



# **New York City Housing Court Usage and Preventive Services:**

## **A Comparative Study of Borough Housing Courts and Low Income Renters**



**Prepared for the  
Citizens Advice Bureau (CAB)  
2054 Morris Avenue  
Bronx, New York 10453  
May 1997**

**By  
David Rubel, Consultant  
Community Planning and Development**

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*With New Seven Page Update, Covering Years 1997 to 1999, released on August, 2001*

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The comments offered by these readers does not constitute or imply endorsement of the views expressed in this study.

**comments can be e-mailed to: [drubel@nyc.rr.com](mailto:drubel@nyc.rr.com)**

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# Housing Court Usage and Preventive Services: A Comparative Study of Borough Housing Courts and Low Income Renters

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## Executive Summary

Every day, an average of 1,200 mostly poor tenants, along with lawyers, community workers, landlords, judges and court employees, participate in the rent collection enforcement and eviction system of New York City known as Housing Court. It is a complex and expensive system that directly affects the maintenance of housing, shelter usage and the well-being of more than a million poor tenants. The Citizens Advice Bureau (CAB) has been operating homelessness and eviction prevention programs for the past seven years. As practitioners with over 30 employees working daily in this system, we wanted to get a better understanding of the social and economic factors that drive the activity of Housing Court.

This study addresses the following questions:

- 1) **Does Housing Court operate in a similar capacity in each borough**
- 2) **Is poverty the key determinant of volume in each borough Housing Court**
- 3) **Has the increase in funds for eviction prevention resulted in a noticeable drop in the annual number of evictions**
- 4) **Do existing funding formulas for eviction prevention programs correspond to need in each borough**

To answer these questions, a social profile of the renter most likely to be found in housing court was developed. A household fitting this profile is described in the study as a *vulnerable renter* (VR). The percentage of tenants in a borough's housing court that are vulnerable renters is compared to the percentage of all vulnerable tenants in a borough. The study also assesses the effectiveness of homelessness/eviction prevention programs, and the distribution of funding by borough. Eight years of housing court activity, 1988 through 1995, are examined.

In addition to statistical data, the information gathering process also included interviews with Housing Court Judges, legal services attorneys, community workers and landlords.

We strongly hope that the findings and recommendations will be used by practitioners and government agencies. The study is neither a closed nor finished document. Some of the findings demand that new questions be asked and researched.

**Carolyn McLaughlin, Executive Director**

**Citizens Advice Bureau**

## MAJOR FINDINGS

**Only in the Bronx, was housing court volume disproportionately much higher than would have been expected based on the number of VR's living in the Bronx.**

**1. Evictions:** For the average of years 1991, 1992, 1993, 1994, and 1995 the Bronx had slightly more marshal evictions than Brooklyn (5,762 evictions in the Bronx vs. 5,710 evictions in Brooklyn). However, Brooklyn's proportion of the citywide vulnerable renter (VR) group is 33.2% while the Bronx's is 19.5%.

**2. Overall Court Activity:** For years 1992 to 1996, Bronx Housing Court was the busiest. More petitions were filed, cases calendared, final judgments awarded and orders to show cause were issued in Bronx Housing Court than the other 3 Borough Housing Courts. Bronx Housing Court also led the City for warrants of possession (72 hour notice of eviction) in years 1993, 1994, 1995 and 1996.

**The Factor of Building Ownership/Unit Size Drives Housing Court as Much as Income and Poverty**

**3. While Brooklyn has close to twice as many poor tenants as the Bronx, the two boroughs have similar numbers of apartments that are professionally owned and/or managed.**

**4. *The business factor of apartment ownership has not received the attention it deserves.* A very strong correlation exists between building ownership and Housing Court volume. The correlation indicates that poor tenants living in professionally managed apartments are more likely to end up in Housing Court than poor tenants living in apartments owned by small landlords.**

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**Government Funded Eviction/Homelessness Prevention Programs Are Making a Significant Difference**

To assess the significance of government funded programs such as eviction/homelessness prevention legal and community services, NYC-HRA emergency rent arrear and NYS-DSS "Jiggetts Relief" payments, different time periods were looked at. During the period of 1988 to 1990, these programs were moving from pilot or infancy stage to full fledged. Each of them have been in full operation during the period of 1991-1995. Several comparisons were made in order to account for changes in the residential real estate market, unemployment and public assistance usage; all factors that influence Housing Court usage and evictions.

