

## **TESTIMONY OF THE LEGAL AID SOCIETY IN SUPPORT OF INTRO 61**

New York City Council  
General Welfare Committee

December 12, 2007

Founded in 1876, the Legal Aid Society's Civil Practice is the oldest and largest program in the nation providing direct legal services to the indigent. Our legal assistance is focused on enhancing family stability and security by resolving a full range of legal problems, including immigration, domestic violence, family law, and employment, in addition to housing, public benefits and health law matters. Through our housing and community development work, we also foster the development of community-based organizations, job creation, and neighborhood revitalization. Annually, the Society's Civil Practice provides free direct legal assistance in some 30,000 individual closed cases through a network of 10 neighborhood offices in all five boroughs and 17 specialized units and projects for under-served client groups. When it is the most efficient and cost-effective way to help our clients, we provide legal representation to groups of clients with common legal problems, including those referred by elected officials.

We welcome the opportunity to testify before the General Welfare Committee and appreciate the leadership of Chair Bill deBlasio. We strongly urge the City Council to pass Intro 61. This is an important homelessness prevention measure that will allow New Yorkers receiving lawful sources of income to find housing and remain in their homes.

### The Problem:

A recent study by ACORN shows that 90% of New York City landlords do not accept Section 8. Only 13% of apartments available on Craig's List, and the listings in the New York Times or the Daily News will accept Section 8. Current fair housing laws in New York City permit landlords to discriminate against tenants for using lawful income to pay their rent. Lawful income includes Social Security, disability, pension payments, Section 8, and public assistance benefits including FEPS and Jiggetts. Every day we see clients who are turned away because of their source of income for apartments that they can afford, but for the landlord's discrimination. We continually see landlords who will only rent to "working" people or will not take Section 8 even for someone who is working.

NYCHA is giving out 22,000 Section 8 vouchers in the next two years. NYCHA has given out very few Section 8 vouchers for the past two years. In 2004, the last time NYCHA gave out a significant number of Section 8 vouchers, over 35% of voucher recipients were unable to use their vouchers and the vouchers expired without rental. The housing market has tightened significantly since then. Many families who receive Section 8 now will not be able to use their vouchers because landlords are discriminating against them because of their source of income.

We have been contacted by the following families who have received Section 8, but cannot use their Section 8 vouchers. We cannot represent these families because, under current law, we cannot help them. As a result, these families are likely to become homeless. If this bill passed, we could ensure that they are able to use their vouchers.

Miya Korik is 72 years old. She lives at 410 Marlborough Road, #5D, Brooklyn, NY 11226. She has lived there for over 10 years. She receives a pension in the amount of \$713 a month. Her rent is over 80% of her income. Her Section 8 voucher will expire shortly. If this bill passes, Ms. Korik's current landlord will have to accept her voucher and her share of the rent will be reduced to \$214 a month.

Mikhail and Bronislava Mechetner are 79 years old. They live at 1002 Ditmas Avenue #4F, Brooklyn, NY 11218. They've lived in their current apartment for 15 years. Their income is \$1038 from SSI. Their rent is 46% of their income. If they received Section 8, they would pay \$311.40 in rent or 30% of their income. Their Section 8 voucher will expire shortly. If this bill passes, the Mechetners' landlord will have to accept their Section 8 voucher.

Mr. and Mrs. Lobkov are 84 and 76 respectively. Their sole source of income is Social Security. They have lived at 1750 East 14th Street, Brooklyn, NY, for over 10 years. They are paying over 50% of their income in rent. If this bill passes, their landlord will have to accept their Section 8 voucher and their rent will be reduced to 30% of their income.

Milagros Rivera lives at 1889 Sedgwick Avenue, #6H, Bronx, NY, 10453. It is a former Mitchell Lama building owned by landlord Larry Gluck. Her landlord refused to accept her Section 8 voucher. Her rent is over 90% of her income. She can only pay it by borrowing money from friends and family. If this bill passes, her landlord will have to accept her Section 8 voucher and her rent will be approximately \$200 a month.

I am also here with Omayra Cruz who has been looking for an apartment in the Bronx for months. She has been told over and over "no Section 8."

Studies show that landlords often use source of income discrimination to successfully conceal bias based on race, gender and national origin. In Chicago, a recent study by the Lawyer's Committee for Better Housing confirms that white Section 8 recipients are much more likely to find a rental with their Section 8 vouchers than Section 8 recipients of color. If this bill is passed, it will help to prevent other forms of discrimination in addition to source of income.

**The Solution:**

Twelve states, (New Jersey, Connecticut, Massachusetts, Maine, Minnesota, North Dakota, Oklahoma, Oregon, Utah, Vermont, Wisconsin, and California) and the District of Columbia have enacted laws which ban discrimination on the basis of source of income. Multiple municipalities and counties, including Buffalo, Nassau County, Chicago, Los Angeles, San Francisco, Portland, OR, and Seattle, have already passed fair housing legislation that protects tenants using a lawful source of income to pay their rent.

Opponents claim that passing this bill will reduce the available affordable apartments in New York City[,] because landlords will simply price apartments out of the Section 8 range to avoid the law which will make apartments more expensive to other tenants. However, advocates in Massachusetts, New Jersey and Connecticut have not seen this happen. In fact, a 2001 HUD commissioned study showed that voucher holders had a better success rate in localities that have source of income protection. Here in New York City, 1,000,000 apartments are rent stabilized and it would be illegal for rent stabilized landlords to price apartments out of the Section 8 range to avoid a source of income discrimination prohibition. Furthermore, for in market rate apartments, the rent is set by the market. In markets where the market rent is the Section 8 amount, Section 8 tenants will be able to use their vouchers. Landlords with market rate apartments cannot raise their rents above the market, because they will not be able to rent the apartments.

Opponents also claim that this law is illegal. This claim is likewise frivolous. HUD rules explicitly allow local laws prohibiting discrimination against Section 8 voucher holders. 24 C.F.R. § 982.53 (d).

Laws which ban discrimination on the basis of lawful source of income have been upheld by the Courts. Most recently, this summer, the New York Court of Appeals upheld the provision of New York City's administrative code which mandates landlords who participate in the J-51 Program accept their tenants' federal Section 8 rent subsidies. See Rosario v. Diagonal Realty, LLC, 8 N.Y.3d 755 (2007). The highest courts of our neighboring states, Massachusetts, Connecticut and New Jersey, have upheld their state laws which ban discrimination on the basis of lawful source of income. Commission on Human Rights & Opportunities v. Sullivan, 739 A.2d 238, 246 (Conn. 1999); Franklin Tower One LLC v. N.M., 157 N.J. 602, 725 A.2d 1104 (N.J. 1999); Attorney General v. Brown, 511 N.E.2d 1103 (Mass. 1987).

At a time of record homelessness in New York City, the City Council should pass legislation which will open doors to tenants who receive Section 8 vouchers, retirement income, disability payments and public assistance. This proposal will prevent homelessness without requiring any expenditure of City funds. We urge you to pass this important and far-reaching legislation.

### **Conclusion**

Thank you again for the opportunity to testify before the General Welfare Committee.

Respectfully Submitted:

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