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### **TESTIMONY OF THE LEGAL AID SOCIETY**

Joint Legislative Public Hearing on the 2026 Executive Budget  
Proposal: Human Services

February 12, 2025

Thank you to Majority Leader Stewart-Cousins, Senate Social Services Committee Chair Persaud, Speaker Heastie, Assembly Social Services Committee Chair Davila, the New York State Finance Committee, and the New York State Assembly Ways and Means Committee for holding this very important hearing. We welcome the opportunity to submit testimony on behalf of The Legal Aid Society concerning fiscal priorities for the coming year in the area of human services. We are eager to continue working with the Committees to ensure that New Yorkers across the state have access to the support they need, particularly the lowest-income and most marginalized, against the disruption and destruction already being caused by the new federal administration, particularly in New York City, where the low-income communities we serve are experiencing worsening economic insecurity and disadvantage, and who, despite facing the crisis in affordability recognized by the Governor, see little in the Executive budget that will alleviate their poverty.

Indeed, the Governor's 2026-2027 Budget ignores many of our critical priorities in the area of human services: in particular, her failure to fund long overdue increases in the Cash Assistance program grants. We also urge the Legislature to continue to maintain its current investment in the

Statewide Disability Advocacy Project (DAP) which gives low-income New Yorkers with severe disabilities increased economic stability through the receipt of federal Social Security Disability (SSD) and Supplemental Security Income (SSI) benefits. We look to the leadership in the Legislature to fill these gaps and ensure that funding for these priorities and the others discussed herein, which are so critical to the lowest-income New Yorkers, are included in the final budget.

As we ready to fight against anticipated cuts to SNAP, and foresee new hurdles to accessing both SNAP and Medicaid in the form of block grants and work requirements, New York is facing an urgent choice – whether, after decades of neglect, to shore up its foundational safety net program – Cash Assistance – or to continue to relegate thousands of New Yorkers to continue to live in a state of deep poverty, far less than 50 percent of the official poverty level. The Legal Aid Society urges the Legislature to conclude that there is only one choice that makes sense for New Yorkers, our communities, and the State itself – to take immediate action to increase the amount of assistance available to recipients of the Cash Assistance program and to adopt additional reforms that would expand access to life-saving benefits.

This testimony will present a brief summary of the recent work of The Legal Aid Society, discuss the primary problems facing our clients, and provide solutions we urge the Legislature to adopt in the final budget.

### **THE LEGAL AID SOCIETY**

The Legal Aid Society (LAS) is the nation's oldest and largest not-for-profit legal services organization. LAS provides comprehensive legal services in all five boroughs of New York City for people who cannot afford to pay for private counsel. Since 1876, LAS has advocated for low-income

families and individuals and has fought for legal reform in City, State, and Federal Courts across a variety of civil, criminal and juvenile rights matters. LAS takes on 300,000 cases annually, including thousands of cases in which we fight for the rights of tenants in regulated and unregulated apartments across the City. LAS also takes on law reform and appellate cases, the results of which benefit more than 1.7 million low-income New Yorkers; the landmark rulings in many of these cases have a state-wide and national impact. The Legal Aid Society's Civil Practice has been hard at work to both defend our clients, and at the same time use litigation, administrative, and legislative advocacy to expand access to programs and reform policies adversely affecting the client communities we serve. Our housing practice steps in to prevent evictions and homelessness for tenants with arrears stemming from periods of unemployment, fights discrimination against tenants based on the income source they are using to pay rent (referred to as "source of income discrimination") that contributes to a lack of affordable housing and homelessness,<sup>1</sup> and supports crucial legislation like the Housing Access Voucher Program (HAVP), which, among other things, will be the subject of our testimony at the upcoming joint legislative budget hearing on Housing on February 27, 2025. Our Homeless Rights Project (HRP) protects and enforces the rights of homeless families and individuals in New York City and serves as class counsel on a number of landmark impact litigation matters, including *Callahan v. Carey*, which established the right to shelter in New York City for single homeless men, and subsequent litigation that expanded the right to women and families. Most recently, HRP has been advocating for shelter and services for families and individuals, including

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<sup>1</sup> See, e.g., *Housing Rights Initiative v. Compass Inc.*, 21-cv-2221; *Housing Rights Initiative v. Corcoran Group LLC*, 154010/2022; *Robert Williams v. J.K. Management Corp.*, 451077/2022.