**5. Despite a recessionary economy, with a 39% increase in Public Assistance cases, the citywide number of court ordered evictions(warrants of possession), dropped by 11.8% (12,728) during the three year period of 1991 to 1993, as compared with the previous three year period of 1988 to 1990. An average of 107,822 court order evictions in 1988 to 1990 dropping to an average of 95,094 during the period of 1991-1993.**

**6. A comparison of the early 1990's recession with the previous one shows significant differences in the number of evictions carried out by the marshal. During the recession of 1981-1983, the number of marshal evictions reached an annual high of 29,000; during the recession of 1991 to 1993, the number of marshal evictions reached an annual high of 22,000 evictions- a decrease of 24% in the number of marshal evictions.**

**7. The two year period of 1994 and 1995 is a critical time period for testing the effectiveness of government funded programs. This was a period in which Public Assistance usage was still very high while the real estate market was also very strong. During this period, there were still an average of 7.7% (8,410) less court ordered evictions than in the three year period of 1988 to 1990.**

**8. One factor that can help explain why the number of evictions were kept down, regardless of changes in the real estate market, is the increase in government funded eviction prevention programs. Several government funded programs were in full gear during the period of 1991 to 1995. These programs include New York State Department of Social Services "Jiggetts Relief" payments, New York City-Human Resources Administration EAF rent arrears payments and homelessness/eviction prevention legal and community services.**

9. However, within the individual boroughs, the decrease in court ordered eviction was very uneven. For the five year period of 1991 to 1995, compared with the earlier period of 1988 to 1990, there were both decreases and increases. The change in the number of court ordered evictions was: in Brooklyn, a decrease of 27.4%; in the Bronx, an increase

of 6%; in Manhattan a decrease of 10.9%; and in Queens it increased by 1%. (discussed further in "Finding #11").

**Funding Formula's for Government Contracted Prevention Programs Do Not Correspond to the Geographic Location of Need.**

10. The main City funded program for keeping poor tenants in their apartments, the Human Resources Administration (HRA) Homelessness Prevention Program, currently gives Brooklyn community organizations a total of \$11,163,440 and Manhattan organizations a total of \$8,380,000; during the same 3 year period the Bronx organizations received \$3,750,000; and Queens received \$1,006,000. However, as two earlier findings showed, Bronx had the largest amount of need as measured by Housing Court volume and evictions.

11. The inequitable disparity in HRA Homelessness Prevention funding may be the strongest reason for the noticeable drop in warrants of possession in Brooklyn. The proportion of dollar to need (measured by the number of cases on the court calendar) in Brooklyn was 4 times as high as in the Bronx. The impressive declines in Court ordered evictions in Brooklyn gives added weight to the importance of funding preventive services. A similar pattern of dollar to need to performance can also be found in Manhattan, the Bronx and Queens.

## Chapter One

### Introduction

The boroughs of Manhattan, Brooklyn, the Bronx, and Queens all have large concentrations of poor people living in privately owned apartments. This group, in contrast to poor people living in government assisted housing, is the most vulnerable to losing their apartments through eviction. Many of these evicted families end up in the New York City Shelter System. Based upon the proportion of low income renters in each borough, the study asks whether a commensurate degree of housing court activity takes place in each borough. Specifically, does the borough proportion of tenants moving through Housing Court, [filing a petition, judgments and evictions ordered], vary significantly from the borough proportion of vulnerable renters.

The study looks at how underlying social, economic, and institutional forces influence housing courts in the boroughs of Manhattan, Bronx, Brooklyn and Queens. Each borough is looked at as an individual urban area. The mode of inquiry seeks to identify objective social indicators that significantly vary in number from borough to borough. Individual borough relationships between these various forces are key to understanding how Housing Court functions. The study will show that Housing Court does not operate in a uniform capacity in each borough. Two overall questions guide the study:

- 1. Do variations in Borough Housing Court reflect the larger social forces operating in each borough**
- 2. Or do variations in Borough Housing Court reflect internal operations unique to each Housing Court**

The following sources of data and information will be analyzed and discussed including: eight years of case activity of the four housing courts supplied by the New York City Office of Court Administration, selected demographic data broken down by borough; distribution of funds for preventive/intervention services; and interviews with representatives of the groups that use Housing Court.

