reached disposition compared to a 4 percent success rate for unrepresented immigrants in removal cases heard at Varick Street in the two years before NYIFUP was in place.⁶³

In a 2014 study, researchers from the Transactional Records Access Clearinghouse (TRAC) at Syracuse University documented case outcomes, by representation status, for removal proceedings in priority, or "surge," dockets involving women with children. This study found that, although most families in these dockets lacked representation, those with lawyers had far better case outcomes. Of the over 14,000 completed cases studied, families were represented in 14 percent of cases (though this rate was over 57 percent for the New York Immigration Court). Nearly all (97.7 percent) unrepresented families were ordered deported, compared to 67.1 percent of the families with lawyers, although it should be noted that cases with more merit may be more likely to have representation.⁶⁴ Another TRAC study looked at representation and outcome rates among unaccompanied children in removal cases. The study shows that in the three federal fiscal years preceding the establishment of priority dockets (October 2011 through September 2014), 40 percent of unaccompanied youth with

⁶² Steering Committee of the New York Immigration Study Report. (2011). *Accessing justice: The availability and adequacy of counsel in removal proceedings*. Cardozo L. Rev., 33, 357, Retrieved from http://www.cardozolawreview.com/content/denovo/NYIRS_Report.pdf

⁶³ Vera Institute of Justice. (2017). *Evaluation of the New York Immigrant Family Unity Project*. Retrieved from <https://www.vera.org/publications/new-york-immigrant-family-unity-project-evaluation>. The study predicted that nearly half (48 percent) of NYIFUP-represented cases will have a successful case outcome, compared to a 4 percent success rate for unrepresented immigrants facing removal cases at Varick.

⁶⁴ Transactional Records Access Clearinghouse (TRAC). (2015). *Representation Makes a Fourteen-Fold Difference in Outcome: Immigration Court "Women with Children" Cases*. Retrieved from <http://trac.syr.edu/immigration/reports/396/>.

completed removal cases were represented. Nearly three-quarters of the youth with lawyers were permitted to stay in the country, compared to only 20 percent of youth without lawyers.⁶⁵

Research has likewise shown a substantial positive impact of legal counsel in immigration matters outside of the removal context. A 2007 study published in the *Stanford Law Review* found that representation by counsel was the single biggest factor influencing the outcome of an asylum case.⁶⁶ Moreover, legal assistance has been observed to be especially valuable to immigrants where legal systems intersect, such as when immigration-related issues are litigated in the family court; lack of familiarity with immigration law among stakeholders has been shown to further hinder the ability of non-citizens to document their status as a victim of a crime or their assistance in a prosecution.⁶⁷

Increasing Access to Legal Defense in Removal Cases

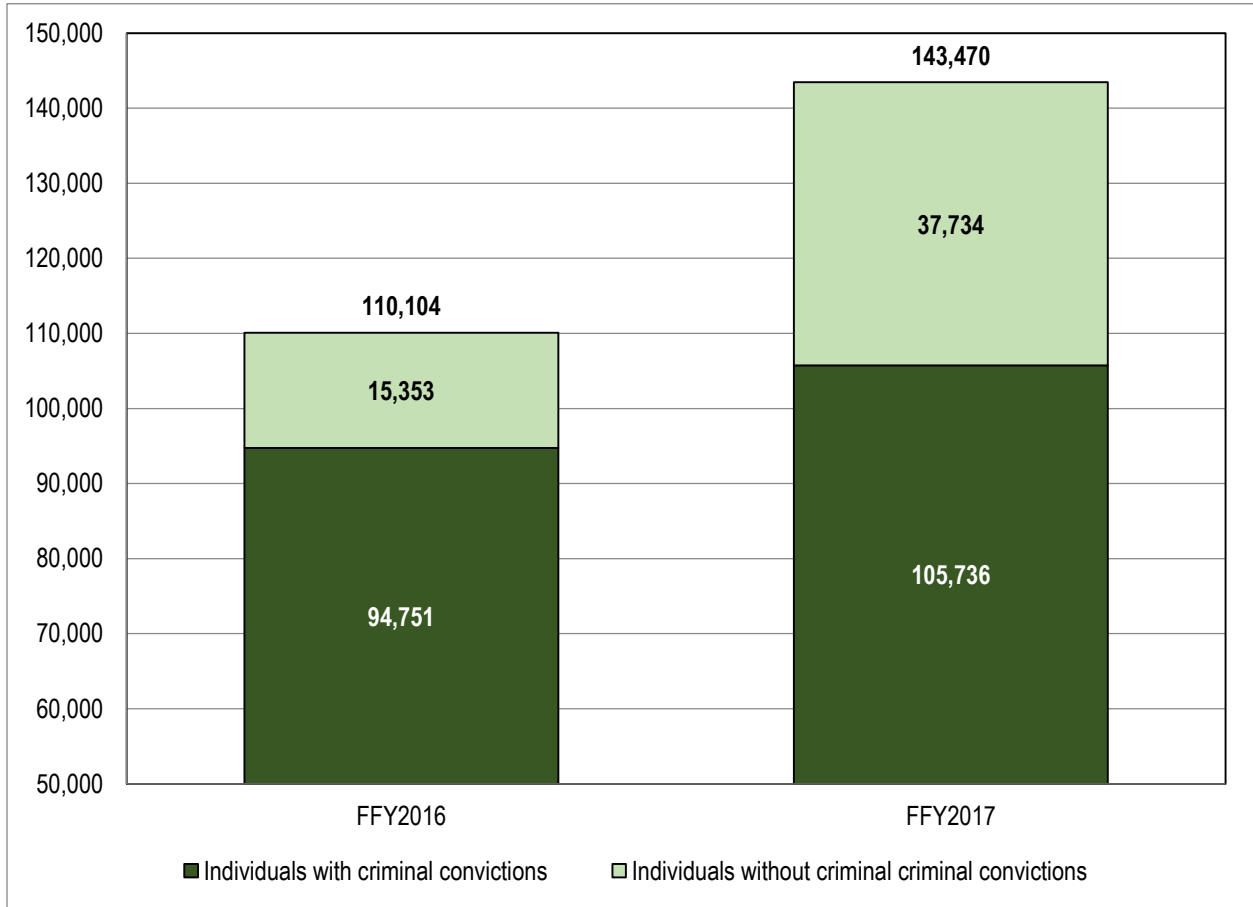
The needs for high-quality, free legal representation for immigrant New Yorkers facing removal have seldom been more acute. New enforcement strategies by the Trump administration have targeted a much broader swath of non-citizen immigrants, regardless of their background and criminal history, and arrests by Immigration and Customs Enforcement (ICE) of individuals with no criminal convictions have dramatically increased just over the past year. As detailed in Figure 10, nationally, the number of arrests of immigrants rose by approximately 33,000 in FFY2017 (much of which covers the period after President Trump’s inauguration) compared to FFY2016 – an increase of approximately 30 percent. Arrests of individuals without criminal histories, however, increased by 146 percent, and the proportion of such “non-criminal arrests” compared to all arrests essentially doubled (from 13.9 percent of arrests in FFY2016 to 26.3 percent in FFY2017). Nationally, two out of every three additional ICE arrests in FFY2017 were of individuals who had no criminal convictions. Therefore, legal services providers as well as the Administration must adjust to meet newly emerging needs resulting from the Trump Administration’s new approach.

