

**Written Statements Submitted at the  
Second Department Hearing on September 20, 2011**

**Statements of Non-Testifying Witnesses**

Legal Services of the Hudson Valley

Nassau County Coalition Against Domestic Violence

Nassau/Suffolk Law Services Committee, Inc.

Westchester Hispanic Coalition

# **Legal Services of the Hudson Valley**



**MAIN OFFICE**  
90 Maple Avenue, White Plains, NY 10601 • Tel. (914) 949-1305 - Fax. (914) 949-6213

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## TESTIMONY OF LEGAL SERVICES OF THE HUDSON VALLEY

On

### THE IMPACT OF THE UNMET CIVIL LEGAL SERVICES THROUGHOUT NEW YORK STATE

Submitted to:

**Hon. Jonathan Lippman, Chief Judge of the State of New York**  
**Hon. A. Gail Prudenti, Presiding Justice of the Second Department**  
**Hon. Ann Pfau, Chief Administrative Judge**  
**Seymour W. James, Jr., President-Elect of New York State Bar Association**

**Second Department Hearing**

**September 20, 2011**

Legal Services of the Hudson Valley (LSHV) welcomes this opportunity to submit written testimony for the second round of hearings to evaluate the continuing unmet need for civil legal services in New York State and to assess the level of resources necessary to meet the need. We greatly appreciate the consideration of this urgent problem by the Chief Judge, the Presiding Justice, the Chief Administrative Judge, and the President Elect of the State Bar President.

(LSHV) is the largest provider of free, comprehensive civil legal services in the Hudson Valley, the only provider in Westchester, Putnam, Dutchess, Orange, Ulster and Sullivan Counties, and one of two providers in Rockland County. LSHV provides assistance to households who need civil legal services to maintain the basic necessities of life involving housing, family stability, personal safety, access to health care, or education, or subsistence income and benefits.

In these harsh economic times there is a desperate and growing need for free civil legal help for people who have been displaced by foreclosures, job loss, lack of health care and loss of housing. Many Hudson Valley residents are falling deeper into poverty and thousands more are slipping into poverty for the first time.



**WESTCHESTER**

30 South Broadway  
Yonkers, NY 10701  
Ph: 914.376.3757  
Fax: 914.376.8739

**WESTCHESTER**

100 East First St., Suite 810  
Mt. Vernon, NY 10550  
Ph: 914.813.6880  
Fax: 914.813.6890

**DUTCHESS**

147 Union Street, Suite 101  
1 Poughkeepsie, NY 12601  
Ph: 845.471.0058  
Fax: 845.471.0244

**ULSTER**

101 Hurley Avenue, Suite 3  
Kingston, NY 12401  
Ph: 845.331.9373  
Fax: 845.331.4813

**ORANGE/SULLIVAN**

123 Grand Street  
Newburgh, NY 12550  
Tel: 845.569.9110  
Fax: 845.569.9120

**www.lshv.org**  
**877-LSHV LAW**

In late 2010, the U.S. Census Bureau reported that the percentage of Americans struggling below the poverty line was the highest it had been in 15 years. The Hudson Valley has not been immune from this growth in poverty. The counties served by LSHV have the largest population of poor and low-income individuals outside of New York City. According to the 2009 Poverty Estimates, U.S. Census Bureau, American Community Survey, there are 593,547 individuals living below 200% of the federal poverty level in LSHV's service area. LSHV generally provides legal assistance to households at or below 200% of poverty (\$44,100 for a family of four). We exceed that level of income when special lines of funding include households with greater income, such as Protection and Advocacy (Disability). Overall, the clients we serve are the most vulnerable among us and are as diverse as our state, encompassing all races, ethnic groups and ages, including the working poor, veterans, homeowners and renters facing foreclosure or evictions, women as single parents, families with children, people with disabilities, victims of domestic violence, the elderly, children and persons with chronic diseases.

LSHV has seven offices located in White Plains, Yonkers, Mt. Vernon, Poughkeepsie, New City, Newburgh and Kingston, some of the poorest cities hard hit by the bad economy. Year after year nearly 45% of all our services go to households threatened with eviction, foreclosure, or some other threat of homelessness. Over 20% of our cases involve income maintenance including disability benefits, unemployment and public assistance/food stamps. And approximately 20% of our cases are dedicated to domestic violence issues in family court. Consumer cases make up about 8% of our caseload.