When preliminary research based upon these questions was conducted, Bronx Housing Court was found to have much higher volume, than the other three borough courts. Comparisons between the

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volume in each Borough Housing Court were based on a renter population figure. This figure was obtained by examining various social and building indicators (income, types of housing ownership and physical stock, market conditions) to determine the population in each borough most likely to be brought to Housing Court. This group was defined as the *vulnerable renter*. A comparison of the Borough Housing Courts was then done based on the proportion of vulnerable renters in each borough and the volume of cases in each borough Housing Court. The vulnerable renter group in the Bronx was found to be much more likely to end up in Housing Court than the other boroughs. The Bronx had a disproportionately high number of petitions filed, judgments, warrants of possession and evictions carried out by a Marshal. Courtroom activity evidenced by the number of hearings and motions also varied between the Bronx and the other boroughs. However, a petition or judgment was least likely to become a warrant of possession (72 hour notice of eviction) in the Bronx.

Several factors were identified as possible causes for the higher volume of Housing Court activity in the Bronx. These factors included the degree of representation by counsel, variations in building ownership, and amount of government funded intervention/prevention services. Each of these factors will be described and analyzed.

The second part of the study looks at the relationship between government funded eviction prevention programs and Housing Court. Several questions are looked at: to what extent are government dollars based upon actual need; how close do existing need formulas correspond to actual need; how effective have eviction prevention dollars been in reducing evictions.

Several different areas of need and resource are documented and interpreted. The second part of the study shows that a) preventive services can make a significant difference on the number of evictions handed down in Housing Court; b) if the Bronx received a share of New York City Human Resources Administration (HRA) Homelessness and Eviction Prevention and State housing dollars (NYS-Division of Housing and Community Renewal) based upon the actual documented need, its share would increase significantly. These new dollars could be used to supplement the existing legal and tenant advocacy services in the Bronx. The information and analysis presented here has direct implications for the various groups involved in protecting the rights of low income tenants and preserving the housing they live in.

The study was influenced by recent research on Housing Court including most notably, *Housing Court, Evictions and Homelessness: the Costs, and Benefits of Establishing a Right to Counsel* published

by the Citywide Task Force on Housing Court (CWTFHC) and the Community Training and Resource Center (CTRC) <sup>1</sup>. This study interviewed 2,000 tenants awaiting a hearing in Housing Court for such factors as income, ethnicity, family composition and whether they were represented by counsel. The findings of earlier studies, including, the Fund for Modern Courts, *1994 Report on NYC Housing Court*; and *Justice Evicted: An Inquiry into Housing Court Problems* by the American Civil Liberties Union were also used.<sup>2</sup>

## **Chapter Two Methodology: Description and Considerations**

This study's approach is based upon comparative community research. It begins with two very basic questions: do the four housing courts in New York City all operate with similar inputs (social and economic factors) and outputs (evictions) or do substantive differences exist between them; if substantive differences exist, which factors are most important for explaining them. The premise of comparative community research is that the constellation of relationships between government and communities can vary significantly through out the city. These differences can be measured and analyzed by using geographic units of comparison such as community district or borough boundaries.

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The first question for constructing a methodology concerns which factors most directly influence the volume of Housing Court and evictions: income, changes in the economy, and/or housing conditions. Consequently, In order to make comparisons between each borough's Housing Court activity, a social indicator for the tenant population has to be identified. The choice of a social indicator or combination of indicators is the central methodological issue for this study. If there is disagreement over the validity of the social indicator, then the rest of the study would be incomplete. The filing and responding to a petition in Housing Court does not ask for any information on income. The Civil Court of New York does not maintain any records on tenant income. In response to this situation, 8 different social indicators were analyzed in order to find the indicator that matches the group of tenants most likely to be brought to Housing Court.

The relationship that needs to be constructed is based upon a comparison between two proportionate groups: the borough aggregate figure for the vulnerable renter population and the borough figure for the Housing Court activity (ie cases filed, defaults, judgments, evictions). Are the proportions between the two groups of data similar for each borough or are there substantial differences? As a hypothetical example, if the percentage of vulnerable renters in one borough is 25% of the citywide total, and the percentage of cases filed in that borough's Housing Court is 50% of the citywide total, then an explanation is necessary for this incongruity.

The social indicator sought after here has to comprise the subset of the renter population most likely to end up in Housing Court. This population group is described as the vulnerable renter. Income is the primary factor for identifying the best indicator for the vulnerable renter group. No one would dispute that the majority of renters who are brought by their landlords to Housing Court are from low income households. However, slightly varying income levels will produce very different figures for the vulnerable renter group. Below is a brief discussion of different possible social indicators for documenting the number of tenants in each borough most likely to be brought to Housing Court:

**2-A. Total number of rental units:** The breakdown of the number of rental units by borough shows that the Bronx is almost half the size of Brooklyn and Manhattan. Nevertheless, comparing total renter populations is not very helpful since large income differences exist among tenants. While upper income and middle class tenants can be found in Housing Court, especially during a Period of economic recession, the majority of tenants in Housing Court, as documented by the CWTFHC Study, are low income.