⁶⁵ Transactional Records Access Clearinghouse (TRAC). (2015). *Representation for Unaccompanied Children in Immigration Court* Retrieved from <http://trac.syr.edu/immigration/reports/371/>.

⁶⁶ Ramji-Nogales, J., Schoenholtz, A.I. & Schrag, P.G. (2007). *Refugee roulette: Disparities in asylum adjudication*. *Stanford Law Review*

⁶⁷ Fund for Modern Courts. (2015). *The Intersection of Immigration Status and the New York Family Courts*. Retrieved from <http://moderncourts.org/files/2014/03/Modern-Courts-Statewide-Report-The-Intersection-of-Immigration-Status-and-the-New-York-Family-Courts.pdf>

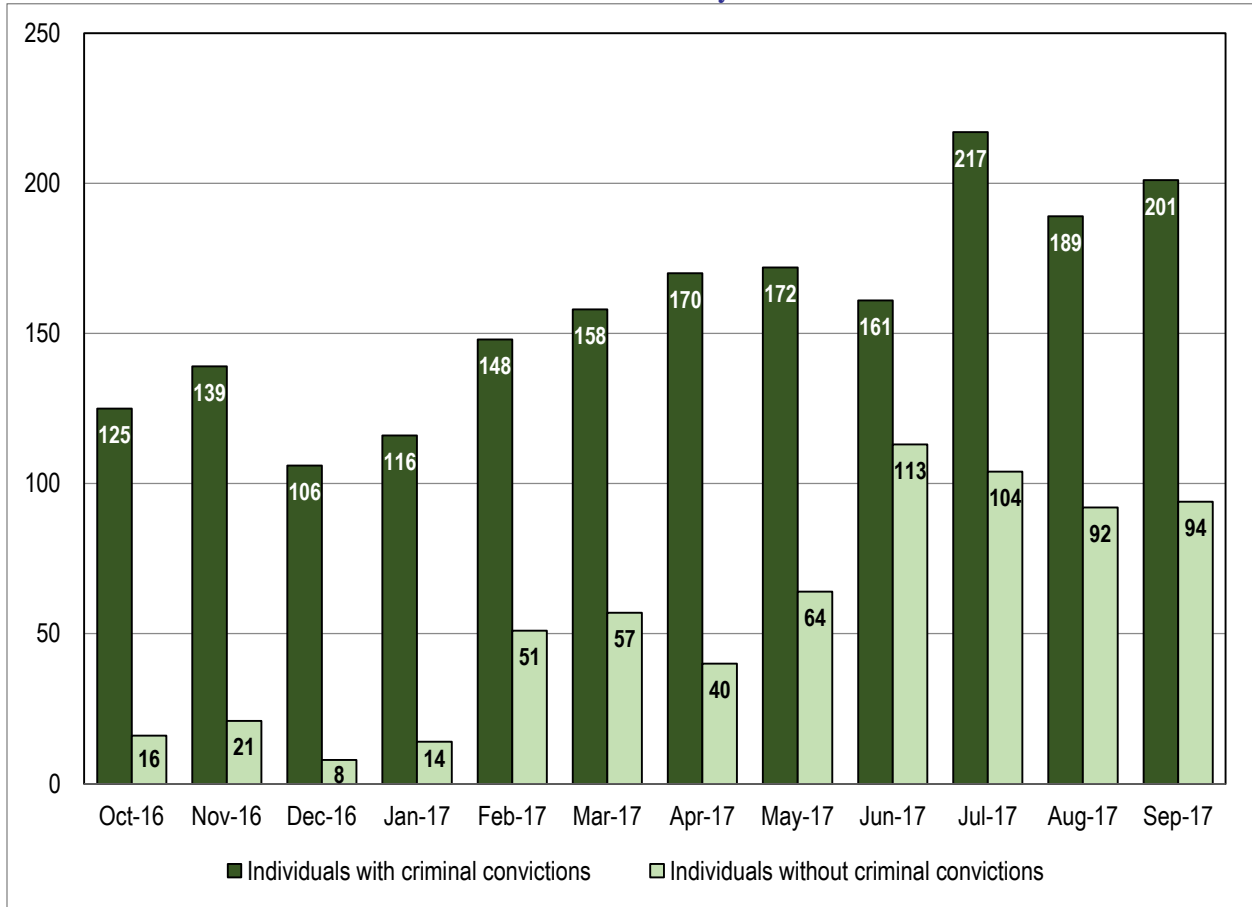
Figure 10: Nationwide ICE Arrests in FFY2016 and FFY2017, By Criminal Conviction History of Arrestees



Source: ICE enforcement data contained in “FY17 Immigration Customs and Enforcement (ICE) Local Removal and Administrative Arrest Data, at <https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf> and https://www.ice.gov/sites/default/files/documents/Document/2017/localStatistics2013_2016.pdf and analyzed by MOIA and OCJ.

In the New York City “area of responsibility” (a region that includes the City as well as surrounding counties), the increases in ICE enforcement actions in the months following President Trump’s inauguration have been even more stark. As detailed in Figure 11 below, in the New York City area, ICE arrested more than twice as many individuals in the last month of FFY2017 than in the first month of the fiscal year; there were 295 arrests in September 2017, approximately eight months after the Trump inauguration, compared to 141 arrests in October 2016, approximately four months before inauguration. Moreover, although arrests of individuals with criminal convictions rose during this period by 60.5 percent, arrests of those without criminal convictions rose by 487.5 percent – more than quintupling the number of ICE arrests of immigrants in and around the City without a criminal history.