In 2009, LSHV handled 11,350 cases, which impacted roughly 35,000 people. These cases came into our specialized substantive legal units largely from our centralized intake system, which was fully staffed in 2009. In 2010 due to the loss of federal, New York State and local governmental funding the paralegals who were dedicated to the centralized intake unit were laid off and attorneys who left the program were not replaced. Other program paralegals and attorneys did the best they could to fill the gap but the result was a drop in new clients intaked into the program by 15% in 2010.

In August, 2011, LSHV was notified that it will receive \$728,000 in funding from the Oversight Board for Judiciary Civil Legal Services Funds in New York for the period August, 2011 through March, 2012. With that funding LSHV will increase the number of people that receive services by (1) adding four paralegals and a supervising attorney to its centralized intake unit; (2) augmenting direct services by creation of a Community Response Team that will conduct ongoing outreach, intake and training in the communities included in our service area and (3) hiring or retaining attorney and case handling paralegal staff. The restaffing and retooling of the toll free centralized call center will provide quick resolution to all legal matters susceptible to such service without litigation, thereby increasing access to services and distinguishing between clients who can be helped by the intake unit and those that need to be referred to attorneys in specialized units for more extended service. The Judiciary funding will also allow LSHV to hire or retain staff attorneys and paralegals handling housing and public benefits cases throughout our service area. But for this judiciary funding, LSHV would be severely cutting back on services to those most in need.

On a daily basis, civil legal services programs save counties and the state money by averting costly "crisis" services such as emergency and homeless shelter stays. It offsets costs by helping families and individuals secure federally funded benefits such as Social Security and Food Stamps. It helps stabilize families and thus avoid foster care costs and increases economic security by maximizing child support benefits for low income parents and children. It leverages private and federal funds that bring dollars and jobs into communities.

While not all evicted or displaced households wind up in homeless shelters, many do. In 2010 LSHV prevented or delayed 1,185 households from being evicted. 3,303 individuals lived in those households. 806 of those households were from Westchester County where it costs on average \$36,000 per year to house an individual or family in a homeless shelter. The average stay in a shelter in 2010 was seven months. 400 of the 806 evictions prevented involved families with children, and 406 were for childless couples or individuals. The County and State each pay 25% of the cost of sheltering a homeless family (the federal government pays 50%) and 50% each of the cost of sheltering an individual or childless couple (the federal government pays nothing). Assuming only one-third of the households served end up needing County shelter, the cost savings to the County and State is a minimum of \$4,199,580 million just in Westchester County.

In counties outside of New York City it is difficult to estimate the real taxpayer cost or cost savings associated with providing eviction related legal assistance without further study. In all of the counties served by LSHV we have been told by local department of social services officials and not-for-profit housing organizations that data is either not kept or difficult to aggregate that would allow us to determine the reason for homelessness or unstably housed families. In some suburban counties, like Westchester, improved homelessness prevention and rapid rehousing collaborations, including federal, state and local funding for legal services, have enabled counties to achieve reductions in homelessness. These collaborations are now in danger of collapse with the reduction and termination of federal stimulus, state housing and local funding of services. Therefore, the expectation is that loss of housing and resultant homelessness will get much worse in the coming year.

As documented by the IOLA Fund and the Civil Legal Services Task Force, County and State dollars are also saved through a myriad of programs serving the disabled, the elderly, victims of domestic violence, and children. Clearly in addition to the "moral imperative" Judge Lippman frequently speaks about, there are powerful economic incentives to fund legal services. Outlays for civil legal services are budgetary pennies that save many dollars. A foreclosure prevented is an eviction avoided, a family kept from homelessness — and a considerable burden lifted from the government's social-service safety net. With legal help, poor people can avoid litigation, easing the load on judges and courtrooms. They can get food stamps, leveraging federal dollars in an underused program. Most importantly, they can avoid poverty and have money to spend in the local economy.

In sum, without the Judiciary funding awarded in 2011, LSHV would have had to continue to reduce services to low income households facing civil legal problems affecting the basic necessities of their lives. The funding will allow us to stabilize our services, but not

increase them. We will still be turning away more people than we can help. Therefore, we urge the state legislature and executive to work with the Judiciary to increase permanent state funding so civil legal services can be provided to the most vulnerable New Yorkers.

Thank you once again for taking the time to solicit our input and taking the initiative to address the lack of civil legal help for individuals and families who desperately need assistance to keep or obtain the basic necessities of life in New York State.

