

Testimony of The Legal Aid Society

on

**THE MAYOR'S FISCAL YEAR 2011
BUDGET MODIFICATION**

Presented before

The New York City Council

Presented by:

**Steven Banks, Attorney-in-Chief
The Legal Aid Society**

December 6, 2010

The Legal Aid Society welcomes this opportunity to testify before the New York City Council concerning the Mayor's proposed FY11 Budget Modification.

City funding supports the Society's legal assistance in the areas of civil legal services, criminal defense, and parole revocation defense. Special annual allocations of discretionary funding from the Council for criminal defense and civil services provide crucial funding for the Society's legal assistance for New Yorkers who have nowhere else to turn for legal help.

This testimony describes the impact of the Mayor's proposed FY11 Executive Budget Modification that would reduce the Council's \$2 million allocation for the Department of Housing Preservation and Development's anti-illegal eviction program by 5.4 percent in the middle of the fiscal year. This proposed budget modification would have the effect of reducing the Council's allocation of its own discretionary funding just five months after the Council made the allocation of these funds to prevent evictions and homelessness and address substandard housing conditions. In its allocation of Council discretionary funding in the June budget agreement, the Council already had to reduce funding for this program from \$2.25 million to the current \$2 million level.

Coming on top of prior State and City cuts in FY11 funding for civil legal services, a 5.4 percent cut for The Legal Society's \$713,888 allocation from the Council for this HPD-funded anti-eviction legal services program will reduce the Society's housing-related constituent services in all five boroughs of the City. At a time when homelessness is at record levels in New York City and anti-eviction legal services have been found to save four dollars in averted shelter costs for every one dollar of program cost, this proposed budget modification is counter-productive and will actually cost the City money.

We are mindful of the extreme financial difficulties that the City is facing. At the same time, these extraordinary economic conditions are having an especially harsh impact on low income New Yorkers. The need for the legal help that the Society provides to these struggling families and individuals is increasing exponentially, particularly for matters involving housing-related problems that all too often lead to homelessness.

The Legal Aid Society: The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is more than a law firm for clients who cannot afford to pay for counsel. It is an indispensable component of the legal, social, and economic fabric of New York

City – passionately advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform.

The Legal Aid Society has performed this role in City, State and federal courts since 1876. It does so by capitalizing on the diverse expertise, experience, and capabilities of 900 of the brightest legal minds. These 900 Legal Aid Society lawyers work with 600 social workers, investigators, paralegals and support and administrative staff. Through a network of borough, neighborhood, and courthouse offices in 25 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society's legal program operates three major practices — Civil, Criminal and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program. With its annual caseload of more than 300,000 legal matters, the Legal Aid Society takes on more cases for more clients than any other legal services organization in the United States. And it brings a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is an ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to the annual caseload of 300,000 individual cases and legal matters, the Society's law reform representation for clients benefits some 2 million low income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact.

Civil Legal Services: The Society provides civil legal services through our neighborhood-based offices in all five boroughs of New York City and city-wide units that serve families and individuals with special needs. Our civil program provides legal assistance in literally every community in New York City.

In addition to contacting us directly, clients are referred to the Society by the constituent services staffs of elected officials as well as the courts, community and social services organizations, government agencies, or by word of mouth. Other legal services groups also refer their clients to us when they cannot provide all necessary services, have limited or no case intake capacity, or do not serve a particular community.

Annually, we handle some 32,000 individual civil matters for the most vulnerable New Yorkers: survivors of domestic violence, senior citizens, disabled or chronically ill children and adults, immigrants fleeing oppression, unemployed workers, persons with HIV infection, and children and adults faced with evictions, foreclosures and homelessness. We help clients with legal problems involving: domestic violence and family law; elder law for senior citizens; housing and homelessness; income and economic security assistance such as federal disability benefits, employment and low wage worker matters, earned income tax credits, federal food stamps, and public assistance; immigration; health care, including Medicare Part D, Medicaid,

and access to hospital charity support; HIV and AIDS; and housing development and community development opportunities to help clients move out of poverty.

Every day, the Society provides for vulnerable New Yorkers a lifeline for basic survival. And the situations our clients are facing – loss of jobs, foreclosure, eviction, hunger – are the grim hallmarks of this current fiscal crisis. The 32,000 civil legal matters which the Society handles annually involve constituents in literally every zip code in the City: 33% of our cases are from Brooklyn, 25% from the Bronx, 23% from Queens, 15% from Manhattan, and 4% from Staten Island. However, we are able to help only one out of every nine New Yorkers who seek our help with civil legal problems because of lack of resources. During the past year, we have seen unprecedented increases in requests for help in core areas of need:

- a 29% increase in requests for help with unemployment benefits and employment problems;
- a 40% increase in requests for health law assistance and help obtaining Medicaid, Medicare, and other health care coverage;
- a 12% increase in requests for help to obtain food stamps, federal disability benefits, and public assistance;
- a 16% increase in requests for domestic violence and family law help;
- a 15% increase in requests for help from current or former low wage workers with earned income tax credit or other low income taxpayer problems;
- a 21% increase in requests for eviction prevention representation; and
- a stunning 800% increase in requests for foreclosure defense assistance.

Against this background, the Mayor’s proposed 5.4 percent cut in Council funding for HPD’s anti-illegal eviction program will result in increases in evictions and homelessness. Since the 1980s, through this HPD program, the City has funded legal services organizations in all five boroughs (including the Legal Aid Society, Legal Services, the Westside SRO Project, MFY Legal Services, and the Northern Manhattan Improvement Corporation) to provide legal assistance to low- and moderate-income tenants faced with illegal evictions from their homes as well as services for tenants in single-room occupancy buildings known as SRO housing. These organizations have helped thousands of low-income working families, New Yorkers with disabilities, and senior citizens, who are especially vulnerable to harassment and illegal eviction.

In the adopted FY09 and FY10 budgets, funding for this HPD program was reduced by 25 percent from a pre-FY09 level of \$3 million to \$2.25 million, which resulted in at least 1,900 fewer “units” of service each year (including full case representations, training programs, outreach sessions, and tenant association assistance). For FY11, the funding has been cut further to \$2 million. If this funding is cut again in this mid-year budget modification, the Legal Aid Society will have no choice but to reduce its legal assistance to tenants faced with homelessness in the Bronx, Queens, and Staten Island, to senior citizens in Brooklyn and community residents in Bushwick, and to tenant associations in East Harlem, Harlem, Inwood, and Washington Heights.

We greatly appreciate the support that the Council has historically provided in the budget process and we hope that alternatives can be found to avert this cut in the Council's allocation for the HPD anti-illegal eviction legal assistance program.

Submitted by,

Steven Banks
Attorney-in-Chief
The Legal Aid Society
199 Water Street
New York, New York 10038
Tel: 212-577-3277
sbanks@legal-aid.org