Figure 11: ICE Arrests in the NYC Area of Responsibility in FFY2017, By Month and By Criminal Conviction History of Arrestees



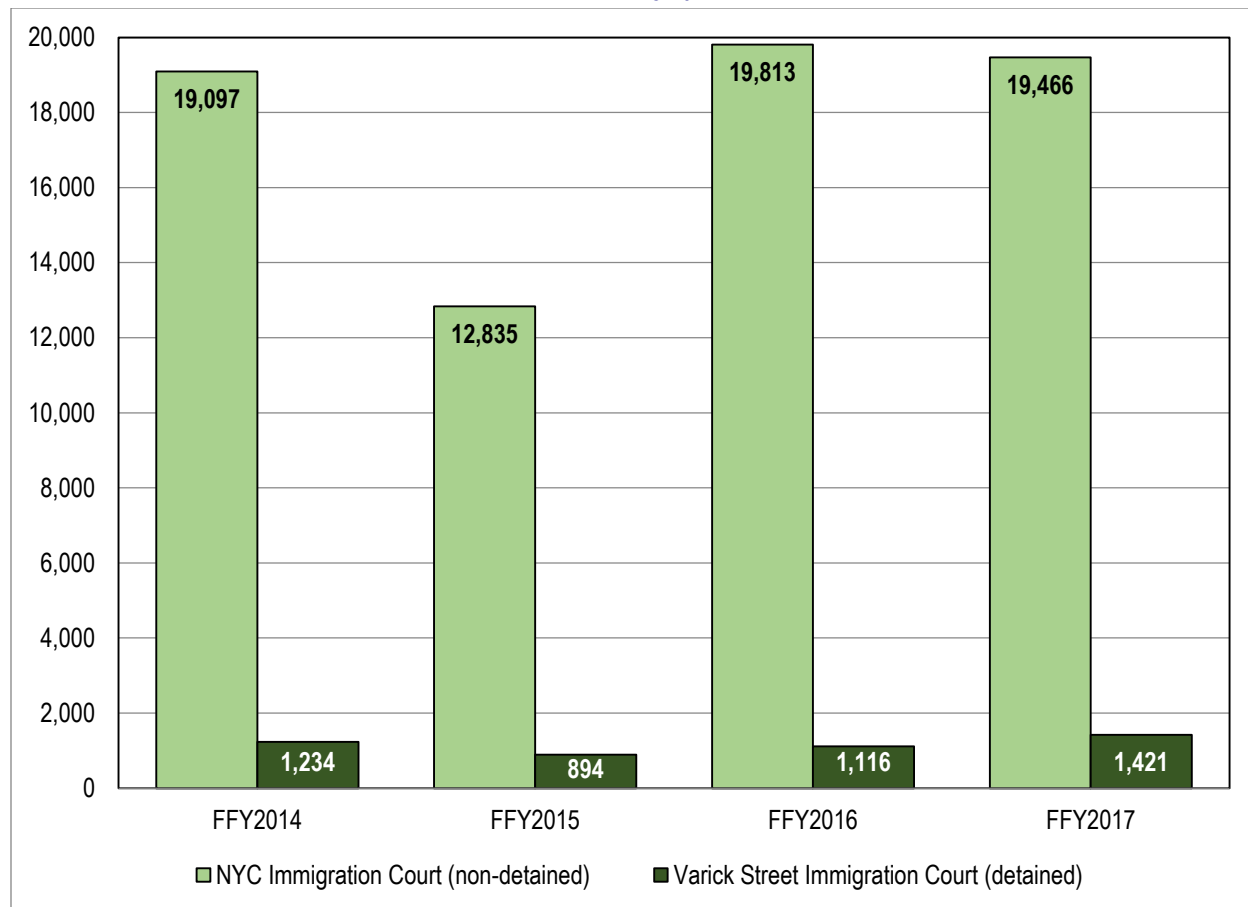
Source: ICE enforcement data contained in “FY17 Immigration Customs and Enforcement (ICE) Local Removal and Administrative Arrest Data, at <https://www.ice.gov/sites/default/files/documents/Document/2017/localStats2017b.pdf> and https://www.ice.gov/sites/default/files/documents/Document/2017/localStatistics2013_2016.pdf and analyzed by MOIA and OCJ.

While the number of ICE arrests has grown substantially under the current Administration, the number of deportation cases initiated has remained mostly flat nationally and in the New York City immigration courts. In FFY2017 (approximately two-thirds of which came after President Trump’s inauguration), the nationwide number of deportation cases initiated modestly declined by 2.9 percent compared to the year before⁶⁸. As detailed in Figure 12 below, the number of non-detained cases initiated in New York City (that is, at the New York City Immigration Court at 26 Federal Plaza) in FFY2017 declined by a smaller percentage - 1.8 percent – compared to FFY2016. The number of removal cases involving detained individuals initiated at the Varick Street court increased by 27.3 percent in

⁶⁸ TRAC, *Details on Deportation Proceedings in Immigration Court* (analysis of ICE data disclosed in response to FOIA request), Retrieved from www.trac.syr.edu/phptools/immigration/nta/.

FFY2017. Despite these trends, however, non-detained removal cases outnumbered detained cases by almost fourteen to one in FFY2017.

Figure 12: Removal Cases Initiated at Immigration Courts in New York City, FFY2014-FFY2017



Source: Transactional Records Access Clearinghouse (TRAC), Details on Deportation Proceedings in Immigration Court, Retrieved in March 2018 from www.trac.syr.edu/phptools/immigration/nta/ and analyzed by MOIA and OCJ.

These data suggest that the need for a robust program to provide removal defense legal services to immigrant New Yorkers should be a priority for New York City. Accordingly, OCJ, in partnership with MOIA, will continue implementation of the Administration’s investment in legal services for immigrants, including substantial increases in access to representation for immigrant New Yorkers facing removal.

Conducting Outreach and Building Access

In addition, OCJ will be working with MOIA to build on the successes of 311 and the ActionNYC hotline to strengthen the infrastructure to address, triage and appropriately

connect immigrant New Yorkers in need of services to the City's legal programs for immigrants. Since launching in February 2016, the ActionNYC hotline has received nearly 30,000 calls from individuals seeking immigration legal help. On average, the hotline receives approximately 1,200 calls per month and has received upwards of 1,700 calls during peak months. OCJ and MOIA will work to identify strategies to ensure that immigrant New Yorkers seeking legal assistance have efficient access to services.

Evaluating the City's Immigration Legal Service Programs

OCJ will work with MOIA to evaluate the immigration legal services programs that are currently funded and administered by the City. This initiative will aim to assess efficacy, efficiency, reach and outcome of the City's programs and will propose concrete steps towards coordination and enhancing access to services for immigrant New Yorkers in need. Based on this assessment, OCJ and MOIA will propose and implement strategies to enhance immigration legal services programming, foster coordination across programs and identify and address gaps in service delivery.

Civil Legal Services for Low-Income New Yorkers Facing Consumer Debt

Introduction

Building on our approach towards immigration legal services that meet emerging needs of low-income New Yorkers, consumer law is the next area of focus for OCJ. Consumer debt — that is, debts incurred in the purchase of goods or services that can include obligations such as credit card bills, student loans, auto loans, medical debt, and unpaid rent and utility expenses — becomes a legal issue for the debtor when the debt becomes delinquent; in cases of debt delinquency, the original creditor, or more likely a debt buyer that has purchased the debt in order to collect, can sue the debtor in court to try to recoup the unpaid amount.