new arrivals and people with disabilities, and seeking to enforce the City’s expansion of the CityFHEPS program, which would help end and prevent homelessness for thousands of families. Meanwhile, our City-wide government benefits practice continues to work to ensure that our clients maintain access to benefits as they face record delays when they attempt to apply or recertify for Cash Assistance or SNAP benefits administered by the New York City Human Resources Administration in the face of the agency’s understaffing.<sup>2</sup> We are also challenging the USDA’s policy of refusing to replace SNAP benefits lost by victims of SNAP skimming, a pervasive problem, made worse by the fact that Congress allowed the rule permitting replacement of benefits on an interim basis to lapse on December 20, 2024.<sup>3</sup> Within our Government Benefits practice, our Disability Advocacy Project continues to ensure that clients who are eligible for federal disability benefits obtain them as expeditiously as possible—resulting in reimbursement for the State and localities of state-funded Cash Assistance outlays the clients received while waiting for SSI (known as “Interim Assistance”).

### **Recommendations of The Legal Aid Society**

Advocates thought that this would be a unique year in the quest to fight child poverty and poverty generally due to the work of the Governor’s Child Poverty Reduction Advisory Council (“CPRAC”), and CPRAC’s short list of recommendations to the Governor delivered on December 18, 2024, which we understood to be destined for the Governor’s inclusion in her budget proposal this year. See <https://otda.ny.gov/cprac/reports/CPRAC-2024-Recommendations-and-Progress->

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<sup>2</sup> *Forest v. City of New York*, 1:23-cv-00743 (S.D.N.Y. filed Jan. 23, 2023).

<sup>3</sup> *Chen v. Vilsack*, 1:23-cv-01440 (S.D.N.Y. filed Feb. 22, 2023).

[Report.pdf](#). These recommendations are all essential to ensuring that the lowest-income New York families have what they need to say goodbye to poverty for good, including:

### **Income Supports**

- **Monthly income supports** – An increase in Cash Assistance levels for basic needs the first time since 2012.
- **Annual income supports for families with children under 18** – Increase in the Child Tax Credit from \$330 per eligible child to \$1,500 per child, and open eligibility to families with no work income.
- **Cash Assistance rule changes that promote income stability** – The adoption of rules that help ensure that working families who are able to exit poverty have what they need to maintain economic security.

### **Housing Supports**

- **State Section 8 program** – The adoption of a state-section 8 program like HAVP which would help New Yorkers who are facing a crisis in housing affordability achieve housing security as they stabilize their income without losing assistance until they can afford their rent without help. This is especially necessary absent an increase in the Cash Assistance rent assistance levels (“shelter allowance”), which has not been increased for families since 2023 and for adult-only households since 1988.

### **Make Nutrition Support Universal**

- **State-funded Nutrition Benefit** – Since 1996, eligibility for SNAP has been severely limited to a narrow group of non-citizens that does not even include families pursuing status under the Violence Against Women Act and Lawful Permanent Resident parents who have had LPR status for less than five years. CPRAC’s recommendation would universalize nutrition assistance, enabling families who are not eligible for SNAP because of citizenship status to receive nutrition support.

Despite our hopes that these recommendations would be incorporated into the Governor’s budget proposal this year, the Governor only included one of these proposals in the Executive Budget, an increase in the Child Tax Credit, and watered it down at that – reducing the annual credit from \$1,500 to \$1,000 and limiting the full credit to children under 4, and providing children under 17 with a \$500

annual credit. Although the Governor did include a supplemental payment for pregnant people (\$100 a month) and a one-time bonus for newborns (\$1,200), there are no increases in monthly Cash Assistance for the majority of families. The “affordability” enhancing policies the Governor did include in the budget – school lunches, the \$500 tax rebate – combined with the Child Tax Credit increase and the Baby Bonus program are not enough to help the lowest income New Yorkers – those who are without any work income due to disability and crisis – escape deep poverty. Where these families are participating in the Cash Assistance program, they are trying to survive on the smallest budget – \$291.50 a month for a mother and child – which is only \$3,498 annually. Even an additional \$5,000 in affordability enhancements, assuming the family qualifies for all of it, still leaves that family far below the official poverty level for a family of two: \$21,150. Working families need help, of course, but the Governor’s policies reflected in the Executive budget completely leave out the lowest income New Yorkers at the expense of the high earners among us. Taxpayers earning up to \$323,000 for joint filers qualify for the \$500 tax rebate despite a lack of need.

