

New York State Tenants & Neighbors

Testimony as Prepared

February 18, 2025

Joint Public Hearing: To Assess Rental Assistance Programs and Examine the need for Expanded Residential Rental Assistance to Prevent Evictions

Good morning. Thank you, Senator Persaud, Senator Kavanagh, Senator Cleare and the Senate Standing Committees on Social Services, on Housing, Construction and Community Development, and on Aging for holding this very important hearing.

My name is Rebecca Nicol and I am a tenant organizer for New York State Tenants & Neighbors Information Service and New York State Tenants & Neighbors Coalition, two affiliate organizations that share a common mission: to empower and educate tenants; preserve affordable housing, livable neighborhoods, and diverse communities; and strengthen tenant protections.

Tenants & Neighbors organizes campaigns in rent-regulated, Mitchell-Lama, and project-based Section 8 developments across the city that are at-risk of loss of affordability. In the buildings where we organize, the story is the same. Every day, I speak with New Yorkers who are living on the edge, trying to hold onto their homes amid rising rents and mounting displacement pressures. These are not just statistics—they are our neighbors, our elders, our caregivers, and our community members.

Tenants & Neighbors has always been a firm believer in the Senior Citizens Rent Increase Exemption (SCRIE) program and the Disability Rent Increase Exemption (DRIE) program. We were a fierce advocate for the original SCRIE laws in 1970 and have always remained committed to expanding protections for

the most vulnerable members of our communities who face particular challenges staying in their homes. Disabled New Yorkers are more than twice as likely to live in poverty than those without disabilities¹. Seniors live on fixed incomes and when their rent increases, they do not have incomes to pay that increase, so their rent burdens go up. The SCRIE and DRIE programs have been essential for those who know about the programs and are eligible. These programs have saved the homes of tens of thousands of low-income New Yorkers.

However, these programs need reforms to live up to their purpose of helping vulnerable New Yorkers remain in their homes. Changes are needed to allow the SCRIE/DRIE program to keep up with inflation and expand to keep up with the needs our community is facing.

We support S561, S1457A, S2451A, S2534, S3563, S4252. Each of these bills address long standing problems with the SCRIE and DRIE program. We are grateful that the Senate is focused on addressing these problems and proposing solutions which would protect some of the most vulnerable New Yorkers and enable them to remain in their homes, paying an affordable rent.

The SCRIE/DRIE program has been underutilized for some time². When I go into buildings, many tenants, especially non-English speakers, do not know that they are eligible. We also get many cases of tenants who reach out to us once they are in dire situations, faced with rent that they cannot pay or are already in Housing Court for an eviction. These situations could be prevented through S561, which would require notices to be sent to tenant households to inform and educate about SCRIE/DRIE eligibility.

¹ Id. at 5

² New York City has estimated that under 60 percent of eligible households receive the benefits. https://www.nyc.gov/assets/rentfreeze/downloads/pdf/2022-scrie_drie_report.pdf

We support S1457A which would increase the maximum income threshold for eligibility to \$67,000 and index it to inflation thereafter. The last time the eligibility threshold was increased was in 2014. Since that time, inflation and the costs of living have dramatically increased. Tenants are losing eligibility when they receive modest increases in their income, and then become rent-burdened. I work with many tenants every day who make slightly too much money to be eligible, but who live in poverty because their rent keeps increasing. The tenants I work with are put in inhumane situations of having to choose between paying for ever-increasing groceries, medical costs, and rent. Much of this burden would be eliminated if the SCRIE and DRIE programs kept up with inflation.

We strongly support S2451A, S2534 and S4252 because for too many seniors and disabled renters, this program freezes their rent at unsustainable levels. Currently, when a tenant applies, the rent is frozen at the legal regulated rent at the time. However, there is no assessment at the time of application as to the affordability of that rent for the senior. This means that the amount the tenant is paying may already be a substantial rent burden for the senior on a fixed income. For example, a senior I work with has a monthly Social Security Income of \$950, but her rent is frozen at \$712. Although the rent is frozen, it is frozen at a very unaffordable level for her. She only has \$200 left to live on, and has been forced into debt just to feed herself and take care of her medical needs. There is no option under the current law for this frozen rent to be lowered, despite this severe rent burden, unless the senior was to experience a decrease in their already very limited income. Rents should be frozen at one third of household income. This will ensure true affordability for seniors and disabled tenants on low fixed incomes.