In New York City, most such debts are litigated in the Civil Court, which covers disputes involving less than \$25,000.⁶⁹ According to data provided by OCA there were nearly 50,000 filings of consumer debt cases in the City's Civil Courts in 2016.⁷⁰ Defaults in these cases — that is, failure by debtor defendants to respond to the cases filed against them — are common, and lead to unfavorable judgments without the defendant responding to the claim or perhaps even knowing about it; by one estimate, more than four out of every ten defendants facing a consumer credit case in New York City in 2015 had a default judgment entered against them.⁷¹

Delinquent consumer debt cases can have significant and far-reaching impacts on indebted individuals and their households; when a judgment against the debtor is entered, it reduces that person's credit score, and can thus affect access to housing, employment, and additional ability to borrow.

Individuals and families face these challenges nationwide; according to a recent New York Federal Reserve report, Americans now hold more household debt than ever before, with total household debt in the first quarter of Fiscal Year 2017 exceeding \$12.7 trillion.⁷² In

⁶⁹ Disputes between individuals related to debts of less than \$5,000 are typically handled in the Small Claims Part of the Civil Court. Lawsuits seeking repayment of debts over \$25,000 are brought in New York State Supreme Court.

⁷⁰ UCMS-LC: Office Activity Reports. Provided to DSS OER by OCA

⁷¹ Appendices, Permanent Commission Access to Justice, Report to the Chief Judge of the State of New York, November 2017, at 284, *Testimony From the New York City Broken Lease Task Force, New York State Permanent Commission on Access to Justice, 2016 Public Hearing, September 27, 2016*. Retrieved from <https://www.nycourts.gov/accesstojusticecommission/PDF/2017-ATJ-Appendices-Final.pdf>.

⁷² The New York Fed Consumer Credit Panel (CCP) is a longitudinal survey of consumer Federal Reserve reports on household debt by analyzing Equifax credit reports. The survey presents estimates of consumer finance indicators for individuals with a Social Security number and a credit report. Household debt types included in national estimates include mortgages and home equity lines as well as credit card debt, car loans, and student loans. *Household Debt and Credit Developments in 2017Q1*. Retrieved from https://www.newyorkfed.org/medialibrary/interactives/householdcredit/data/pdf/HHDC_2017Q1.pdf. For further discussions of methods, see Federal Reserve Bank of New York, Research and Statistics Group. (n.d.).

New York City, consumer debt is similarly widespread. According to the New York Fed report, in 2015, more than six out of every ten New York City consumers held credit card debt, and an increasing proportion of New Yorkers held car and student loans; between 2003 and 2015, the percentage of New Yorkers who have auto loans increased from 9.6 percent to 15.0 percent, and the percentage of borrowers with student loan debt more than doubled, from 8.0 percent to 16.6 percent.⁷³

Strategic Plan: Year 1

Assessing the Need for Services among Low-Income New Yorkers

Research strongly suggests that consumer debt delinquency, and the legal jeopardy that accompanies it, may hit lower-income New Yorkers the hardest. A 2010 study that examined a sample of cases filed by debt buyers in New York City between January 2006 and July 2008 found that 91 percent of the people sued for delinquent consumer debt lived in low- or moderate-income census tracts.⁷⁴

There are a number of programs in New York City that provide legal advice, non-lawyer guidance, or time-limited legal assistance for defendants facing consumer debt cases. The Civil Legal Advice and Resource Office (CLARO) program operates at the Civil Court and provides legal advice to low-income New Yorkers who are facing consumer debt cases in court. CLARO program attorneys, who are volunteers, meet with individuals at court and provide advice on how they can best represent themselves. The CLARO program operates in all five boroughs and partners with law schools, bar associations, and legal services providers in order to assist unrepresented litigants access consumer debt legal services.

Whereas the CLARO program provides legal advice to unrepresented litigants, OCA's Volunteer Lawyer for the Day — Consumer Debt Program (VLFD) provides the essential equivalent of full legal representation on a limited, per-day basis. In 2016, the VLFD provided such limited-scope representation to approximately 3,400 consumers in the city's Civil Courts through the volunteer efforts of over 100 attorneys and law students. Such limited-scope assistance has yielded dismissals, both with and without prejudice, and

Regional Household Debt & Credit Snapshot Technical Notes. Retrieved from <https://www.newyorkfed.org/medialibrary/media/regional/regional-hhdc/RegionalHHDC-Snapshot-TechnicalNotes.pdf>; Federal Reserve Bank of New York, Research and Statistics Group. (2017).

⁷³ New York Fed Consumer Credit Panel/Equifax. *Regional Household Debt and Credit Snapshot Data File.* Federal Reserve Bank of New York. Analyzed by DSS Office of Evaluation and Research. Retrieved from <https://www.newyorkfed.org/outreach-and-education/regional-household-credit.html>.

⁷⁴ New Economy Project. (2010). *Debt Deception: How Debt Buyers Abuse the Legal System to Prey on Lower-Income New Yorkers.* at http://www.neweconomynyc.org/wp-content/uploads/2014/08/DEBT_DECEPTION_FINAL_WEB-new-logo.pdf. Low or moderate income defined using 1999 HUD guidelines, and includes census tracts in which median family income was less than \$42,720.

settlements in approximately 55 percent of cases on the same day of representation.⁷⁵ In cases that do not resolve on the same day that the debtor receives assistance, lawyers will provide individualized legal advice on the debtor's options in the case and may request discovery on their behalf. The VLFD Consumer Debt Program operates under the supervision of the court system's Access to Justice Program and with the participation of legal services providers, local bar associations, and law schools. A full list of participating organizations is included at Appendix 16.

In addition, the Court Navigator Program (also funded and supervised by the court system's Access to Justice Program) assists unrepresented litigants in consumer debt cases in Civil Court. The Court Navigator Program, currently operating in Bronx County Civil Court (which in 2016 had more consumer debt filings than any other borough, accounting for more than 30 percent of the City's total),⁷⁶ trains and supervises non-lawyers, such as college students, law students, and others, to assist unrepresented litigants who appear in consumer debt cases. Navigators accompany unrepresented litigants when they meet with judges, court attorneys, or the creditor's attorney. They also assist unrepresented litigants in organizing papers they have brought to the courthouse, provide information about available resources, explain court processes and the roles of different court personnel, and help find people or places in the courthouse. In 2016, the Court Navigator Program provided assistance to approximately 600 litigants in Bronx County Civil Court.⁷⁷

Moreover, several legal services providers in New York City offer free legal assistance to low-income New Yorkers facing consumer debt issues. Information provided to OCJ by six of the largest legal providers (by attorney staff size and the number of cases handled) found that last year nearly 6,300 New Yorkers were assisted with consumer debt-related legal services by these providers, including over 2,000 consumers facing credit card debt issues, 1,500 filing federal bankruptcy petitions, and nearly 100 consumers facing broken lease/rental arrears cases.⁷⁸

Despite these initiatives, however, the representation gap for New York City residents facing debt cases in court remains large; records indicate that in the overwhelming majority of cases, debtors who answer summonses do so without legal representation. Data from the New York City Civil Court recently cited in testimony to the state court system's Permanent

⁷⁵ *New York State Courts Access to Justice Program: 2016 Report to the Chief Judge and Chief Administrative Judge.* (2017). Retrieved from <http://www.nycourts.gov/ip/nya2j/pdfs/NYA2.I.2016report.pdf>.

