

**TESTIMONY OF THE LEGAL AID SOCIETY  
ON NYCHA FEE INCREASE PROPOSAL FOR RESIDENTS**

New York City Council, Subcommittee on Public Housing  
Oversight Hearings  
April 10, 2006

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 on public housing issues.

We very much appreciate the opportunity to testify before the Public Housing Subcommittee. We especially welcome the leadership of Chair Rosie Mendez who I have worked with for many years on public housing issues prior to her election

We are concerned about the proposed fee increase for a number of reasons. Although we are sympathetic to NYCHA's budget woes, we do not believe that they should balance their budget on the backs of the poorest city residents. We would like to see an effective and coordinated strategy from NYCHA and the City in order to convince the federal government to provide the necessary resources to NYCHA. We also call on New York State and New York City to pay its fair share for City and State developments which are badly in need of repair.

Second, we are concerned that the fee increase proposal was not noticed appropriately to give residents and others an opportunity to respond. NYCHA admits that it did not post it

appropriately and many residents never saw a notice. No notice was given to individual residents. No notice was given to my office although we have consistently requested to be notified of such changes. NYCHA should delay implementation until there has been a full opportunity for residents, elected officials, and community based organizations to comment on the changes.

Third, NYCHA should give individual residents who are being charged the fees notice and an opportunity to challenge the imposition of the fee. NYCHA has stated that it will only charge the fees when residents have caused the problem. There should be an opportunity to contest fault; for a resident to be able to say that he/she didn't cause the problem.

Third, certain fees should be waived as a reasonable accommodation of a resident's disability. For example, the parking fees should be waived if a resident needs a car because of a mobility impairment. Likewise, washing machine fees should be waived, if a resident requires a washing machine because of their disability.

Fourth, NYCHA's Management Manual states that in federal developments all payments will be credited to fees rather than rent unless a resident specifically states that the payments should be made to rent. This causes a hardship for residents who do not know that they must make this clear and may well violate the Brooke Amendment because these fees are not supposed to be collected as rent. In state and city developments, NYCHA's position is that these fees are rent and that a resident should be evicted for nonpayment of these fees. Again this position puts residents at real risk of eviction and should be changed.

**Conclusion**

We appreciate the opportunity to testify before the Council Subcommittee today and hope that the Council will do all that is within its power to compel NYCHA to address the concerns outlined above and prevent the evictions of public housing residents and their families.

Respectfully Submitted:

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