Submitted by Barbara Finkelstein, Executive Director

**Nassau County Coalition Against  
Domestic Violence**

## TESTIMONY ON CIVIL LEGAL SERVICES

OCTOBER 7, 2010

My name is Lois Schwaeber and I am the Director of Legal Services for the Nassau County Coalition Against Domestic Violence. I provided oral testimony on the urgent need for civil legal services during your hearings at the Second Department last year, but today I am writing to you to re-emphasize the increasing dire need for civil legal services in New York State. Research has shown that legal assistance is the one service that has been found to reduce the occurrence of domestic violence in a community.

The Coalition is the only provider of comprehensive domestic violence and rape/sexual assault services in Nassau County. We maintain the county's only Safe Home for Abused Families and the county's only domestic violence and rape/sexual assault 24 hour hotlines. In addition, we are also the only provider of civil legal services to victims of domestic violence, dating violence, elder abuse, and rape/sexual assault in Nassau County. Our Legal Services Center not only provides court advocacy services on a daily basis in Nassau County Family Court, and as needed in the two Nassau County Dedicated Domestic Violence Parts and the Integrated Domestic Violence Court. We assist any petitioner, walk-ins and other victims, regardless of their income, in navigating the court system and provide much needed emotional support, information, and referrals. Our Legal Services Center also has five attorneys who provide direct representation to victims of domestic violence in child custody/visitation, child and spousal support, paternity, immigration, and matrimonial proceedings. There

are **no** fees for any of our services. Coalition is a 501(c) (3) private-not-for-profit corporation and is totally dependent on grants, awards, and donations to provide all our services. All Coalition services are available to both men and women, unless there is a conflict of interest.

Last year Coalition's attorneys provided 921 clients with free consultations and provided direct representation to almost 500 clients referred by either the court advocacy programs or our counseling and hotline staffs. Our bi-monthly "Legal Question and Answer Clinic" provided information about divorces, orders of protection, child custody/visitation, and child support to 170 clients.

Nassau County is viewed by the rest of the world as a "wealthy" county, but in reality almost 5% of our 1,357,429 residents are below the poverty line. Of the 3646 victims of domestic violence and rape/sexual assault seen at Coalition in 2009 between 70% to 84% are TANF-eligible, 275 are Limited English proficient people and 125 are undocumented residents, who do not qualify for any congressionally funded Legal Services. (Coalition's Legal Department saw 106 Limited English proficient people and 65 undocumented clients).

Recent census poverty statistics show rising numbers of poor people. Using the federal poverty threshold A family of **four** earning \$21,756 would be considered indigent making them eligible for federal government assistance programs. (Most government benefits are only available to people who earn between 150-200% of the federal poverty guidelines.)

However these figures do not take into consideration the actual cost of living in Nassau County. In fact a 2010 report "Self Sufficiency Standards for NYS"

(University of Washington) calculated that an adult with two children (**a family of three not four**) living in Nassau needed an income of almost \$74,000 to meet just their basic needs. Thus, over 45% of Nassau families fall between the federal poverty level and the self-sufficiency level. These people struggle to make ends meet and cannot find the funds to obtain legal services.

Coalition Legal Services Centers employs five attorneys who provide direct legal representation in family offenses, child custody/visitation, immigration, paternity, divorces, child support, (Since Nassau Suffolk Legal Services lost funding for their child support project we are seeing many more clients in need of representation in child support litigation), and any other issues that arise as a result of the abuse. Coalition provides legal representation to victims within 250% of the federal poverty guidelines.

The agency is seeing more and more clients who are unemployed and/or who have spouses or partners that are unemployed, and many have houses already in foreclosure and “underwater”. Their credit cards are “maxed out.” Many are dependent on food banks and food stamps to supplement their income. Other clients come to my office in the middle of a divorce, with a trial date certain, without legal representation because their attorneys have been relieved by the judges because of the amount they still owe. These clients have already exhausted their bank accounts, borrowed money for retainer fees, and yet still owe their attorneys \$30,000 or \$40,000. They are desperate for representation, afraid of representing themselves when their abuser has legal counsel, afraid of losing their children, afraid of being left homeless and poverty-stricken (just as

the abuser has always told her she would be). They are doubly afraid to go to trial without an attorney because then the abuser would have the right to cross examine them. Some are frightened to show up in court without an attorney because the judge has told them that they must get one within 30 days. Every legal service agency has said that they cannot help, either because they don't do divorces, (like Legal Aid of Nassau County); or because the agency has a two to three year wait for assignment to a matrimonial attorney; (like Volunteer Legal Project who send all their domestic violence clients to us); or because she still is on the deed of a house from which she fled for her safety; and which is worth less than the money owed on the mortgage because her husband has taken out all the equity; or because her disability payments are too high, so she doesn't qualify for services; or because she is undocumented.

