

RSA Reporter

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RSA STUDY: According to Housing Court Data, There Is NO Eviction Crisis in New York City

Professional tenant advocates and some elected officials have long been pushing a narrative of an impending eviction crisis, with hundreds of thousands of “eviction” cases threatening to render families homeless. The Comptroller of the City of New York floated a figure of 167,000 “eviction” cases, while advocacy groups cited numbers upwards of 360,000. The misuse of the word “eviction” makes it appear that all cases end in eviction. They even go as far as calling the Housing Court “*Eviction Court*.”

Owners and managers of apartments in every neighborhood in the five boroughs rely on Housing Court to resolve nonpayment of rent disputes with tenants. Owners are not eager to evict when the rent is overdue. Owners are inclined to work with tenants to resolve back payments; the only way to achieve resolution on that is through Housing Court. Evictions cost thousands of dollars in legal fees, with owners rarely collecting the full rent owed. *Housing Court is where problems are solved, and often the only time and place at which all parties meet.*

RSA decided it was time to expose the false narrative and inaccurate data that the advocates, in their attempt to advance a policy agenda, have been reporting as fact.

RSA went straight to the source – Housing Court itself – to highlight real and accurate numbers that would determine whether New York City’s eviction crisis is fact or fiction, looking beyond just the number of cases filed.

RSA performed an in-depth analysis that examined every case – one-by-one – filed in the Housing Court in *all* five boroughs from January 2022 to June 2022 that resulted in eviction. The number of actual evictions from among the number of cases filed from January 2022 to April 2023 was also compiled – and then further compared to the number of evictions month-over-month to pre-Covid 2019. ***This is believed to be the only in-depth analysis of its kind, the findings of which present:***

- 75% decrease in evictions citywide in 2022 as compared to 2019
- 48% decrease in evictions citywide Jan.-April 2023 as compared to 2019
- From Jan. 2022 through March 2022, with advocates forecasting an “eviction tsunami” because of the Jan. 15, 2022 expiration of the New York State pandemic-driven eviction moratorium, there was a **90% decrease** in evictions citywide compared to the same three-month period in 2019.
- From Jan. 2022 through June 2022, the dramatic downward trend in evictions citywide continued with an 85% *decrease* compared to the first six months of 2019.
- Additionally, in that same period (Jan-June 2022), 3.5% of evictions were restored to tenant possession.

The downward citywide trend has continued – from Jan 2023-April 2023 there was a 52% decrease in evictions when compared to the same time period in 2019.

This citywide data directly from Housing Courts in all five boroughs does not support the narrative of an eviction crisis in New York City. The advocates use the number of cases filed because the number of actual evictions does not fit their eviction crisis narrative. **The true and accurate data on filed cases and actual evictions corrects the record on the reckless portrayal and inaccurate data of the false eviction crisis narrative.**

Nonpayment proceedings are designed to get owners and tenants into the courtroom to settle disputes – and, as indicated by the actual number of evictions, effectively achieves its purpose. The Housing Court connects tenants with government assistance, such as one-shot deals and other rent subsidy programs, that keep them in their homes and provides the back rent to owners, who can then pay their property taxes and other expenses needed to maintain and repair the affordable housing they provide to New Yorkers.

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Being able to maintain their properties, which depends on income, benefits tenant and owners both.

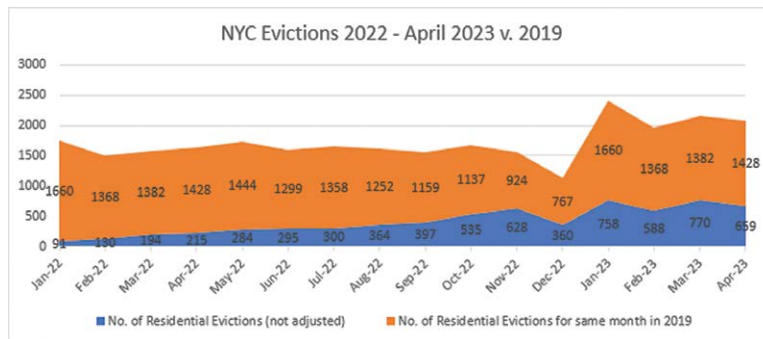
Housing Court is a lifeline for owners as well as tenants. With Housing Court effectively closed, in practice if not officially, once-manageable rent arrears become unmanageable by the time a nonpayment proceeding comes to a resolution in a courtroom. The average duration of cases resulting in eviction Jan-June 2022: nearly 2 years (20.4 months).

Of the nonpayment cases in the Jan-June 2022 timeframe, the average rent arrears accumulated from \$10,889.62 to \$37,516.95, more than triple the initial amount due. This statistic demonstrates the damage to both the tenants and owners caused by delay in cases being heard. As the amount continues to escalate, it becomes impossible for the parties to deal with the financial consequences, a mountain of debt that sometimes even government subsidy cannot cover. In fact, the nonpayment cases resulting in eviction during this timeframe accounted for over \$11.9M total in rent arrears, and in the overwhelming majority of these cases (69.1%) the owners were not awarded monetary judgments, meaning that the owners were left with an empty apartment and unsatisfied rent arrears after waiting an average of 19 months for their cases to be resolved.

Furthermore, from Jan-June 2022, 54% of evictions were defaults in which the tenant never appeared, even post eviction. These were likely already empty apartments that required the owner to get a judgement to reclaim possession.

This also impacts the broader economy, as evidenced by a \$1.2 billion shortfall in water and sewer arrears owed by property owners, and mounting defaults on mortgages that contribute to the collapse of community banks. New York's affordable housing ecosystem is teetering, and on the verge of collapse. The inability of owners to collect back rent, which is income needed to meet always escalating costs, worsens this situation.

Instead of false cries of an eviction crisis, elected officials should amend the law that provides the Assigned Counsel Plan (also referred to as 18B Panel attorneys) to allow the Housing Court to hire and compensate private attorneys as it long has in the Criminal and Family Courts for criminal and family legal proceedings. While legal services for housing issues aren't currently covered under



this program, the stroke of a pen could enable the creation of an 18B Panel for tenant-owner matters. These private attorneys, who would be screened for experience in Housing Court matters, would supplement and enhance the work currently being done by Legal Aid and other long-established non-profit legal assistance providers.

The New York State Legislature needs to increase the minimum level of judges, court attorneys, clerks, and other support staff, to ensure that the Housing Court catches up with the case backlog and operates at an efficient level moving forward. Reports issued before the pandemic by OCA and the New York City Bar Association had already called for the number of housing court judges in all of New York City to be increased from 50 (a level it has remained at for over 25 years) to 60, and that was in 2018-2019, prior to pandemic.

Additionally, the City should restore NYC Human Resources Administration (HRA) "satellite" offices in Housing Court, which existed prior to Covid. HRA is an important source and coordinator of assistance for tenants in economic distress. Direct access to agency staff in the courthouse while all parties are present would both speed up and increase efficiency of application for, and delivery of, needed aid.

Without HRA present in the courthouses, tenants must make multiple appearances on separate days in housing court, at a legal service provider's office, and at social service agencies – all of which present difficult scheduling challenges. Housing all of these services in Housing Courts, where judges can appoint 18B counsel on the spot and connect tenants with an in-house HRA office to apply for assistance all on the same day, would be an enormous benefit to tenants and owners.

It is time for an honest discussion, based on data – not talking points – about what is happening in Housing Court, and what is not. ■

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