⁷⁶ UCMS-LC: Office Activity Reports. Provided to DSS OER by the NYS Office of Court Administration

⁷⁷ *New York State Courts Access to Justice Program: 2016 Report to the Chief Judge and Chief Administrative Judge.* (2017). Retrieved from <http://www.nycourts.gov/ip/nya2j/pdfs/NYA2.I.2016report.pdf>.

⁷⁸ A full list of participating legal services organizations is included at Appendix 17.

Commission on Access to Justice indicates that in 2015, 14.4 percent of defendants in consumer credit cases were represented by counsel.⁷⁹

Studying the Impact of Legal Services for Consumer Debt Issues

There is evidence that legal representation in consumer debt cases can make a meaningful difference in outcomes for the litigant. Although research in the area of impact of legal services in consumer debt litigation is limited, at least one study found that defendants in consumer debt cases fare far better with legal representation than without.

In a 2014 study, researchers from the University of Maryland School of Law conducted a stratified random sample of 4,400 consumer debt cases filed in Maryland between 2009 and 2010. The study found that most defendants summoned to court failed to appear, and the few that did, did so without a lawyer; of the defendants served with a suit, 85 percent did not respond to defend themselves in court. Among the remaining 15 percent who did respond, only 2 percent did so with the assistance of counsel.⁸⁰ The researchers then analyzed differences in court outcomes by response status. Consumers who did not appear had the worst outcomes; in these cases, debt buyers won a judgment in their favor 73 percent of the time, and recovered 82 percent of the total money sought. Those consumers who responded pro se fared better. Creditors obtained judgments in 47 percent of cases and recouped 62 percent of the amount originally sought. Consumers aided by lawyers had the most positive outcomes. Represented consumers had judgments against them in just 15 percent of cases and in these cases plaintiff creditors recovered 21 percent of the value of their claims.

Strategic Plan: Years 2–3

Years 2 and 3 of the strategic plan will focus on the continued assessment of the capacity for expansion of the field of consumer debt legal services, including the identification of areas of overlapping practice with other legal services programs and, in partnership with the legal services community, the development of estimates for expanding service capacity. We will also convene meetings with internal and external partners to assess emerging needs for low-income New Yorkers who face consumer debt legal issues.

Developing Pilot Programs to Address the Legal Needs of Low-Income New Yorkers

OCJ proposes to increase access to legal representation in consumer debt cases through programs that target such assistance to particularly vulnerable low-income New Yorkers. To

⁷⁹ Appendices, Permanent Commission Access to Justice, Report to the Chief Judge of the State of New York. (2017). *Testimony From the New York City Broken Lease Task Force, New York State Permanent Commission on Access to Justice, 2016 Public Hearing, September 27, 2016*, at 284. Retrieved from <https://www.nycourts.gov/accesstojusticecommission/PDF/2017-ATJ-Appendices-Final.pdf>.

⁸⁰ P.A. Holland (2014). *Junk Justice: A Statistical Analysis of 4,400 Lawsuits Filed by Debt Buyers*. Loyola Consumer L. Rev. 26(2), 179.

understand how to best target these resources, OCJ will conduct stakeholder meetings to solidify its understanding of existing services and assess obstacles and opportunities for experimental programs. Based on the outcomes of these meetings, OCJ will then design pilots in partnership with key stakeholders in order to test programming that can be scaled to meet the citywide needs of low-income New Yorkers. OCJ currently plans to help homeless individuals and families address consumer debt cases that stand in the way of exit from shelter, and provide low-income tenants with legal help to defend against “broken lease” cases that threaten their credit and in turn their ability to obtain or retain affordable housing.

Although all low-income New Yorkers can be affected by various types of consumer debt issues, New Yorkers in the City’s homeless shelter system may be at an even greater disadvantage. Legal issues related to debt delinquency may not only cause people to become homeless in the first place, but may prevent shelter residents from leaving shelter and obtaining permanent housing. Furthermore, shelter residents with debt problems may be hampered by logistical obstacles which prevent them from seeking legal redress.

In an effort to connect shelter residents with consumer debt legal services and overcome barriers to obtaining new housing, and to evaluate the costs and benefits of such a program and service model at larger scale, OCJ, HRA’s Office of Evaluation and Research (OER), the Department of Homeless Services (DHS), and the New York Legal Assistance Group (NYLAG) have partnered to launch the Consumer Legal Engagement and Assistance for New Yorkers in Shelter (CLEANS) Project. The CLEANS pilot targets legal advice and representation provided on a volunteer basis to the City by NYLAG to a targeted group of DHS shelter residents who have been identified as having consumer debt issues that have inhibited their ability to secure an apartment lease and thus leave DHS shelter.

In addition to homeless individuals and families address consumer debt, OCJ also proposes to look at a particularly challenging form of consumer debt litigation against low-income New Yorkers: so-called broken lease cases. These are primarily lawsuits brought by landlords against former tenants for alleged rental arrears, attorney’s fees, and other charges. Distinct from summary eviction proceedings in Housing Court, these cases can be filed by landlords against former tenants in Civil Court or Supreme Court after a tenant’s eviction or displacement with the goal of seeking compensation for allegedly unpaid rent for the balance of a lease term. These cases may be filed even when the tenants have settled the eviction proceedings in Housing Court or when they left the apartment and found alternative housing due to issues of disrepair. There is evidence that these cases are on the rise in New York

City,⁸¹ despite recent declines in eviction filings in Housing Court (described in greater detail earlier in this report).

Over the next two years, OCJ will work with legal services provider partners and other stakeholders with expertise in both tenant legal issues and consumer debt cases to implement programming to make legal representation for tenants facing such broken lease cases more available. This effort will build from OCJ's expansive legal services programs that serve tenants in need, and will seek to help low-income tenants facing broken lease cases that threaten their credit and their present or future housing stability. This pilot will provide the first rigorous analysis of these types of cases, which will pave the way to a more quantitative as well as qualitative understanding this area of law.

Through these initiatives, OCJ proposes to set the city on a course for more available legal assistance for low-income New Yorkers facing consumer debt.

Strategic Plan: Years 4–5

Evaluating Pilot Projects and Developing Implementation Strategies

Upon completion of the pilot projects, OCJ will assess the projects, including the volume of individuals served, types of legal services provided, possible benefits obtained and challenges faced by the provider. OCJ plans to evaluate the lessons learned and develop strategies to expand a revised service model to meet the needs of low-income New Yorkers. OCJ and OER will produce an evaluative report on the CLEANS pilot project, including an assessment of the pilot's impact, as well as cost-benefit analysis that will weigh the potential expenses of such a program at scale against the benefits that derive from potential exit from shelter for homeless New Yorkers who would receive these legal services. OCJ also plans to conduct an analogous assessment for the broken lease pilot.

