

Testimony by The Legal Aid Society and Legal Services for New York City before the Sub  
Committee on Public Housing and the Committee on Women's Issues on Access to Public  
Housing for Victims of Domestic Violence

June 11, 2009

**Interest and Expertise of the Legal Aid Society and Legal Services for New York City**

The Legal Aid Society is one of the oldest and largest providers of legal assistance to the poor in the United States. The Society's Civil Practice operates 14 neighborhood offices and city-wide units serving residents of all five boroughs of New York City, providing comprehensive legal assistance in housing, public assistance, and other civil areas of primary concern to the poor. The Society is counsel on numerous class-action cases concerning the rights of public housing residents and is counsel to the New York City Public Housing Resident Alliance. We work closely with the Community Service Society and Public Housing Residents of the Lower East Side on public housing issues. The New York City Public Housing Resident Alliance seeks to inform and network with residents, so that they can have a strong and effective voice and secure greater accountability in local, state and federal policy decisions that affect public housing in New York City.

Legal Services for New York City (LSNY) is the largest provider of free civil legal services in the country. The nineteen neighborhood offices of LSNY throughout the City represent thousands of low-income tenants annually in disputes involving tenants' rights to remain in their homes.

We appreciate the opportunity to testify before the Subcommittee on Public Housing and the Committee on Women's Issues. We have major concerns regarding the Housing Authority's treatment of victims of domestic violence.

## **The Problem**

NYCHA has a priority for domestic violence victims for both Section 8 and public housing. However the priority is very narrow. The priority is: "Applicants who have suffered serious or repeated abuse from a family member or a person with whom they had, or continue to have, an intimate relationship, and as a result of the abuse the victim suffered actual physical injury or the threat of injury, and the victim: (a) will continue to suffer abuse if he or she continues to live in the current residence, or (b) has left the residence due to the abuse and is not living in standard permanent replacement housing." In order to receive this priority, the applicant must produce three documents: (1) a document demonstrating that the applicant was physically assaulted or threatened, (2) another document demonstrating that the applicant was physically assaulted or threatened *on another occasion*, (3) an advocacy letter. (see attached). The only exception to showing that the applicant has been assaulted more than once is if the abuser committed a serious felony, as defined by NYCHA. This basically ensures that many domestic violence victims, including those in domestic violence shelters will not be eligible for the priority and will not receive either public housing or Section 8. Very few applicants are admitted under this priority despite the number of domestic violence victims in domestic violence shelters.

Likewise, the Housing Authority has the same requirements for someone seeking a transfer for domestic violence reasons. In addition, the Housing Authority requires transfer applicants to have an exclusionary order of protection if the batterer lives in the apartment. Exclusionary orders of protection are very difficult to get.

The Housing Authority's policies ensure that many victims of domestic violence will not be able to obtain public housing or Section 8. In addition, the Housing Authority's transfer policies ensure that many victims of domestic violence will be forced to remain with their batterer -- and risk eviction because of the actions of their batterer against them.

### **The Solution**

The Housing Authority should not require that a victim of domestic violence suffer twice before being eligible for a transfer or a priority for public housing and Section 8. In addition, The Housing Authority should give a domestic violence priority to people in the domestic violence shelter system and domestic violence victims in the shelter system. In addition, the Housing Authority should:

- i. Accept shelter or NOVA certifications as sufficient proof of Domestic Violence
- ii. Accept other forms of medical documentation (emergency rooms records, letters from physicians)
- iii. Accept Domestic Incident Reports for harassment and other Domestic Violence violations
- iv. Accept one family offense petition that cites multiple incidents of Domestic Violence
- v. Using VAWA criteria (as other PHAs in the country do) including self-certification.

**Conclusion**

Thank you again for the opportunity to testify before the Committee on Women's Issues and the Subcommittee on Public Housing.

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