**Chart 2A. Total Number of Rental Units (all private and public rental units) in 1991<sup>3</sup>**

<b>Borough</b>	<b>Rental Units</b>	<b>Percent of Total Units</b>
<b>Bronx</b>	<b>342,202</b>	<b>16.9%</b>
<b>Manhattan</b>	<b>597,518</b>	<b>29.5%</b>
<b>Brooklyn</b>	<b>621,454</b>	<b>30.6%</b>
<b>Queens</b>	<b>414,464</b>	<b>20.4%</b>
<b>Staten Island</b>	<b>52,464</b>	<b>2.6%</b>
<b>Total</b>	<b>2,028,102</b>	<b>100%</b>

**2-B. Poverty level, low and moderate income households:** using an income figure that comprises the low to moderate income renter households is limited since it does not distinguish between types of building ownership (a household can be a renter or an owner). Households with incomes below \$15,000 in 1989-90 definitely fall into the low to moderate income range. The CWTFHC Study found that the citywide median income for renters in Housing Court was \$11,082. 57.6% of all their study sampling of 2,000 tenants had incomes below \$15,000. The \$15,000 or below income group includes most households found in Housing Court. However, many of the households included in this category are actually renting in New York City Housing Authority Projects, or other City owned or not for profit managed rental housing. Their rents are subsidized to 30% of their gross income. While the \$15,000 figure was used for determining the VR group, the lower income figures of \$10,000 and \$6,460 have similar breakdowns by borough (especially in Brooklyn and the Bronx).

**Chart 2-B. Comparison of NYC Low Income Households by Borough in 1990<sup>4</sup>**

Borough	Households Below 6,400 Dollars	Households Below 10,000 Dollars	Households Below 15,000 Dollars
Bronx	22.8	21.3	20.3
Brooklyn	36.5	34.4	34.
Manhattan	27.5	24.2	23.9
Queens	12.0	17.4	18.9
Staten Is.	1.2	2.4	2.7
total	100%	100%	100%

Chart 2-B shows that in 1990 (1990 Census), the borough breakdowns for households living in poverty differed little when using different income measurements.

**2 C. Public Assistance and Public Assistance Shelter Rent Deficit:**

The social indicator of Public Assistance is divided into two separate groups: 1) Public Assistance and 2) Public Assistance Shelter Rent Deficit. The first one includes all cases in which a family or individual is receiving either AFDC (Aid to Families with Dependent Children), Home Relief or AFDC-Unemployed Parent assistance.

**Chart 2-C. Comparison of 4 Years of Public Assistance and One Year of the Public Assistance Rent Shelter Deficit <sup>5</sup>**

	PA 1988	PA 1990	PA 1993	PA 1995	PA Rent Shelter Deficit 1991
Bronx	29.2%	28.3%	26.7%	27.6%	24.7%
Brooklyn	35.4	35.6	35.3	35.3	41.6
Man	22	22.1	20.6	19.5	15.8
Queens	11.6	11.9	15.0	15.2	15.3
SI	1.6	1.9	2.1	2.1	.6
Total	100	100	100	100	100%

NYC Human Resources Administration.

<sup>4</sup>

<sup>5</sup>

**Public Assistance Rent Shelter Deficit:** The second group only includes those very poor households, whose income support is either AFDC, Home Relief, or SSI, who are renting in the private market (families living in New York City Housing Authority, Mitchell Lama and In-Rem units excluded). The rent deficit means that tenants are paying more for rent than the amount allocated to them through the Public Assistance shelter allowance. The rent deficit will vary depending upon the actual rent.

The CWTFHC Study on Housing Court showed that almost 30.4% of the 2,000 tenants surveyed in Housing Court received some form of Public Assistance. This group definitely warrants comparison since it is comprised of the poorest tenants who cannot afford the rent. However, since it only comprised 30.4%, it is not the sole driving force for Housing Court activity. (Since 1991, some emergency rent supplement dollars for paying rent for AFDC families has been provided through the New York State Department of Social Services; it is known as "Jiggetts relief". The role of "Jiggetts relief" payments is discussed in Chapter 4).