Without adequate legal representation the client either doesn't understand the legal jargon; or the procedures; or have the know-how to answer legal papers or make legal arguments; or the necessity for prompt action to avoid a default or being precluded.

*Pro se* litigants consume an inordinate amount of judicial time and court resources. *Pro se* litigants add to the cost of litigation for the courts and for the opposing party.

Coalition is currently working with volunteer attorneys, mostly the unemployed and underemployed, to learn the nuances, and understanding of the impact and complex dynamics of domestic violence in contested divorces. (Few, if any, domestic violence cases are ever uncontested). Since May 2010, 44 active

cases have been assigned to the *pro bono* attorneys that Coalition has recruited last year. Nonetheless, we still have over 20 clients waiting to be assigned to an attorney. (A waiting list that would be about a year's wait to initiate a divorce action).

We hope this training and mentoring that we provide will enable the *pro bono* attorneys to provide survivors sensitive and competent legal representation. Coalition has also created a website and listserv to provide the volunteers with on-going information, social research, and case law updates, as well as a forum to network. Recently Coalition has also entered into a partnership with the Nassau County Bar Association to provide domestic violence clinics in unserved and underserved communities staffed by volunteer attorneys who have been trained in nuances of domestic violence issues. This partnership is also encouraging the volunteer attorneys to take on a *pro bono* matrimonial and is providing the volunteers with training on the dynamics of domestic violence and its impact in matrimonial proceedings.

I understand that with the current economic conditions, hard choices have to be made, however, without funding for Civil Legal Services the Coalition, and agencies like it, will be unable to assist victimized families to establish safe and healthy lives free of their abuser. Without this funding we will be unable to help survivors get access to equal justice.

Without this funding more and more abused women and children will become homeless and a financial burden to the country, state, and county.

Without this funding, New York State's most vulnerable citizens will sink further and further into poverty and homelessness.

**Nassau/Suffolk Law Services  
Committee, Inc.**



# ***Nassau/Suffolk Law Services Committee, Inc.***

1757 Veterans Highway • Suite 50 • Islandia, New York 11749-1535 • (631) 232-2400 Fax: (631) 232-2489

**Douglas J. Good**  
Chairman  
**Jeffrey A. Seigel**  
Executive Director

## **TESTIMONY BEFORE THE TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES**

**September 20, 2011**

**Second Department  
Public Hearing  
Westchester County Courthouse  
111 Dr. Martin Luther King, Jr. Boulevard  
White Plains, New York 10601-2509**

*Nassau Suffolk Law Services Committee, Inc., (Law Services), welcomes this opportunity to testify at this special hearing on the critical need for civil legal services in New York State. We greatly appreciate the consideration of this urgent problem by the Chief Judge, the Presiding Justice, the Chief Administrative Judge, and the State Bar President. With the crucial support of the Assembly and the Senate, the Judiciary's advocacy for funding for civil legal services has been exceptional, first by allocating \$15 million in the budget of the 2011-2012 Office of Court Administration's to offset the dramatic drop in IOLA funding, due to the historic reduction in interest rates; second, by allocating an additional \$12.5 million state-wide to help meet the need for civil legal services and third by conducting these historic hearings statewide on the unmet civil legal service needs of New Yorkers.*

We submit this testimony to provide information on the continuing critical need for civil legal assistance for families and individuals on Long Island who need legal help to maintain the basic necessities of human life. With the current economic downturn and the increase in the number of Long Islanders living in poverty, the need is greater than ever before.

Recently released data from the United States Census Bureau show that 168,397 individuals were living below the federal poverty level in Nassau and Suffolk Counties in 2010. This is about a 10% increase since the last decennial census in 2000, although the total population has only increased by about 3%. According to Newsday, the poverty rate in Nassau is 5.9% (it was 3.5% in the last census) and 6.2% in Suffolk (3.9% in the last census.) Because the poverty level is applied uniformly across the nation regardless of the wide disparities in cost of living, a better test for the actuality of living in distressed circumstances in this high-cost region is 200% of the federal poverty level. According to the Census Bureau data, 467,991 Long Islanders were living at or below that level in 2010. Equally telling, in July 2011, the New York State Office of Temporary and

Disability Assistance reported that 76,100 people in the region were in receipt of income support for the poor (Temporary Assistance to Needy Families, Safety Net Assistance, Supplemental Security Income) and 163,140 were in receipt of Food Stamps.

