

**New York City Council
Committee on Public Housing jointly with the Committee on Aging
Oversight Hearing: Seniors in NYCHA Housing
October 24, 2017, 10 a.m.
The Bronx Defenders
Runa Rajagopal, Managing Director, Civil Action Practice**

My name is Runa Rajagopal. I am the Managing Director of the Civil Action Practice at The Bronx Defenders. The Bronx Defenders thanks the Committees for the opportunity to submit comments and testify regarding the permanent addition of family members to a New York City Housing Authority household and impediments to succession in public housing.

I want to introduce you to Aida Reyes. Aida just turned 74 years old. Aida is a grandmother. She is a cancer survivor. She has lived in the Bronx for over 40 years. And in a matter of months, if NYCHA gets its way, **Aida will be homeless.**

Let me step back to give you a little more background about **Aida's story.**

Aida used to live in Gun Hill Houses, near her mother Aurea, and her sister Alice, in zip code 10467

Aida's mother, Aurea, lived in Gun Hill Houses. She moved there in the early 80's. Her sister Alice also lived down the hall from Aurea. In 1992, Aida moved into an apartment in that very same development, where she lived for approximately fifteen years. Around 2008, Aida needed a change in life- she gave up her NYCHA apartment and moved to Florida. However, she only lived there for a short amount of time before she decided the move was a mistake and that she missed New York too much. She needed to be near her family. By 2010, she was back in the Bronx.

Aida's aging and disabled mother was in need of 24 hour live-in care

Meanwhile, as Aurea grew older, her medical and mental health deteriorated. By 90, Aurea was diagnosed with dementia among other severe conditions and Alice had to become her power of attorney. At the request of Aurea and Alice, Aida moved close to her mother's apartment and would often stay over and help her mother with her daily activities. It was not long before Aurea begged Aida to live with her. She needed the help and wanted her daughters to be with her constantly.

NYCHA staff misinformed Alice regarding the process of how to permanently add Aida to Aurea's household and failed to timely give her the necessary form

The decision to move in with her mother was not an easy one for Aida. Her mother was stubborn. They fought often. But ultimately, when Aurea insisted, Aida decided to give up her place and to move in with her mother who needed her. Alice, as Aurea's power of attorney, called the management office to get information about how to add Aida to her mother's lease. She was advised that all she had to do was wait for the annual recertification and add Aida. To everyone's detriment, Alice relied on this misinformation and waited several months. When the annual recertification arrived, Alice, Aurea and Aida worked on adding Aida's information and name. This was submitted to the Gun Hill management office and Aida and her family thought the matter was settled.

To their surprise, weeks later, a housing assistant called Alice and told her that Aurea and Aida had to submit a different application. She gave Alice documents to apply for a new NYCHA apartment and instructed Aida to fill them out. Alice reviewed the paperwork and went back to the management office, confused. Surely, her sister did not have to fill out a NYCHA application for a new apartment? Was there not a different process for family members who wanted to live with an inform parent? After Alice sought clarification, nearly 11 months after the initial request, the housing assistant gave her NYCHA form 040.012 permanent permission request for a family member. It was immediately submitted.

Aurea passed away and NYCHA attempted to harass and bully Aida out of the apartment

Just two weeks after the form was submitted, just shy of 93, Aurea passed away. While processing and grieving the loss of their mother, the NYCHA management called Aida and Alice in to the office to advise them there was a problem with the form. Upon learning of Aurea's death, the staff stated Aida could not get a lease. By the end of the year, they demanded that Aida surrender the keys and move out. Their response could not have been more callous or more of a violation of the law.

At all grievance levels, NYCHA rubber stamped their denial of Aida as a remaining family member and actively sought to deprive Aida of due process and to evict her

After a failed attempted to evict her in housing court, NYCHA finally began to "review" Aida's request to get a lease in her name. At the management level and borough level they rubber stamped the denial without any acknowledgement of NYCHA's misinformation or misconduct. They then brought a petition to evict her in housing court. The NYCHA attorneys refused to give her a third step grievance before a hearing officer. Aida and her family went from law office to law office and elected official's office to elected official's office trying to get help, to no avail.

Retaining The Bronx Defenders and the ongoing fight for a lease

Aida went to her City Councilmember in District 12, Andy King, who contacted The Bronx Defenders and asked us to advise Aida. As a courtesy, I went to court with her and her family and observed what I know to be true about NYCHA. I observed the many levels of resistance: the refusal to allow Aida to see her mother's tenant file or retrieve copies of documents submitted, the denial of Aida's administrative third step grievance, hostility from NYCHA staff at every level and a failure to be accountable for their own mishaps. It became clear that Aida needed help in navigating these systems and an advocate by her side. She retained The Bronx Defenders.