⁸¹ Appendices, Permanent Commission Access to Justice, Report to the Chief Judge of the State of New York. (2017). *Testimony From the New York City Broken Lease Task Force, New York State Permanent Commission on Access to Justice, 2016 Public Hearing, September 27, 2016*, at 286. Retrieved from <https://www.nycourts.gov/accesstojusticecommission/PDF/2017-ATJ-Appendices-Final.pdf>.

Legal Services for Low-Wage Workers

Introduction

Continuing our approach to planning, OCJ will draw on the experience we have in providing legal assistance services to assist immigrant workers with issues related to their employment and explore ways to help to preserve and enhance stability in the lives of all low-wage workers in New York City.

Increasingly, those who are living in poverty are working people; between 1990 and 2005, the number of working poor families in both New York City and State rose by nearly 75 percent. In 2016, 54 percent of New York City families with income below the Federal Poverty Level included a working adult.⁸² With stagnant wages and a reduced affordable housing stock, the burden of income inequality has disproportionately fallen on the shoulders of low-wage workers and their families. Emblematic of this, more than 25,000 HRA clients who receive Cash Assistance are employed; however, their incomes are so low that they still qualify for Cash Assistance.

In low-wage industries, where workers are paid “off the books,” wage and hour violations are all too common. Such “wage theft” violations include not paying workers on time, paying them below the minimum wage, failing to pay overtime when required, not allowing meal or other breaks, and not allowing required sick leave.

Strategic Plan: Year 1

Assessing the Need for Legal Services for Low-Income New Yorkers

In New York City, it has been estimated that over 300,000 New Yorkers experience one or more wage-based violations every week. In 2009, the National Employment Law Project (NELP) issued a comprehensive study of wage and hour violations, with a survey of over a thousand workers in low-wage industries in New York City.⁸³ NELP found:

- Approximately 70 percent of low-wage workers in New York City are foreign born.
- Over one-fifth of the workers surveyed had been paid less than the legally required minimum wage in the previous workweek.
- Nine out of ten workers surveyed worked enough consecutive hours to be legally entitled to at least one meal break during the previous week, but 70 percent of this group received no break at all, had their break shortened, were interrupted by their employer, or worked during the break.

⁸² United States Census Bureau American Community Survey FactFinder Table B17016, includes full- and part-time work (an estimated 153,521 working families out of 285,993 families below 100% FPL).

⁸³ Annette Bernhardt, Diana Polson, and James DeFilippis. *Working without Laws: A Survey of Employment and Labor Law Violations in New York City*. (2009). National Employment Law Project. Retrieved from <http://www.nelp.org/content/uploads/2015/03/WorkingWithoutLawsNYC.pdf>.

Other findings suggest that when workers advocate or seek redress for themselves, their efforts can be ineffective or even lead to retaliation.

In response, a variety of legal services providers have offered free legal assistance to low-wage workers. Legal services organizations in New York State who receive IOLA Fund support handled more than 12,000 employment legal matters in 2016, a 22 percent increase from 2015.⁸⁴ In Fiscal Year 2017, New York City's seven largest legal services providers in the area of employment law (by staff size) provided employment-related legal services to approximately 4,200 workers, which represented a 34 percent increase over Fiscal Year 2016, based on information made available to OCJ by providers in 2017.⁸⁵ Wage theft and employment discriminations cases each accounted for approximately a quarter of the total cases handled.

Strategic Plan: Years 2–3

Developing a Pilot to Address the Legal Needs of Low-Income New Yorkers

OCJ supports legal assistance programs for immigrant workers through the IOI and CSBG-funded legal services discussed above. Given that, as noted previously, seven out of every ten low-wage workers in the city are foreign-born — a proportion that is even higher in some industries, such as the domestic industry, where an estimated 99 percent are foreign-born⁸⁶ — protecting and vindicating workers' rights forms a significant component of the City's legal services programs for immigrants. Moreover, immigrant workers can face heightened threats to their wage stability and employment; one study found that immigrant low-wage workers in New York City were twice as likely to experience minimum wage violations.⁸⁷

Together, Administration-funded legal programs provided legal assistance in over 2,000 employment-related cases in Fiscal Year 2017, ranging from legal education programs designed to provide information and advocacy regarding employee rights and worker exploitation, to securing work authorization for low-income immigrants, to lawsuits to recover unpaid wages and overtime pay, unemployment insurance, and family and medical leave, as well as legal assistance in cases of unlawful discrimination and employer retaliation.

⁸⁴ New York State Interest on Lawyers Account Fund 2016 and 2015 Annual Reports. Retrieved from https://www.iola.org/board/IOLA%20Annual%20Report/Annual%20Report%202016_draft%204.pdf and [https://www.iola.org/About/IOLA%20Annual%20Report%202015_3.3%20FINAL%20DRAFT\(1\).pdf](https://www.iola.org/About/IOLA%20Annual%20Report%202015_3.3%20FINAL%20DRAFT(1).pdf).

⁸⁵ A full list of participating legal services organizations is included at Appendix 18.

⁸⁶ Annette Bernhardt, Siobhán McGrath, and James DeFilippis. (2007.) *Unregulated Work in the Global City*. Brennan Center for Justice, at 63; Domestic Workers United and Datacenter. (2006). *Home Is Where The Work Is: Inside New York's Domestic Work Industry*. Retrieved from <http://www.domesticworkersunited.org/homeiswheretheworkis.pdf>.

⁸⁷ Bernhardt, Polson, and DeFilippis. (2010). *Working without Laws*.

Building on the employment legal services offered as part of our immigration legal services programs, OCJ will explore the possibility of a pilot program which provides employment legal services for foreign-born New Yorkers, regardless of their immigration status. The experience of administering employment legal services to non-citizen New Yorkers, has given us data which will allow us to explore the delivery of employment legal services to New Yorkers in need.

Strategic Plan: Years 4–5

Evaluating Pilot Projects and Developing Implementation Strategies

In the third phase of our planning, OCJ will examine all the information that we have gathered in the previous phases. This includes analyzing the lessons we learned through the administration of the employment law components of our immigration contracts. With this robust data, we will be in a position to compare various service delivery models which cover all low-wage workers in New York City. A comprehensive understanding of the capacity of legal services providers in the City will inform our decisions.

Conclusion

This Annual Report and Strategic Plan is respectfully submitted to provide insights into the work of the Office of Civil Justice in establishing, enhancing, and evaluating civil legal assistance in New York City, and to chart a course for further development in important areas of legal need faced by low-income New Yorkers from across the City.

The City of New York is a national leader in supporting and championing this work, reflecting our firm commitment to fairness and justice.