The data backs up what our members are telling us. Thirty-eight percent of low-income New Yorkers live in rent regulated housing. That is more than double the number of low-income households living in public and government-subsidized housing³. Three quarters of rent regulated tenants are people of color and Latinx New Yorkers make up the plurality of people living in rent regulated housing⁴. Most New Yorkers are rent-burdened, paying more than 30 percent of their income toward their rent⁵. And while rent burdens are high throughout New York City, rent burdens are much higher in low-income households. For households under the Federal Poverty Line (FPL), 84 percent pay more than 50 percent of their income in rent⁶. For those households between 100 to 200 percent of the FPL, 57 percent pay more than 50 percent of their income in rent and another 25 percent pay more than 30 percent of their income in rent⁷. Households between 200 and 300 percent of FPL and 300 and 400 percent of FPL, 68 percent and 54 percent respectively are rent burdened⁸.

We know from talking to tenants that when a tenant is pushed out of their home, there is nowhere to go. The data backs this up. In 2023, New York City's Housing and Vacancy Survey found that the vacancy rate was 1.41 percent, the lowest it had been for decades⁹. The vacancy rate for all units with rents less than \$1100 was only 0.39 percent¹⁰. The 2023 vacancy rate for units between \$1100 and \$1649 was no better at 0.91 percent¹¹. The vacancy rate for units between

³ Miranova, Oksana, Stein, Sam, The Community Service Society, *Our Fast Analysis of the 2021 New York City Housing and Vacancy Survey* at 1. https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/101023_HVS_brief_Sept_2023_V4.pdf

⁴ Id.

⁵ Id. at 2

⁶ Id. at 8

⁷ Id.

⁸ Id.

⁹ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*. New York, NY: New York City Department of Housing Preservation and Development; 2024. at 21 <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>,

¹⁰ Id.

¹¹ Id.

\$1650 and \$2399 was frighteningly 0.78 percent¹². The vacancy rate for the higher half of the rental housing market was barely higher. Additionally, due to a redesign in the survey, we have data to confirm what we already knew. When a low income tenant loses their home, they have very few options and the apartments that are affordable to them, go to higher income tenants¹³. The scarcity of available regulated and subsidized housing is a part of an overall decline in the availability of affordable housing. There remain less than 77,000 units covered by either the Mitchell-Lama rental program or the federally subsidized Project Based Section 8 program¹⁴. It is essential that where we can help keep people in affordable housing, we should spend the resources to do so. We support S3563 because it recognizes that family members who care for disabled individuals need rent relief. Those families face similar hardships to those already eligible for this program. We also support two additional reforms to these programs.

1. Medicare premium payments are subtracted from monthly Social Security checks, but those premiums are counted as income for SCRIE. Medicare premiums should be excluded from income so that more seniors can qualify for SCRIE. Legislation has been passed and signed to redefine income but there are some technicalities that need to be ironed out. We are working with state legislators, including Senator Liz Krueger to address this issue.

2. We support the new legislation that Assembly Rosenthal introduced in January to address the problem facing many disabled veterans as their Veteran's Disability and Workers' Compensation benefits count as income toward that

¹² *Id.*

¹³ *Id.* at 26 & 46

¹⁴ Oksana Miranova, *Closing the Door: Subsidized Housing at a Time of Federal Instability*, Community Service Society, March 2018.

https://smhttp-ssl-58547.nexcesscdn.net/nycss/images/uploads/pubs/Closing_the_Door_FINAL_WEB.pdf

\$50,000 threshold and often put them just over the limit to qualify. The federal government does not allow either of those benefits to be counted as income when applying for Medicaid. As such, this bill would mirror Medicaid's practice under the Affordable Care Act by excluding Veterans Disability and Workers' Compensation benefits as countable income for SCRIE and DRIE. People who were injured, whether by serving our country or on the job, should not be refused life-changing rental benefits based on their disability.

Additionally, we support the Housing Access Voucher Program as another crucial path towards housing justice, as the program will give thousands of homeless and low-income New Yorkers a path to being affordably housed.

Thank you for the opportunity to testify today at this important hearing.