#### **2 D. Renters Paying More Than 35% of their Incomes for Rent:**

Households in this group are most representative of tenants ending up in Housing Court. Since almost all government assisted housing programs are based on the tenant paying 30% or less of their income on rent, it is unlikely that tenants living in government assisted housing would be in this group (including New York City Housing Authority, Housing Preservation and Development managed, Section 8 leases, nonprofit owned and/or managed housing). Households paying 35% or more of their income on rent are most vulnerable to falling behind in rent. The weakness of this indicator is that it includes middle class as well as very poor households. While a middle class household may be paying more of their income for rent, they will still have more disposable income left for other purchases. However, with the recent wave

of recession, middle class tenants who lost their jobs, can also be found in Housing Court for nonpayment of rent. Chart 2-C shows that the borough proportion to the other four boroughs, for the four different tenant social indicators within the borough, do vary significantly. **When the four boroughs are compared with each other, Brooklyn's proportion of the four tenant indicators is almost twice as large or substantially larger than the Bronx.**

**Chart 2 D. Comparison of the 5 Boroughs for Social Indicators Most Reflective of a Vulnerable Renter Population. <sup>6</sup>**

Borough	(1) Households With Incomes Below \$15,000	(2) Renter Households Paying 35% or More of income on rent	(3) Tenants with Public Assistance Rent Shelter Deficit	(4) Rental Housing Units w/ 5 or more maintenance deficiencies
<b>Bronx</b>	158,864 ----- 20.3%	120,231 ----- 18.7%	41,683 ----- 24.7%	39,718 ----- 25.9%
<b>Manhattan</b>	187,420 ----- 23.9%	169,954 ----- 26.5%	26,593 ----- 15.8%	45,101 ----- 29.4%
<b>Brooklyn</b>	266,522 ----- 34%	208,229 ----- 32.5%	69,930 ----- 41.6%	54,074 ----- 35.2%
<b>Queens</b>	147,929 ----- 18.9%	127,425 ----- 19.9%	25,859 ----- 15.3%	13,262 ----- 8.6%
<b>Staten Is.</b>	21,274 ----- 2.7%	14,344 ----- 2.2%	1,021 ----- .6%	1,101 ----- .7%
<b>Total</b>	782,009	640,183	165,086	153,256

<sup>6</sup> ..

**2-E. Vulnerable Renter (VR) Social Indicator:** The best solution for establishing a vulnerable renter social indicator is to average out the two groups with the highest likelihood of being brought to Housing Court. Since income is not reported in Housing Court, it is impossible to determine the objective income figure for the typical tenant brought to Housing Court. However, Chart 2-B shows that the borough breakdown for \$10,000 and \$15,000 annual income differs only by 1%; there is no significant difference between the two figures of annual income. Consequently, based on the discussion and assessment of the various indicators, the two groups are:

- 1. households with incomes below \$15,000.**
- 2. renter households paying more than 35% of their income on rent.**

Together, the two indicators capture the tenant households that could range in income from very poor to moderate income. By giving equal weight to both indicators, the poorer tenant house holds are given more representation since they are represented in both groups.

**Chart 2 E. Borough Comparison for the Vulnerable Renter Social Indicator<sup>7</sup>**

Borough	35% or More (A)	Income < 15,000 (B)	Mean % for A & B
Bronx	18.7%	20.3%	19.5%
Manhattan	26.5%	23.9%	25.2%
Brooklyn	32.5%	34.%	33.2%
Queens	19.9%	18.9%	19.4%
Staten Is.	2.2%	2.7%	2.4%
Total	100%	100%	100%

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These indicators should be interpreted with caution. The first group, households with incomes of \$15,000 or less, is more reflective of the group that ends up actually being evicted. The second group, households paying 35% or more of their income, is more reflective of all renter households brought to Housing Court.

## **2-F. Secondary Factors: The Market Supply of Affordable Housing For Low Income Renters and the Role of Government/NonProfit Owned/Managed Housing; Recent Immigrants and Residents With Limited English Language Skills.**

The methodology that was used to create the vulnerable renter (VR) factor also gave consideration to other factors. These factors are:

- 1. the market supply of affordable housing for low income renters**
- 2. the supply of government/nonprofit owned/managed housing**
- 3. recent immigrants/limited English language skills**

If one of these factors showed a disproportionately high number for the Bronx, then it would alter the VR indicator. When these factors were broken down by borough, they did not offer any finding that was significantly different from the VR borough breakdown. Nevertheless, given their importance as factors for influencing Housing Court, they have been included and assessed.

## **2-G. Government/NonProfit Owned/Managed Housing**

Is the amount of government/nonprofit owned/managed rental housing by borough a factor that warrants consideration? The methodology described above is based on the assumption that most warrants of possession issued and marshal evictions in Housing Court are pursued by landlords of privately owned housing. The main factor for this assumption is because NYCHA and HPD housing is subsidized so that the tenant pays 30% of their income on rent (which usually also includes utilities).