As set forth below, we look to the Legislature to adopt the following recommendations that would give the lowest income New Yorkers crucial assistance when they need it most.

**A. Ensure the New York State Budget Protects the Lowest-Income New Yorkers through the adoption of Social Services and Related Legislation in this Year’s Budget**

**1. Increase Cash Assistance for Basic Needs for all participants.**

The Legal Aid Society is grateful to Social Services Chairs Davila and Persaud for carrying a package of legislation originally introduced in 2022 by Chair Rosenthal, that, for the first time in decades, would increase the amount of money that Cash Assistance recipients receive to meet their

basic needs, and keep it tied to inflation going forward. *See* A.106 (Rosenthal)/S.1127 (Persaud). Relatedly, for the first time since 1997, there is a bill that would achieve justice and parity for a small but needy subset of homeless New Yorkers – those who find themselves residing in shelters that serve three daily meals – for the first time since 1997. *See* A.108 (Rosenthal)/S.113 (Cleare). As of now, the State is expecting these shelter residents to somehow live on \$1.50 a day.

The legislative leaders who carry and sponsor these bills recognize that for New York to neglect the needs of the lowest-income New Yorkers is inhumane and unjust. Governor Hochul ignored these needs in her proposed budget despite her own Council recommending them as essential. A quick look at the numbers involved illustrate how urgent and overdue these reforms are:

(See chart on next page.)

Existing Cash Assistance Program	Grant Component Name	Last Year Increased	Current Monthly Amount	Current Annual Amount
<b>Basic Needs Grant</b> (396,000 families)	Basic Needs	<b>2012</b>	<b>\$183.10</b> a month/1 adult	<b>\$2,197</b> a year for basic needs
	Home Energy Allowance (for basic needs and utilities)	<b>1981</b>	& <b>\$291.50</b> a month for Parent & child	<b>\$3,498</b> a year for basic needs
	Supplemental Home Energy Allowance (for basic needs and utilities)	<b>1986</b>		
<b>Personal Needs Allowance/Special Needs Allowance</b> (~ 9,000 families)  For those residing in shelters serving three meals	Personal Needs Allowance (households with children)	<b>1997</b>	<b>\$126</b> a month Parent & Child  (\$63 per household member)	<b>\$2,512</b> A year for basic needs  <b>\$540</b> A year for basic needs
	Special Needs Allowance (adult only households)	<b>1997</b>	<b>\$45</b> a month Adult	

People with disabilities are disproportionately affected by the insufficiency of the basic needs grants for Cash Assistance. People with disabilities often need extra money for transportation, face challenges traveling to the least expensive markets, and have more out of pocket health expenses not



covered by health insurance.<sup>4</sup> There are many people with severe medical and mental health conditions that receive Cash Assistance while they wait for federal disability benefits applications to be approved and appeals to be heard, a process that sometimes takes years. While the state gets reimbursed by the federal government for the Cash Assistance received by clients who go on to become eligible for federal disability benefits, there is no way to reimburse clients who will never get back the months and sometimes years they are forced to live in an extreme level of scarcity and stress due to having inadequate assistance without the ability to work as an alternative.

Insufficient levels of Cash Assistance also contribute to food insecurity and hunger.<sup>5</sup> Some but not all Cash Assistance recipients receive SNAP (food stamps) benefits which can only be used for the purchase of food. The current federal SNAP allotment is inadequate: it does not cover the food costs of most households – forcing most people to use their Cash Assistance to help cover their food expenses and leaving little left for other basic needs. This problem was made even worse when the SNAP Emergency Allotments provided during the COVID public health emergency ended in 2023, and we can anticipate SNAP cuts from the new federal administration. Moreover, not all families are eligible for SNAP, including many immigrant families. They are especially vulnerable to hunger. Meanwhile, inflation has compounded all of these problems.