The high cost of housing has led to serious problems of evictions and homelessness. Long Island is the region which has been hit hardest in New York State by the foreclosure crisis. The crisis has affected not only homeowners, but also tenants residing in single- or two-family rentals (the most common form of rental in the area) where the landlord is in foreclosure. In 2009, the City (Long Beach and Glen Cove) and District courts in Nassau and the District Courts in Suffolk handled a total of 18,057 eviction cases, according to the New York State Uniform Court System Annual Report for that year, and we have every reason to believe that the numbers for 2010 and 2011 will be comparable or even higher. We know from our staff's frequent presence at Landlord-Tenant calendar calls that the vast majority of these cases were residential evictions, each of which involved a family facing the loss of its home and the frightening prospect of homelessness. This does not even include the cases from the Town Justice Courts in eastern Suffolk, which handle all of the evictions for the five easternmost towns. At 10,194 cases, Suffolk County had more eviction cases than any locality in the state outside New York City, exceeding Buffalo by more than 2,300 cases. Nassau County was a close third behind Buffalo, with 7,398 eviction cases. Unrepresented tenants may never give the court enough information to indicate a potential defense, and with a calendar which may contain over 200 cases, the judge does not have time to conduct a full inquest on each case, so the fate of a family may be determined in a few short minutes. All of Law Services projects combined provided legal assistance in 2,551 landlord-tenant matters last year, and provided legal representation in court on 1,475 of them. We successfully prevented eviction for 580 households (comprised of 1,679 persons) which, when you consider the cost of placing individuals and especially families in emergency shelter, as described below, is not only a benefit of vital importance to the households themselves, but a cost-effective means of reducing a significant financial burden on the public. We also accomplished a significant delay of eviction in 960 cases, involving 2,994 persons. These delays, particularly when coupled with a reality check from the attorney early in the process to motivate the client, will often provide enough time for the tenant to secure alternate housing before an actual eviction and homelessness occur.

The cost of sheltering the homeless on Long Island is enormous. Nassau County estimates that it spent approximately \$16,334,000 on emergency housing in 2010, and another \$541,000 on transportation, moving and storage costs for families. On average, Nassau County housed 154 families and 256 singles each night, at an average cost of \$3,820 per month per family and \$2,897 per month per single adult.<sup>1</sup> Suffolk County calculates that in 2010, the average monthly cost of sheltering a homeless family (including storage and school transportation) was \$6,319 to \$6,830, and the average length of stay was 161 days. The average monthly cost for single adults and couples

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<sup>1</sup> Douglas A. Russell, Ph.D., Director of Planning and Research/Quality Management, Nassau County Health and Human Services

without children was \$3,488, and the average length of stay was 95 days.<sup>2</sup> We were told only this week that Suffolk County is currently housing 482 homeless families, including 1,118 children, in 52 shelters and 16 motels in Suffolk County.

In the face of these dire circumstances for increasing numbers of Long Islanders, Law Services continues to meet the civil legal service needs of Long Islanders to the greatest extent possible. Established in 1966, Law Services was the first Legal Services Corporation program in New York State. The program is committed to helping disadvantaged persons vindicate their rights under the law. Law Services has been successful at developing individually tailored programs designed to deal with the legal problems of persons with special needs: the Adult Home Project, The Foreclosure Prevention Project, the Mental Health Law Project, the Protection and Advocacy Project for the physically disabled and developmentally disabled, the PLAN project for individuals and families affected by cancer, the Senior Citizen Law Project, the SSI/Disability Advocacy Project, the David Project for individuals with HIV/AIDS, and programs to protect the homeless and those at risk of homelessness. With a staff of 70 lawyers, paralegals, social workers and support staff nearly 8,000 cases for more than 20,000 individuals were handled to completion in 2010. Our staff was able to prevent homelessness, help people move from welfare to work, obtain medical care for people with HIV/AIDS, cancer and other illnesses, address discrimination against disabled persons, help senior citizens avoid nursing home placement, halt domestic violence, and help custodial parents obtain child support. Due to the foreclosure crisis on Long Island Law Services has also received funding to provide legal assistance in foreclosure cases in both counties since 2008. With the cooperation of the Nassau and Suffolk Bar Associations, Law Services also conducts a Bankruptcy Clinic and has served clients by either providing a consultation with a bankruptcy attorney or a Chapter 7 bankruptcy for them. Yet, we are not meeting the needs of all Long Islanders who need assistance. We must turn away clients because we simply do not have the resources to assist them. This is not just a Long Island dilemma. Even at current funding levels, before any IOLA reductions or other State and County cuts, national studies have found that at least 80 percent of low income persons who need civil legal assistance are unable to access services.