### **Chart 2-G. Distribution by Borough of Government and Non-Profit Owned/Managed Rental Units.**

<b>Borough</b>	<b>NYCHA/1991</b>	<b>HPD/1993</b>	<b>Other Assist.</b>	<b>Total</b>
<b>Bronx</b>	<b>37,876</b>	<b>11,254</b>	<b>9,406</b>	<b>58,536</b> ----- <b>24.8%</b>
<b>Brooklyn</b>	<b>59,116</b>	<b>8,915</b>	<b>4,789</b>	<b>72,820</b> ----- <b>30.8%</b>
<b>Manhattan</b>	<b>55,150</b>	<b>19,260</b>	<b>7,346</b>	<b>81,756/</b> ----- <b>34.6%</b>
<b>Queens</b>	<b>17,327</b>	<b>504</b>	<b>32</b>	<b>17,863</b> ----- <b>7.5%</b>
<b>Staten I.</b>	<b>4,784</b>	<b>-</b>	<b>80</b>	<b>4,864/</b>
<b>total</b>	<b>176,244.00</b>	<b>39,933</b>	<b>21,653</b>	<b>235,839.00</b>

If one borough had a disproportionately higher or lower number of government/nonprofit owned/managed housing, would this factor influence the local housing court? A borough with a much higher proportion of government/nonprofit owned\ managed housing would translate into a smaller gap between what low income renters can afford and the supply of affordable housing. While it is difficult to assign this indicator a value, it needs to be mentioned and considered.

### **2-H. Market Supply and Demand**

How significant a factor is the market availability of affordable housing for low income people? If market conditions varied significantly between boroughs, it would definitely affect the borough flow of tenants and landlords into Housing Court. The information in Chart 3E looks at the market availability of affordable housing for the very poor households that live in each borough. Very poor households are defined as the percent of all households in the bottom two income deciles (\$3,700 and \$6,460).

**Chart 2-H. The Market Relationship Between Poor Households and Low Rent Housing- A Breakdown by Borough<sup>8</sup>**

Borough	Very Poor Households	Gross Rents Under 300.	Gross Rents Under 399.
Bronx	21.4%	22.8%	22.5%
Brooklyn	36.9%	32.9%	33.5%
Manhattan	24.4%	33.0%	26.7%
Queens	15.4%	9.7%	16.4%
Staten I.	2.0%	1.6%	.9%
Total	100%	100%	100%

The two charts rely upon different sources of information. Nevertheless, the two sets of data show a similar situation. Manhattan leads the city in the actual number of low income housing units. Manhattan also has the smallest gap between what tenants can afford and the amount of low income housing available. If Brooklyn had a greater proportion of affordable housing than its proportion of poor households, then its vulnerable renter group would have to be qualified. The limited amount of affordable housing for poor households in the Bronx and Brooklyn is similar.

## **2-I. Recent Immigrants and Residents With Limited English Skills**

In addition to income and housing composition, the distribution of recent immigration could be a factor in Housing Court operations. Tenants with limited English language skills coupled with little, if any, familiarity with their legal rights make them especially vulnerable in Housing Court. Understanding court documents and procedure is going to be very difficult for anyone who has never been to Housing Court. Representation by counsel or an advocate is critical for these tenants. Using the only available information

on recent immigration and English speaking skills, below is a chart showing the borough breakdown (the below figures do not breakdown immigrants by renters/owners; its fair to assume most recent immigrants are renters).

**Chart 2-I. Recent Immigrants, Broken Down By Borough<sup>9</sup>**

Borough	Lived Abroad 5 Yrs Ago.	Limited English Language Skills	Recent Immigrant 1983-89
Bronx	88,731 (18%)	251,753 (18%)	80,275 (13%)
Brooklyn	152,190 (31%)	410,338 (30%)	201,941 (33%)
Manhattan	94,667 (19%)	271,753 (20%)	134,761 (22%)
Queens	144,863 (29%)	404,669 (30%)	183,606 (30%)
Staten Is.	6,679 (1%)	23,592 (2%)	8,793 (1.4%)
total	487,135.00	1,362,105.00	611,359.00

The Chart on recent immigration\limited English language skills does not show anything that would modify the VR methodology regarding the Bronx. The proportion of recent immigrants/limited English language skills residents in the Bronx is less than its VR proportion. The borough where the factor of recent immigration\limited English language skills is most significant is Queens, followed by Brooklyn. If the recent immigration\limited English language skills factor is perceived as a serious influence on Housing Court, then the *vulnerable renter* population in these two boroughs is actually a larger number. In sum, the significance of these three factors (government/nonprofit owned/managed housing; market availability of affordable housing; and the recent immigration\limited English language skills) for the VR borough breakdown can only be considered for Manhattan and Queens. The Manhattan VR figure would be a little lower since its has a disproportionately higher amount of affordable housing for low income people. The Queens VR would be a little higher since it has a disproportionately higher number of residents who are recent immigrants/limited English language skills.