Although the adverse impact of such scarcity is obvious to most of us, research has

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<sup>4</sup> *The Extra Costs of Living with a Disability in the U.S. – Resetting the Policy Table*, National Disability Institute (Oct. 2020) (estimating that a household containing an adult with a disability that limits their ability to work requires an average of 28 percent more income to obtain the same standard of living as a household member without a disability), <https://www.nationaldisabilityinstitute.org/wp-content/uploads/2020/10/extra-costs-living-with-disability-brief.pdf>.

<sup>5</sup> S. Carlson, J. Llobrera, B. Keith-Jennings, *More Adequate SNAP Benefits Would Help Millions of Participants Afford Better Food*, Center on Budget and Policy Priorities (updated July 2021), <https://www.cbpp.org/research/food-assistance/more-adequate-snap-benefits-would-help-millions-of-participants-better>.

documented the adverse effects of living in such a state of deep poverty, and the especially negative impact on children.<sup>6</sup>

The inadequacy of the amount of money New Yorkers receive for basic needs is also an issue of racial justice. Cash Assistance is the safety net program originally authorized by the Social Security Act in 1935 and then replaced by the Personal Responsibility Work Opportunity Reconciliation Act (PRWORA) in 1996. Both of these programs carry a long legacy of racism, particularly against Black mothers, in terms of eligibility requirements and the low levels of benefits, particularly in States with the highest Black populations.<sup>7</sup> New York State cannot undo the program's history, but it can make up for years of neglect by raising the grants to enable all New Yorkers, including low-income Black and Hispanic New Yorkers, to meet basic needs. New Yorkers need this help now. We look to the Legislature to address this problem in this fiscal year.

## **2. Help New Yorkers afford housing.**

As the Governor's CPRAC recognized, it is not enough to increase the amount the lowest-income families receive for basic needs to help them exit poverty. They also need assistance to make housing affordable. The following are housing-related social services and related reforms that the Legislature should add to the state budget:

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<sup>6</sup> See, e.g., M. Golani, *The Protective Power of Cash*, NYC Family Policy Project (Dec. 11, 2024), <https://familypolicynyc.org/wp-content/uploads/2024/12/NYC-FPP-Report-The-Protective-Power-of-Cash-web.pdf>; I. Dutta-Gupta, *The Enduring Effects of Childhood Poverty*, Center for Law and Social Policy (Aug. 14, 2023), <https://www.clasp.org/blog/the-enduring-effects-of-childhood-poverty/>

<sup>7</sup> See I. Floyd, et al., *TANF Policies Reflect Racist Legacy of Cash Assistance, Reimagined Program Should Center Black Mothers*, Center on Budget and Policy Priorities (August 4, 2021), <https://www.cbpp.org/research/income-security/tanf-policies-reflect-racist-legacy-of-cash-assistance>.

- a. **Adopt HAVP and require OTDA to update the Cash Assistance shelter allowance for the first time in decades – amounts for adult only households have not been increased since 1988; and amounts for households with minor children have not been increased since 2003.**

New Yorkers cannot meet their basic needs and achieve any semblance of economic security with the constant threat of eviction hanging over their heads. Some New Yorkers need assistance to pay for the housing that is currently available. Accordingly, HAVP is essential to any discussion of human services in the State budget. As the Governor’s CPRAC recognized, a State Section 8 program in New York is crucial to ensuring economic stability for New Yorkers throughout the state, and we urge the Legislature to adopt the program in the final budget.

In addition, the Legislature should direct the State to update the shelter allowance grant levels for the first time in decades. The shelter allowance amounts for families with children have not been increased in 22 years – while rents have more than doubled. And the shelter allowances for single adults have not increased since 1988. A.1507 (Rosenthal)/S.1127 (Kavanagh) would require the State to increase maximum rent assistance for Cash Assistance recipients to 100 percent of the Fair Market Rent (FMR) levels set annually by HUD, and to adjust these levels annually in sync with the FMR. This is the same standard Governor Hochul signed into law in 2021 for the NYC-based FHEPS program. Making this change to the Cash Assistance shelter allowance would mean that instead of the rent assistance levels being so low that low-income families fall further and further

behind on their rent, are forced to reside in substandard and dangerous units, or experience homelessness, they would be able to afford a safe and decent place to live.<sup>8</sup>

**b. Help Families to Avert Eviction with Emergency Grant Reforms.**

S.3222 (Kavanagh) would reform existing State law governing emergency arrears grants (referred to as “one-shot deals”) to ensure access to these emergency grants for tenants from around the state by (a) eliminating the need to be on the precipice of eviction to qualify for an emergency grant; (b) eliminating any repayment obligation; and (c) increasing the number of months of rent eligible for a grant. These are crucial reforms throughout the State.

