



Comments on Intros. 322 and 583 and Res. 236

The Rent Stabilization Association of New York City represents 25,000 diverse owners and managers who collectively manage more than one million apartments in every neighborhood and community throughout the city. We thank the Committee for giving us the opportunity to submit testimony in support of Intro. 322, which would provide for the installation of accommodations for seniors and disabled residents; in opposition to Int. 583, which requires owners to undertake certain steps relating to the eviction of disabled tenants; and in favor of Res. 236, supporting state bills providing for automatic SCRIE enrollment.

Intro. 322 would require the installation in multiple dwellings of devices such as grab bars and shower treads for seniors and people with disabilities. The bill also would allow eligible owners to seek a tax abatement for certain related installations. We support the intent of the bill to ensure that people with disabilities, including older New Yorkers, are able to safely use their bathroom and remain in their homes. We would suggest, however, that certain modifications be made regarding the \$250 to \$800 tax abatement values established under the bill to ensure that there is adequate compensation for undertaking these projects. The amounts fixed in the bill may not be sufficient in all types of construction to install the devices. In older dwellings it can be difficult to retrofit units with reinforcements like grab bars, at times extensive construction at great cost is needed to do this safely. Further, this fixed amount certainly will not be adequate in future years. Also, it is imperative that any tax abatement program implemented by the Department of Finance (DOF) be structured to ensure owners get the proper tax abatement credits. There needs to be real consideration of how DOF would implement this program in a logical way that applies credits accurately and timely and developed so that this information can be inputted in a non-arduous manner. The legislation should be modified so that the full cost of installation is eligible for the tax abatement.

Intro. 583 would require that when the owner of a dwelling unit serves a person who is disabled with a petition or notice to evict, the owner must also notify the Department of Housing Preservation and Development (HPD) of the resident's name, address and phone number so that HPD then notify the person of available, legal services. Violations are punishable by a Class A misdemeanor. The bill also requires the commission and HPD to analyze the information received from housing providers concerning disabled occupants and issue a public report identifying any trends in disabled evictions and any findings or patterns of discrimination for this group. But it would be illegal for owners to comply with the mandates of this bill based on current law designed to prevent housing discrimination against the disabled.

It is illegal for owners to make inquiries about certain areas of protected status, and disability is one of these protected areas. Under the New York City Human Rights Law it is illegal for owners to "use any form of application for the purchase, rental or lease" of "a housing

accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination” against individuals with disabilities, or “any intent to make any such limitation, specification or discrimination.” Therefore, it is unlawful for applications to ask housing applicants whether they have a disability or whether a person intending to reside in the dwelling has a disability. Intro. 538 requires housing providers know the disability status of their residents in order to be able to report to HPD when an eviction might be underway or being contemplated. But the only way to know disability status would be to inquire. It would be impossible for an owner to meet the requirements of this bill without violating the law.

Instead, we suggest that the city and courts turn to the various eviction prevention services already in place as an alternative in order to aid disabled occupants at risk of eviction. The city provides guaranteed representation under its Right to Council law for anyone whose income is up to 200 percent of Federal Poverty Level. Further, the Office of Civil Justice has implemented the right-to-counsel law citywide, as legal provider partners have stepped up to represent all New Yorkers facing an eviction in housing court during the Covid emergency. In addition, there is a requirement that New York City Marshals do an investigation before undertaking an eviction to determine the status of the renter and if a member of a vulnerable population make a referral to Adult Protective Services. So, under the current program, a referral is already in place. Should the council desire this specific population to be given additional legal services or protections there are programs in place that can do just that. If free legal services are the aim, irrespective of income and even to millionaires, then the parameters of these programs should be adjusted, if necessary, to include targeted populations. Current programs should be utilized to provide legal services and the city should fully fund those programs that help eligible populations.

The RSA also supports Resolution 236 calling upon the state legislature to pass S.5102/A1475, bills that provide for automatic registration and re-enrollment in the SCRIE program. The RSA backs those measures that will streamline the process and help to eliminate application glitches, paperwork issues and errors and delays in processing applications and renewals.