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9

## 2-J. The Business of Private Building Ownership- A Borough Comparison.

Owning and managing apartment units is a serious, professional business. This is especially true of the large management companies with building portfolios of two and three thousand units and annual gross incomes of several million dollars. A family who owns and lives in a 2 or 3 unit building is operating a very different business from an owner with a 20 unit or more building. Any landlord with over 50 units of housing will usually have a close working relationship with a lawyer who specializes in Housing Court. The more units, especially in low income neighborhoods, means more work with a lawyer who handles evictions. The opposite is true for the owner of a small building, 10 units or less, and especially, for example, the family renting out the top floor of their home.

For a small landlord, taking a tenant to Housing Court is, at best, a last resort. A small landlord cannot afford a costly eviction process. The incentive is to settle as quickly as possible. There simply aren't enough dollars from other rentals to offset the loss of rent and cover attorney fees. Also, operating a tight building, with few arrears, has a vastly different impact in a building with 10 tenants as compared with a building with 40.

The business factor of ownership deserves serious consideration. It is probably the most serious factor for explaining differences in borough Housing Court activity. In New York City, the boroughs vary *significantly* with respect to the size of the apartment buildings and number of units per structure. Rental units in small buildings, 1 to 5 units, are common in Brooklyn and Queens, while larger apartment buildings, are more common in Bronx and Manhattan. Chart 2-J shows the borough breakdown and composition percentage of larger apartment buildings defined as buildings with 20 or more units.

The difference in the type of building structure between Brooklyn and the Bronx is very significant. While Brooklyn has more than twice as many rental units as the Bronx, *the two boroughs have almost the same number of apartment units in large structures*. Most tenants in the Bronx (74.2%) are living in large apartment buildings, while the majority of tenants in Brooklyn (55%) are living in smaller ones.

The available data does not show the *actual* income composition of the buildings. However, it is possible to interpret from the available community district data, the extent that buildings are occupied by different income groups. The poorest community districts in Brooklyn have large concentrations of apartment rentals in small structures, whereas the poorest community districts in the Bronx have the opposite: large concentrations of apartmental rentals in buildings with over 20 units.

**Chart 2-J. Borough Breakdown of Apartment Buildings with 20 or More Units.<sup>10</sup>**

Borough	Total # of Rental Units	# of Rental Units in Buildings With 20 or More Units	% of Rental Units in Bldgs. with 20 Units+ of total units
Bronx	348,270	258,539	74.2%
Brooklyn	613,411	270,242	44%
Manhattan	588,385	449,974	76.4%
Queens	414,576	186,071	44.8%
Staten Is.	-	-	-

The two charts show the breakdown of building unit composition in the low income community districts of the Bronx and Brooklyn. While several caveats need to be mentioned when interpreting this data, the information still makes a very strong point: *similar numbers of low income tenants in Brooklyn and the Bronx rent in buildings that have 20 or more units.* Buildings with 20 or more units are going to have more professional management. This factor is the only one that shows the Bronx and Brooklyn with indicators that are almost the same in number. Consequently, the factor of building size/ownership offers the strongest correlation with Housing Court volume and evictions.

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<sup>10</sup>

**Chart 2-J(2). Comparison of Brooklyn and the Bronx Low Income Community Districts for Large Apartment Buildings (buildings with 20 or more units) <sup>11</sup>**

**BRONX**

Community District	Units in Buildings with 20 or more units	% of Total # of Units
CD 1 Mott Haven	17,407	72.5%
CD 2 Hunts Point	8,150	71.4%
CD 3 Morrisania	13,716	77.0%
CD 4 Highbridge	31,640	84.8%
CD5 Morris Hts.	31,305	86.7%
CD 6 Tremont,	14,659	71.4%
CD 7 Kingsbridge	38,814	87.9%
CD 9 Soundview	32,579	68.6%
total units	188,290.00	