**c. Encourage New York State and New York City to exercise their discretion to extend benefits to New York residents regardless of Immigration status.**

A.1503 (Rosenthal)/S.958 (Kavanagh) are essential to allowing New York City to create more room in its shelter system by helping long-stayers move out into permanent housing, leaving more space for those who are becoming newly homeless as evictions are on the rise. This legislation would grant New York City the discretion to spend City dollars for the purposes of ending homelessness regardless of immigration status. Passing these bills costs the state nothing and will help New York City be more nimble in its response to the current homelessness crisis.

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<sup>8</sup> J. Radbord, H. Kulakowski, A. Broussard, *REPORT: No Keys to Safe and Decent Housing in New York’s “Safety Net”*, Empire Justice Center (August 15, 2023), [https://empirejustice.org/resources\\_post/report-no-keys-to-safe-and-decent-housing-in-new-yorks-safety-net/](https://empirejustice.org/resources_post/report-no-keys-to-safe-and-decent-housing-in-new-yorks-safety-net/).

**d. Remove restrictions on How New York City deploys State Rental Supplement Program (RSP) money.**

Starting in the FY23 State budget, the State has imposed a restriction on how the City of New York spends its invaluable allocation of RSP money, state funding that is explicitly designed to end and prevent homelessness for New York City residents who are not eligible for any other type of rental assistance for reasons that include household composition, source of income (such as federal disability benefits), or immigration status. Since 2022, budget language requires New York City to reserve this funding to cover the cost of increases in a different, existing subsidy program (FHEPS), that the Governor had already approved in December 2021. This inflexible accounting requirement leaves too little RSP assistance to go to those who need it. This is grossly unfair to New York City and The Legal Aid Society’s clients, who need every dollar of RSP money allocated (up to approximately \$300 million, currently) to address housing unaffordability, and homelessness in New York City. *See e.g.*, Proposed FY25 Aid to Localities, <https://www.budget.ny.gov/pubs/archive/fy25/ex/approps/local.pdf> at 506-508. This year, this restrictive language should be removed retroactively to 2022.

**3. Adopt other crucial human services reforms.**

**a. Shore up Nutrition Assistance before federal cuts emerge**

***Put \$50 million for SNAP “Skimming” Victims in the Budget.*** Thanks to the human services leadership, the Legislature adopted relief for Cash Assistance “skimming” victims, which is now part of the Social Services Law. *See* N.Y. Soc. Serv. L. § 152-d. Adopting legislation that would replace SNAP benefits stolen by “skimming” with state cash funds would fill a huge gap for

the many victims of skimming. Since December 20, 2024, when the federal law authorizing benefits replacement expired, New Yorkers who have had their SNAP stolen have not had a remedy. They should not have to survive with less nutrition assistance because they are victims of a crime.

*Achieve Universal Nutrition Assistance in New York State.* The Legislature should revive the state-funded SNAP program (a prior version was called “SAP”) to ensure access to nutrition assistance for all families, regardless of immigration status. This is also recommended by CPRAC. The current federal rules governing SNAP eligibility are extremely narrow. As a result, thousands of lawfully present non-citizens have no access to SNAP, and the local economy loses out on the multiplier effect of these federal dollars.

**b. End the benefits cliff for low-wage workers who need the support of Cash Assistance by adopting the Governor’s CPRAC subsidiary Cash Assistance recommendations.**

Finally, to really make Cash Assistance changes that give people a chance to achieve longer-term economic stability, we need to end the “benefits cliff” faced by families with low-income. To achieve this the legislature should adopt the provisions of A.4352 (Rosenthal) which would eliminate the resource test; extend the earned income disregard to applicant households; and eliminate the income rules that punish children.

