

TESTIMONY TO THE SENATE STANDING COMMITTEE ON HOUSING,
CONSTRUCTION & COMMUNITY DEVELOPMENT, STANDING COMMITTEE ON
SOCIAL SERVICES AND STANDING COMMITTEE ON AGING

February 13, 2025

To: Hally Chu
Housing Committee Director
Senate Standing Committee on Housing, Construction and Community Development
250 Broadway, Room 2011
New York, NY 10004
By email to: chu@nysenate.gov and ddownstein.nysenate@gmail.com

My name is David Kagle. I am the Managing Attorney for Legal Assistance of Western New York, Inc. (LawNY)'s Housing program. LawNY provides free legal services to low-income individuals and families across fourteen counties. A significant portion of our work is dedicated to preserving tenant housing by defending against evictions and subsidy terminations. My job includes training and guiding our teams in litigation strategies to preserve safe, stable housing, and collaborating with providers of other services who contribute vital resources to this mission. This testimony is in response to a Notice of Joint Public Hearing on February 18, 2025 and an invitation for comments on pending legislation. I appreciate this opportunity to provide feedback with particular respect to two bills currently before these committees: S72 and S4446.

For context, I first note that, when mounting legal defenses to eviction proceedings, our advocates are only able to accomplish lasting success when their work is combined with 1) ongoing access to affordable housing and 2) resolution of rental arrearages. Without these elements in play, success in an individual case may delay eviction, but still leaves tenants in a vulnerable position. Tenants facing eviction without access to counsel face even steeper challenges.

We also note that individuals and family who lose their housing face enormous obstacles in securing new housing. Decent housing is increasingly expensive and out of reach for many families. Current housing circumstances and rental history may impact a tenant's ability to secure new housing. In fact, even subsidized housing providers, whose job is to house families who cannot afford market rate housing, still may deny housing due to a tenant's past performance in market-rate housing. ***For these reasons, keeping tenants in their current homes is usually preferable and less expensive than losing housing and relocating under threat of homelessness.***

Senate Bill S72 offers the potential to dramatically improve the trajectory for tenants who are homeless or face imminent risk of homelessness. Of particular note, this bill's provision for paying up to five months of rental arrears, as well as ongoing subsidy payments, presents an opportunity to simultaneously address the imminent risk of eviction and ensure ongoing access

to affordable housing in the future. ***From our extensive experience working with tenants who are at risk of eviction, LawNY believes that the bill will be highly effective at preventing homelessness, if funded in adequate proportion to the number of evictions statewide.***

To ensure that voucher funds reach the targeted population and have the desired effect, it is important to note that we have seen substantial improvements in tenant outcomes when providers of financial assistance are co-located at court, or there is otherwise a direct and efficient connection between the court system and the resources available to prevent eviction and stabilize housing. A key example is the presence of staff from the Department of Human Services (DHS) at an Eviction Diversion Resource Center in Rochester City Court. These staff members are able to take applications for assistance on the same day and in the same building where tenants are appearing to face possible eviction. The rental arrears currently offered through this program provide resources to prevent eviction, but do not address long-term housing affordability challenges. Also, in many town and village courts, evictions occur without substantial safeguards or information about available resources. ***The opportunity to prevent eviction and stabilize housing presented by Senate Bill S72 will be far more effective if harmonized with, and available during, eviction proceedings in New York's diverse and widespread courts.***

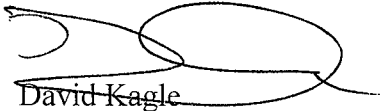
For those who are already experiencing homelessness, S72 offers a path to securing affordable housing. We believe that homeless individuals and families will have an improved chance of securing housing if their rent payments are assured by an ongoing voucher.

With respect to Senate Bill S4446, LawNY notes the importance of access to rental arrears payments to prevent eviction. We routinely partner with non-profits and social services agencies so that we can help our clients secure rental arrears assistance while a non-payment eviction case is pending. Across our service area, we note that access to assistance from private agencies depends on sufficient funding and client eligibility and varies by geographic region and funding status. Access to funding through Senate Bill S4446 can help to prevent eviction for clients who have exhausted their access to traditional emergency assistance with rental arrears.

We note that the parameters for assistance through this SAEF program are very stringent. They exclude many low-income individuals who are not financially eligible for traditional emergency rental assistance but nonetheless have accrued rental arrears due to financial circumstances, including outsize rent burdens. ***It is LawNY's experience that the 80% AMI income threshold for rental arrears assistance has been extremely effective in targeting families who are at risk of eviction, many of whom are able to pay ongoing rent but encountered challenging financial circumstances that put them in arrears.***

Thank you for the opportunity to provide comment on these important bills, and for your commitment to addressing the housing challenges faced by low-income New Yorkers.

Sincerely,

A handwritten signature in black ink, appearing to read "David Kagle", written over a horizontal line.

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