APPENDICES

Appendix 1: Judiciary Civil Legal Services (JCLS) grantee organizations for 2017-2018

Advocates for Children of New York	Legal Services NYC
Asian American Legal Defense and Education Fund	Lenox Hill Neighborhood House
Association of the Bar of the City of New York Fund Inc.	Make the Road New York
Brooklyn Bar Association Volunteer Lawyers Project	Mobilization for Justice
Brooklyn Defender Services	Neighborhood Defender Service of Harlem
Brooklyn Legal Services Corporation A CAMBA	New York Center for Law and Justice
Catholic Charities Community Services, Diocese of New York	New York Lawyers for the Public Interest
Catholic Migration Services	New York Legal Assistance Group
Center for Family Representation	Northern Manhattan Improvement Corporation
Central American Legal Assistance	Pace University
Child and Family Services	Part of the Solution
Community Service Society of New York	Partnership for Children's Rights
Family Center Inc.	Prisoner's Legal Services
Her Justice	Pro Bono Net
Housing Conservation Coordinators	Queens Volunteer Lawyers Project
Jewish Association of Services for the Aged	Safe Horizon
Latino Justice PRLDEF	Safe Passage Project
Legal Action Center	Sanctuary for Families
Legal Information for Families Today	The Door: A Center For Alternatives
	The Bronx Defenders
	The Legal Aid Society
	Touro College
	Urban Justice Center
	Vera Institute of Justice
	Volunteers of Legal Services

Appendix 2: NYC-based IOLA Grantees for FY2018-19

Brooklyn Defender Services

CAMBA

Legal Services NYC

Mobilization for Justice

New York Legal Assistance Group (includes Self Help)

Northern Manhattan Improvement Corporation

The Legal Aid Society

Urban Justice Center

Appendix 3: HPLP/ELS/Universal Access Legal Services Providers

Brooklyn Legal Services Corporation A

BOOM!Health (Bronx AIDS Services, Inc.)

CAMBA

Housing Conservation Coordinators

Legal Services NYC

Lenox Hill Neighborhood House

Mobilization for Justice

Neighborhood Association for Intercultural Affairs, Inc.

New York Legal Assistance Group

Northern Manhattan Improvement Corporation

RiseBoro Community Partnership (*formerly* Ridgewood Bushwick Senior Citizens Council)

The Bronx Defenders

The Legal Aid Society

Urban Justice Center

Appendix 4: Expanded Legal Services ZIP Codes

Bronx: 10457, 10467

Brooklyn: 11216, 11221

Manhattan: 10026, 10027

Queens: 11433, 11434

Staten Island: 10302, 10303

Appendix 5: List of Legal Services Providers and Target Neighborhoods under Anti-Harassment Tenant Protection Program

Geographic Area			Providers
Borough	Neighborhood	Zip Code	LEAP
Brooklyn	Bushwick	11206	Boom! Health Bronx Defenders Brooklyn Defender Services Brooklyn Legal Services Corporation A CAMBA Catholic Migration Services Jewish Association for Services for the Aged Lenox Hill Neighborhood House Make the Road New York Mobilization for Justice New York Lawyers for Public Interest Northern Manhattan Improvement Corporation Urban Justice Center (lead) Legal Services NYC The Legal Aid Society
	Ridgewood/Bushwick	11237	
	Gowanus/Park Slope	11215	
	Boerum Hill	11217	
	Carroll Gardens/Red Hook	11231	
		11207	
	East New York	11208	
	Brownsville	11212	
Ocean Hill	11233		
Manhattan		10029	
	East Harlem	10035	
	Inwood	10034	
Queens	Long Island City	11101	
	West Flushing	11354	
	Flushing	11358	
		11691	
	Far Rockaway	11692	
Bronx	Morris Heights	10453	
	Highbridge	10452	
	Longwood	10459	
	East Tremont	10457	
	West Farms	10460	
Staten Island	Stapleton	10304	
	Bay Street	10301	

Appendix 6: ActionNYC Partners (as of March 2018)

African Communities Together
Arab American Association of New York
Association for Neighborhood and Housing Development
Atlas: DIY
BronxWorks
CAMBA
Caribbean Women's Health Association
Catholic Charities New York
Catholic Legal Immigration Network, Inc.
Center for Family Life
Center for Popular Democracy
Center for the Integration and Advancement of New Americans
Chinese-American Planning Council, Inc.
City University of New York
Council of People's Organization
Damayan Migrant Workers Association, Inc.
Gay Men's Health Crisis
Immigrant Justice Corps
Jacob A. Riis Neighborhood Settlement
LSA Family Health Service
Lutheran Social Services of New York
Make the Road New York
Masa
Mekong
Mercy Center
MinKwon Center for Community Action
Mixteca Organization Inc.
New York Immigration Coalition
New York Legal Assistance Group
Northern Manhattan Improvement Corporation
NYC Department of Education
NYC Health+Hospitals
Sauti Yetu Center for African Women
Street Vendor Project

Appendix 7: Immigrant Opportunity Initiative Providers

Adhikaar
African Communities Together
African Services Committee, Inc.
Asian Americans for Equality
Association of the Bar of the City of New York Fund, Inc.
Atlas DIY
Boro Park Jewish Community Council
Boys & Girls Club Of Metro Queens, Inc.
Bronx Works, Inc.
Brooklyn Chinese-American Association, Inc.
Brooklyn Defender Services
CAMBA, Inc.
Caribbean Women's Health Association, Inc.
Catholic Charities Communities Services of New York
Catholic Migration Services
Central American Legal Assistance
Chinese Staff and Workers' Association
Comprehensive Development
Council of Jewish Organizations of Flatbush, Inc.
Damayan Migrant Workers Association
Desis Rising Up & Moving
Emerald Isle Immigration Center
Garden of Hope
Gay Men's Health Crisis, Inc.
Good Shepherd Services
HANAC Inc.
Housing Conservation Coordinators
Immigrant Justice Corps, Inc.
Immigration Equality
Legal Services NYC
Make the Road New York
MinKwon Center for Community Action
Mobilization for Justice, Inc.
National Mobilization Against Sweatshops
New Immigrant Community Empowerment
New York Legal Assistance Group
Northern Manhattan Coalition for Immigrant Rights
Northern Manhattan Improvement Corporation
Polish and Slavic Center, Inc.
Queens Community House
Safe Homes Project
Safe Horizon, Inc.
Sakhi for South Asian Women
Sanctuary For Families, Inc.
SBH Community Service Network, Inc. (Sephardic Bikur Cholim)
Southside Community Mission, Inc.
The Ansoh Center for Refugees
The Legal Aid Society
United Jewish Organizations of Williamsburg, Inc.
Urban Justice Center
West Bronx Housing and Neighborhood Resource Center, Inc.
Workers' Justice Project
Youth Ministries for Peace and Justice