*Resource limits punish working families and increase long term economic instability.*

Current resource limits for Cash Assistance households (\$2,500 for applicants, \$3,750 for households with a member over 60, and \$10,000 for recipients) rob low-income New Yorkers of the ability to save for emergencies and save for retirement rather than turn to Cash Assistance. If a household managed to save more than \$2,500, they would be denied eligibility for Cash Assistance,

and if they saved \$10,000 their case would be closed. Some resources are exempt from consideration, but resources like a 401(k) from a prior job are not exempt and count toward the resource cap. Low-income households should be able to save money to weather emergencies like the loss of a job, housing instability, and health crises and still be able to afford to meet their basic needs. But under current rules, former workers who fall on hard times are forced to spend down their retirement savings and face tax penalties and lose the value of equity on their investments. This diminishes the long-term economic security of those families who need help now but who will return to the workforce when the period of crisis is over. New York can do better. Neighboring states like Massachusetts and less generous states like Alabama alike have decided to eliminate arbitrary resource tests for Cash Assistance altogether.<sup>9</sup> Moreover, the SNAP program already successfully uses this approach: most households applying for SNAP no longer have to pass a savings/resource test in order to receive SNAP benefits. Reforming this rule makes common sense.

*Applicants for Cash Assistance should benefit from the Earned Income Disregard in Determining Eligibility.* The 2023 budget made welcome changes to the way Earned Income Disregard rules apply to Cash Assistance budgeting, except for one omission. The financial eligibility of applicants for Cash Assistance should be determined *after* applying the same earned income calculations that apply to Cash Assistance recipients. Currently, only individuals who have received Cash Assistance during the past four months get the benefit of the favorable budgeting. All low-wage workers should have the opportunity to apply for Cash Assistance to supplement

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<sup>9</sup> J. Gehr, Policy Brief, *Eliminating Asset Limits: Creating Savings for Families and State Government*, CLASP (updated October 19, 2023, by A. Burnside and J. Fairbanks), <https://www.clasp.org/publications/report/brief/eliminating-asset-limits-creating-savings-families-and-state-governments/>.

their wages until they get a better paying job or more hours of work. Providing Cash Assistance to these households is fair – it respects the value of work and ensures the fair treatment of all New Yorkers. Households will be better able to weather the personal or economic crisis that create the need for cash assistance until they are stable and ready to move on from the program.

***Eliminate unfair income rules that punish children.*** New York’s current budgeting rules (*see* SSL § 131-c (1)) require that children with income intended for their own support, such as child support or social security survivor’s benefits from a deceased parent, be used to support other people in the household for whom they are not legally responsible, such as half-siblings and non-parent caregivers on assistance. Many of the households affected by this rule are headed by grandparents struggling to get by. Prior legislatures recognized this inherent unfairness and passed bills to reform these budgeting rules, but the legislation was ultimately vetoed by Governor Cuomo in the 2019 session. This legislation should be passed again and signed by the Governor this year to promote equity for all types of families including those headed by grandparents.

***Promote Transparency Regarding Benefit and Rent Supplement Programs through legislative reforms.*** Last year Governor Hochul vetoed legislation that required OTDA to post information regarding waivers of federal and state benefit program rules and information about Rent Supplement Plans. New York needs to foster the transparency this law would achieve. This has been reintroduced in the Senate as S.3189 (Persaud).



**B. Restore the State Legislature's Investment of \$1.5 million in the Disability Advocacy Program**

The Legal Aid Society is proud to be a part of the remarkably successful Disability Advocacy Project (DAP) program which has helped thousands of New Yorkers secure the federal disability benefits to which they are entitled. Last year, the Legislature restored its \$1.5 million addition to the Executive Budget of \$5.26 million allocation. Since the State's funding of DAP is matched by the local counties, this resulted in a total funding of \$13.52 million for DAP statewide. To keep DAP stable and for the program to continue to meet the current demands facing low-income disabled claimants, the Legislature should maintain its \$1.5 million investment in this important program so that it can effectively confront the current challenges, including SSA understaffing and Social Security's overly complex rules and procedures, and whatever changes might emerge from the new administration's actions. Funding for this crucial program at this level is essential to address the heightened needs of disabled New Yorkers which have been compounded by the COVID-19 crisis.

**CONCLUSION**

Thank you for the opportunity to submit this testimony today and for your leadership in helping New Yorkers get through the current crisis.

Respectfully Submitted,

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