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Free Legal Aid Sought for Elderly Tenants

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Elected officials and housing advocates called on the city yesterday to provide free legal representation in New York City housing court to low-income elderly residents, who they said often had trouble navigating the system and protecting themselves from eviction.

Councilwoman Rosie Mendez, a former tenant organizer, has introduced a bill that would require the city to provide a lawyer to tenants 62 and older who are facing eviction and have household incomes of less than \$27,000.

The proposed law, which legal advocates said would be the first of its kind in the nation, would protect elderly residents at a time when landlords seeking to capitalize on a hot real estate market and rapidly gentrifying neighborhoods have become more aggressive in taking tenants to housing court, council members said.

“Giving senior citizens the right to counsel in civil proceedings when they’re about to lose their homes is the humane thing to do,” Ms. Mendez said at a news conference outside City Hall, where elderly men and women held signs reading, “Would you send your grandmother to court without a lawyer?”

Ms. Mendez was joined at City Hall by the Manhattan borough president, [Scott M. Stringer](#), and several of the 22 council members who support the bill.

Thousands of tenants end up in housing court each year for nonpayment of rent and other disputes with their landlords. In 2006, there were 288,000 cases filed in the city, and about 157,000 of those cases were scheduled to be heard.

Legal advocates said that each year, the members of 25,000 households are evicted after losing their cases in New York City housing court.

Unlike indigent criminal defendants, tenants in housing court have no legal right to government-paid lawyers.

Several legal-aid organizations provide low-income tenants with free legal assistance, but their supply of lawyers and resources far outpaces the demand, the providers said.

The [Legal Aid Society](#) of New York, which represents and advises about 15,000 tenants each year, said it turned away about 90,000 tenants annually.

Legal Services for New York City, which represents and advises about 10,000 households, said the agency assisted only 21 percent of eligible tenants who seek their help.

The mayor's office declined comment on the bill. A spokesman for the city's Department for the Aging said the legislation was similar to the agency's Assigned Counsel Project, which provides pro bono lawyers and social workers to older residents in housing court in Manhattan, Brooklyn and Queens.

"We're already doing the work and answering the need," said the spokesman, Christopher Miller. He said that the project had served more than 500 residents since it started in 2005, and that the agency hoped to expand it to the Bronx and Staten Island next year.

Supporters of the bill say that program does not do enough to meet the legal needs of poor elderly tenants.

Louise Seeley, executive director of the City-Wide Task Force on Housing Court, a nonprofit coalition that assists tenants, estimated that 90 percent to 95 percent of tenants taken to housing court have no lawyers, but 85 percent to 90 percent of landlords have legal representation. A large

number of cases are settled quickly, with tenants signing agreements that they often do not fully understand, Ms. Seeley said.

“You don’t have an even playing field,” Ms. Seeley said.

Councilwoman Helen Sears recalled yesterday a 95-year-old man who came to her office with an eviction notice, confused about what to do and where to get help. “Those who are strong can’t weave their way in and out of housing court,” she said, “and to have someone in their 90s to have to do that on their own is literally impossible.”

The proposed law would create the position of civil justice coordinator in the city’s Department of Homeless Services. The coordinator would assign legal counsel to seniors after receiving requests from elderly tenants, judges or designated organizations. The bill would provide assistance to elderly residents facing eviction or foreclosure.

A report in July by the city’s [Independent Budget Office](#) that examined a similar legislative proposal found that 8,800 to 10,750 low-income elderly residents would be eligible for city-provided legal representation. The estimated cost: \$9.7 million to \$11.9 million a year.

Ms. Mendez and other supporters of the new bill said the cost would be offset by savings in other areas.

It costs the city \$23,000 a year to provide emergency shelter for an adult and \$61,740 to shelter the members of an elderly household, said Laura Abel, deputy director of the Brennan Center Strategic Fund, the lobbying arm of the [Brennan Center for Justice at the New York University School of Law](#).