While we were able to successfully advocate for a third step grievance and have thus far been able to adjourn the pending housing court proceeding, Aida's denial was rubber stamped once again by NYCHA's "impartial" hearing officer¹. We have filed an appeal in the Supreme Court which is currently pending. The reality is that this is an uphill battle and the case law does not weigh in favor NYCHA tenants or their family members. In a matter of months, Aida could be evicted.

NYCHA's mantra: "do as we say tenants, not as we do." And Courts have consistently sanctioned this double standard

NYCHA's failure to follow its own procedures, refusal to give necessary forms and the dissemination of misinformation is particularly troubling because, as in the case of Aida and Aurea, tenants who request that family members be added to their household do so because they are elderly, physically disabled, or otherwise infirm, and need someone in the house to help them live and survive. When NYCHA botches a request to add a family member to the household, the effects can be devastating and the harm irreparable. Tenants can be deprived of the much-needed care of a family member. Family members who move in to provide care can find themselves homeless if the tenant dies and NYCHA refuses to recognize them as a remaining family member.

However, NYCHA makes no allowances if a NYCHA tenant or family makes one misstep, does not submit a form, fails to provide documentation or deviates from the rules in any way. NYCHA tenants are held to the highest of standards and punished greatly when they make even one mistake. What's worst is that Courts rarely hold NYCHA accountable for this grossly unjust double standard, which allows this inequity to continue with impunity.

¹ All of NYCHA's Hearing Officers are career NYCHA employees who formerly prosecuted tenants in administrative proceedings or summary eviction proceedings.

Aida and her family, to the best of their ability and at the misdirection of NYCHA, made several attempts to add her to her mother's household. In addition to their efforts, Aida was formerly a tenant in good standing at this very same development. She pays her rent on time as an occupant. She is elderly. She is disabled. She is otherwise eligible for public housing. She lives in zip code 10467, which is a priority zip code under universal access to counsel due to it having the highest rate of shelter entry in the Bronx. But none of these facts seem to matter to NYCHA who refuse to allow her to stay.

Recommendations: A call for transparency and accountability

Unfortunately, Aida's story is not unique. The rules regarding adding family members and succession are highly specific and not well-known or understood by NYCHA tenants or their family members. One cannot help but wonder whether this is by design. Tenants and their family members cannot be expected to be aware of rules without access to them and without receiving accurate explanations about them from NYCHA staff. Many tenants who are older or impaired require assistance and accommodations to understand these procedures and to navigate them successfully.

The Bronx Defenders puts forth the following recommendations for your consideration:

- Make NYCHA rules, including its Management Manual, General Memoranda and forms publicly accessible online and physically available in the public areas of each management office.
- NYCHA management office staff must affirmatively explain rules and processes to tenants and their family members. They should make home visits where necessary.
- Reasonable Accommodations for elderly and disabled tenants and their family members must affirmatively be made to assist families.
- NYCHA should hold its staff accountable for misconduct and misinformation and take remedial steps where tenants and their family members do not meet the remaining family requirements due to NYCHA's actions or inactions.
- NYCHA must change its culture of bullying, confusing and misleading tenants. They need to focus on their Management office staff and educate them as to their role and responsibility in supporting tenants. The role of NYCHA staff should not just be about the arbitrary exertion of power and control over tenants.
- As universal access to counsel rolls out, lawyers and advocates should be appointed early in the administrative process (when a tenant seeks to add a family member), rather than at the housing court level, to help tenants and family members avail themselves of their rights.

As the country's largest landlord that is purportedly not in the business of eviction, NYCHA has to do better to support its tenants and their family members to avail themselves of their rights or, in the very least, not actively obfuscate and violate them.

We look forward to working with the City Council to finding solutions to this problem and I thank you for giving Aida Reyes and The Bronx Defenders this opportunity to testify.

Sincerely,

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About The Bronx Defenders and The Civil Action Practice

Founded in 1997, our organization is nationally renowned for providing holistic and comprehensive legal services, which include civil, criminal, family, immigration defense, social services and community programs to approximately 35,000 low-income families in the Bronx each year. The Civil Action Practice is designed to defend against the devastating civil penalties that arise out of a person's arrest or the removal of children. Additionally, we represent community members facing evictions and have worked with countless public housing residents and their families to help them defend their right to safe and affordable public housing.