Not providing adequate legal representation dramatically limits the access to justice of low income and disadvantaged individuals and families, but it is also fiscally irresponsible. It is indisputable that New York is facing an unprecedented financial crisis. However, our benefits the State, County and local economy. We save the state and counties money through our SSI, public benefits, family and housing work. During 2010, our efforts on behalf of our clients had the additional benefit of saving New York State taxpayers nearly \$6,000,000 through the avoidance of emergency shelter costs and by moving clients off welfare onto federal social security. These benefits bring desperately needed dollars into local economies. An IOLA report in 2001 revealed that every \$1 invested in civil legal services yields \$2.44 in client benefits, which then flows into local

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<sup>2</sup> Donald F. Reed, Division Administrator, Division of Housing and Employment Services, Suffolk County Department of Social Services

communities to buy food and pay rent. So New York State benefits from the work of Law Services, and other civil legal service providers, but until Judge Lippman and the Office of Court Administration recently took up the banner of civil legal services, New York State ranked last among states in the Northeast, including New Jersey, in per capita expenditures for civil legal services.

This financial crisis is wreaking havoc in the lives of low income New Yorkers and once middle class New Yorkers, who are the new poor. Every day at Law Services we experience their desperation. While they struggle and with no immediate economic recovery in sight, the need for civil legal services is increasing exponentially. A year ago, the Task Force to Expand Access to Civil Legal Services convened by Chief Judge Jonathan Lippman recommended that \$100,000,000 would ultimately be needed to meet the need in New York State, and we fully concur. In fact, since other long-term sources of government funding have been drying up, even more may be needed.

Chief Judge Jonathan Lippman's continuing leadership in convening these hearings in each of the four departments, appointing a Task Force to make recommendations to meet the unmet need for civil legal assistance, and committing scarce resources to civil legal services, is the leadership we need for our current realities. Thousands of individuals are representing themselves in court proceedings. This development is unconscionable and undermining the core values of our judicial system. Supreme Court Justice Lewis F. Powell Jr. said, equal justice "is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists...it is fundamental that justice should be the same, in substance and availability, without regard to economic status." The State of New York should help the nation fulfill the promise of equal justice for all and address the dire need for civil legal services for its residents.

Nassau Suffolk Law Services, Committee, Inc. supports the Chief Judge's initiative to meet the unmet needs for civil legal assistance in the New York State.

Respectfully submitted,

Jeffrey A. Seigel  
Executive Director  
Nassau Suffolk Law Services Committee, Inc.  
Dated: October 7, 2011

# **Westchester Hispanic Coalition**

**THE CHIEF JUDGE'S HEARINGS ON CIVIL LEGAL SERVICES – SECOND DEPARTMENT  
ORAL TESTIMONY INVITATION REQUEST**

**CORINNE S. BETH, ESQ.**  
**IMMIGRATION ATTORNEY**  
**WESTCHESTER HISPANIC COALITION**  
**46 WALLER AVE**  
**WHITE PLAINS, NY 10605**  
**(914) 948 – 8466**

**INTRODUCTION**

Low-income, unauthorized immigrants are among the most vulnerable populations in our community. They face threats of deportation or of being found out around every corner, especially by those who owe them something. Employers use the lack of status as a tool to keep immigrant workers from enforcing wage and hour laws; landlords similarly use immigration status to thwart potential reporting of housing violations. Because they are so prone to exploitation, they are more likely to be in a situation requiring legal services, yet they have little or NO access to those services when they need it the most. While this problem persists in every area of the law and of life, the Westchester Hispanic Coalition would like to focus its testimony on wage theft and housing. Both issues are extremely relevant and problematic and people do not have access to legal services when presented with either dilemma.