Appendix 8: CSBG-funded Legal Services Providers

Bronx Legal Services (LSNY-Bronx Corporation)
Brooklyn Defender Services
CAMBA, Inc.
Catholic Migration Services
Make the Road New York
New York Legal Assistance Group
Northern Manhattan Improvement Corporation
Queens Legal Services Corporation
Sanctuary for Families
Sauti Yetu Center for African Women
The Door: A Center for Alternatives
Urban Justice Center
Youth Ministries for Peace and Justice

Appendix 9: Providers of Legal Services for Immigrant Survivors of Domestic Violence

Barrier Free Living

Caribbean Women's Health Association

El Centro NYC

Nuevo Amanecer- Dominican Women's Development Center

Puerto Rican Family Institute- Bronx Head Start

Sanctuary for Families

Urban Justice Center

VIP Community Services

Appendix 10: New York Immigrant Family Unity Project Legal Services Providers

Brooklyn Defender Services

The Bronx Defenders

The Legal Aid Society

Appendix 11: The Immigrant Child Advocates' Relief Effort (ICARE)/Unaccompanied Minors and Families Initiative (UMFI) Legal Services Providers

Catholic Charities Community Services, Archdiocese of New York
Central American Legal Assistance
The Door: A Center for Alternatives
The Legal Aid Society
Safe Passage Project

Appendix 12: Legal Services Providers Participating in the SSI Maximization Project

Legal Services NYC
The Legal Aid Society

Appendix 13: Legal Services Providers Participating in the Commercial Lease Assistance Program

Brooklyn Legal Services Corporation A (lead)
Urban Justice Center
Volunteers of Legal Services

Appendix 14: Local Law 136 of 2017

CHAPTER 13

PROVISION OF LEGAL SERVICES IN EVICTION PROCEEDINGS

§ 26-1301 Definitions.

§ 26-1302 Provision of legal services.

§ 26-1303 Public hearing.

§ 26-1304 Reporting.

§ 26-1305 Rules.

§ 26-1301 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Coordinator. The term “coordinator” means the coordinator of the office of civil justice.

Covered individual. The term “covered individual” means a tenant of a rental dwelling unit located in the city, including any tenant in a building operated by the New York city housing authority, who is a respondent in a covered proceeding.

Covered proceeding. The term “covered proceeding” means any summary proceeding in housing court to evict a covered individual, including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of the New York city housing authority for termination of tenancy.

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services and is designated by the coordinator pursuant to this chapter.

Full legal representation. The term “full legal representation” means ongoing legal representation provided by a designated organization to an income-eligible individual and all

legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.

Housing court. The term “housing court” means the housing part of the New York city civil court.

Income-eligible individual. The term “income-eligible individual” means a covered individual whose annual gross household income is not in excess of 200 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Legal services. The term “legal services” means brief legal assistance or full legal representation.

§ 26-1302 Provision of legal services. a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered individuals in covered proceedings in housing court and shall ensure that, no later than July 31, 2022:

1. all covered individuals receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding in housing court, or as soon thereafter as is practicable; and

2. all income-eligible individuals receive access to full legal representation no later than their first scheduled appearance in a covered proceeding in housing court, or as soon thereafter as is practicable.

- b. Subject to appropriation, no later than October 1, 2017, the coordinator shall establish a program to provide access to legal services in administrative proceedings of the New York city housing authority for tenants of buildings operated by the New York City housing authority who have been served with charges in such administrative proceedings for termination of tenancy and shall ensure that, no later than July 31, 2022, all such tenants receive access to such legal services.

- c. The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by subdivisions a and b of this section. Beginning October 1, 2022 and no later than each October 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

- d. The coordinator shall annually review the performance of designated organizations.

e. The coordinator shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, the coordinator shall maintain a list of such organizations that provide such legal services.

f. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

g. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 26-1303 Public hearing. a. Following the establishment of the programs described by section 26-1302, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.

b. Such hearing shall be open to the public, and the coordinator shall provide notice of such hearing, no less than 30 days before such hearing, by:

1. posting in the housing court in the designated citywide languages;
2. posting in public offices of the department of social services/human resources administration in the designated citywide languages; and
3. outreach through local media and to each designated organization, local elected officials, the supervising judge of the housing court, and community-based organizations.

c. At such hearing, written and oral testimony may be provided.

d. The coordinator shall cause a transcript of such hearing to be produced and shall post such transcript online no later than 45 days after the meeting.

§ 26-1304 Reporting. a. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision a of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the estimated number of covered individuals;

2. the number of individuals receiving legal services, disaggregated by the following characteristics of such individuals:

i. borough and postal code of residence;

ii. age of head of household;

iii. household size;

iv. estimated length of tenancy;

v. approximate household income;

vi. receipt of ongoing public assistance at the time such legal services were initiated;

vii. tenancy in rent-regulated housing; and

viii. tenancy in housing operated by the New York city housing authority;

3. outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to, the number of:

i. case dispositions allowing individuals to remain in their residence;

ii. case dispositions requiring individuals to be displaced from their residence; and

iii. instances where the attorney was discharged or withdrew.

4. non-payment and holdover petitions filed in housing court, warrants of eviction issued in housing court, and residential evictions conducted by city marshals, disaggregated by borough.

b. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision b of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the number of tenants of buildings operated by the New York City housing authority that received legal services pursuant to the program described in such subdivision, disaggregated:

i. borough and postal code of residence;

ii. age of head of household;

- iii. household size;
- iv. estimated length of tenancy;
- v. approximate household income;
- vi. receipt of ongoing public assistance at the time such legal services were initiated; and
- vii. type of legal service provided.

2. the outcomes of the proceedings immediately following the provision of such legal services, subject to privacy and confidentiality restrictions, and without disclosing personally identifiable information, disaggregated by the type of legal service provided; and

3. the expenditures for the program described by such subdivision.

§ 26-1305 Rules. The coordinator may promulgate such rules as may be necessary to carry out the purposes of this chapter.

§ 2. This local law takes effect immediately.

Appendix 15: Universal Access Zip Codes Added in FY2018

Brooklyn: 11225

Bronx: 10468

Manhattan: 10025

Queens: 11373

Staten Island: 10314

Appendix 16: VLFD Consumer Debt Participating Organizations

Brooklyn Bar Association Volunteer Lawyers Program
New York County Lawyers' Association
New York Legal Assistance Group

Appendix 17: Consumer Law Legal Services Providers Participating in OCJ Interviews

Brooklyn Legal Services Corporation A
Legal Services NYC
Mobilization for Justice
New York Legal Assistance Group
The Legal Aid Society
Urban Justice Center

Appendix 18: Employment Law Legal Services Providers Participating in OCJ Interviews

Brooklyn Defender Services
City Bar Justice Center
Legal Services NYC
Mobilization for Justice
New York Legal Assistance Group
The Legal Aid Society
Urban Justice Center