The immigrant population has increased significantly all throughout Westchester County, with Hispanics making up the largest immigrant group. For example, Port Chester alone hosts a 59% Hispanic population, which is up from 46% 10 years ago. Hispanics now comprise almost 22% of the entire Westchester population. Although all immigrants face significant barriers to accessing civil legal services, unauthorized immigrants experience this lack of access more profoundly as they are excluded from almost every federally or state funded legal service programs. The most prominent example exists with Legal Services of the Hudson Valley: because of the federal LSC funding, they are specifically prohibited from representing unauthorized immigrants. These types of restrictions make an already dire situation impossible.

The result is that immigrants on the verge of being thrown out of their house have nowhere to turn for assistance. The result is that an immigrant who did a days work and did not get paid for that work has nowhere to turn to fight for the pay to which s/he is entitled.

**WAGE THEFT**

- Essentials of Life = getting paid for work done
- Unmet Need
  - Immigrant workers do not have access to legal services if they want to try and recover unpaid wages from an employer
    - Legal Services cannot represent undocumented workers (even though, under federal law, status is irrelevant to not getting paid for work done)



- Not getting paid: takes money out of economy; makes home life more strenuous; struggle to pay bills, could fall behind on rent thereby causing further problems for which there are no services to address
- Potential for reduction in unmet need:
  - “Know Your Rights” workshops focused on workers’ rights – preventative
  - Increase DOL transparency and speed up the process of wage theft claims
  - Funding for a legal position to provide legal services to the multiple workers’ centers throughout the county to assist in simple tasks such as writing demand letters and making calls
    - We have seen the direct impact the involvement of a lawyer can make; but this should not be limited to only large wage theft claims against more established employers, it should be available to every worker who has not been paid by his or her employer (regardless of immigration status, regardless of number of hours unpaid, regardless of the type of employer)
  - Streamline the small claims court process and provide language access

## HOUSING

- Essentials of Life = roof over one’s head
- Unmet Need
  - Our office is flooded with phone calls every day from people facing problems with their landlord or not being able to pay rent. Yet we are unable to provide services or referrals to the vast majority of them
    - Simple things such as recovering the return of a security deposit legally owed to a former renter has become an almost insurmountable task
      - Again, only one person within one agency is dedicated to providing housing services to unauthorized immigrants – and even then, the services we are able to provide are extremely limited
      - We have engaged in landlord mediation in the past, which has proven to be successful.
        - For similar reasons discussed above, our clients are unable to navigate the system on their own
    - Any partnerships we have with legal services for eviction prevention and rental assistance is not available to our unauthorized immigrant clients
    - Limited rental assistance programs we have are incredibly restrictive and have very specific immigration status requirements
      - The vast majority of people who contact us do not qualify
      - In addition, there is nowhere else to which to refer them; we are often the first and last line of defense
  - Economic and Social Consequences
    - “The Pew Research analysis finds that, in percentage terms, the bursting of the housing market bubble in 2006 and the recession that followed from late 2007 to mid-2009 took a far greater toll on the wealth of minorities than whites. From 2005 to 2009, inflation-adjusted median wealth fell by 66% among Hispanic households and 53% among black households, compared with just 16% among white households.

“As a result of these declines, the typical black household had just \$5,677 in wealth (assets minus debts) in 2009; the typical Hispanic household had \$6,325 in wealth; and the typical white household had \$113,149.

“Moreover, about a third of black (35%) and Hispanic (31%) households had zero or negative net worth in 2009, compared with 15% of white households. In 2005, the comparable shares had been 29% for blacks, 23% for Hispanics and 11% for whites.”<sup>1</sup>

- This new study demonstrates that Hispanics are feeling the effects of the economic crisis more profoundly than whites (especially), but other groups in general
- Landlords regularly take advantage of immigrants’ fears and lack of knowledge regarding tenants’ rights, which leads to unhealthy living conditions and eventually higher rates of homelessness
- Potential for reduction in the unmet need:
  - Informative workshops about tenants’ rights, and even forming tenants associations, can act as preventative and early intervention services
  - Provide support for landlord mediation programs

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<sup>1</sup> WEALTH GAPS RISE TO RECORD HIGHS BETWEEN WHITES, BLACKS, HISPANICS, Rakesh Kochhar, Richard Fry and Paul Taylor, PEW RESEARCH CENTER, Released July 26, 2011 available at: <http://pewsocialtrends.org/2011/07/26/wealth-gaps-rise-to-record-highs-between-whites-blacks-hispanics/> (last visited September 6, 2011).