**BROOKLYN**

Community District	20 or More Units	% of Total Number of Units
CD 1 Williamsburg	15,067	33.4%
CD 2 Fort Greene	13,910	47.3%
CD 3 Beford Stuyvesant	11,209	28.2%
CD 4 Bushwick	1,481	5.8%
CD 5 East New York	16,802	43.0%
CD 7 Sunset Park	3,816	15.1%
CD 8 North Crown Heights	12,004	39.7%
CD 9 South Crown Heights	21,420	69.1%
CD 13 Coney Island	27,905	79.1%
CD 14 Flatbush	36,304	78.5%
CD 16 Brownsville	11,849	52.3%
CD 17 East Flatbush	17,585	47.2%
total units	189,372.00	

<sup>11</sup>

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The significance of the difference in building unit ownership has been recently underscored by the NYC Rent Guidelines Board (RGB). Under pressure from small landlords, their 1995 annual report has documented significant differences between the income and expenses of a small building (under 20 units) and a large one (over 20 units). Based upon the annual filings of building owners income and expense reports with the New York City Department of Finance the RGB found that small building owners had to work with less rental income and had higher costs.

"The Overview of Small Rent Stabilized Buildings (p. 59) found that small buildings tend to be worse off than larger buildings in nearly every respect. Small buildings have lower income but higher expenses. Small buildings are typically older and managed by owners with relatively little capital and managerial expertise"<sup>12</sup>

The data from the RGB study has to be qualified for the purposes of this study. It does not include buildings with less than 6 units; it does not differentiate between poor and more affluent areas; and it does not factor in mortgage costs. The RGB study does not directly address the use of Housing Court by owners of small and large buildings. Another interesting finding is the importance of commercial rent income for small building owners. 21% of gross income comes from commercial rent for small owners; 9% for large building owners. 44% of small buildings have a commercial unit, 27% of large buildings have a commercial unit. If a commercial unit is a crucial factor for making a profit, a costly and time consuming Housing Court battle with a residential tenant makes less economic sense.

In short, a comprehensive assessment of social and economic factors establishes the objective basis for examining Housing Court activity by borough. The information presented in this chapter shows that

the five boroughs vary significantly in terms of poverty, affordable housing, and building ownership. How these factors influence the use of Housing Court will be examined in the next chapter. The role of government funded eviction prevention and tenant assistance programs, a factor that is difficult to measure, will be looked at in Chapter 4.

### Chapter 3

## A Comparison of New York City Housing Court Activity, Between 1988 and 1995, by Borough.

How does the vulnerable renter population in each borough compare with the actual borough Housing Court activity? In this Chapter, 10 charts were prepared to show the statistical relationship between the vulnerable renter population and the volume of Housing Court activity by borough. The first column of each chart shows the percentage breakdown of the vulnerable renter population by borough. The next 8 columns show the volume of Housing Court, for each documented stage of a case, for the years 1986 through 1995 for each borough Housing Court. The following stages of Housing Court case are looked at: **filing a petition for non-payment or a holdover, cases calendared, default, final judgment, possession, order to show cause, and eviction by a marshal.**

All information on borough Housing Court activity was supplied by the New York City Office of Court Administration (except for marshal evictions which was supplied by the Department of Investigation)<sup>13</sup>. The charts show how much variation between the borough percentage of vulnerable renters (most likely to end up in Housing Court) and the borough

percentage of Housing Court activity.

The information supplied by the Office of Court Administration offers the opportunity to determine what differences exist in *usage* between the Borough Housing Courts. The comparison of these indicators of usage with the Borough vulnerable renter population is the objective basis for assessing the significance of the differences in the Courts.

### 3-A. Petitions Filed in Housing Court:

Very similar numbers of petitions are filed each year in each of the borough Housing Courts (petitions include both non-payment of rent and holdovers). Bronx and Brooklyn Housing Court have similar numbers, *even though the Bronx VR household population is a little more than half of Brooklyn's*. The number of petitions filed in Brooklyn dropped significantly between 1988 and 1995, from 96,831 to 73,157. In the Bronx, the number of petitions filed annually changed little during that same period. In the first half of the 1990's, Bronx Housing Court handled the greatest number of petitions in the whole City.

**Chart 3A. PETITIONS FILED IN HOUSING COURT**

VR %	1988	1989	1990	1991	1992	1993	1994	1995
<b>Bronx</b> 19.5%	27.8% ----- 88,902	27.8% ----- 88,350	27.2% ----- 85,542	28.1% ----- 89,476	28.7% ----- 89,968	28.0% ----- 87,315	28.6% ----- 89,445	28.7% ----- 82,833
<b>Bklyn</b> 33.2%	30.3% ----- 96,831	28.3% ----- 89,976	28.1% ----- 88,419	27.4% ----- 87,158	26.3% ----- 80,045	26.5% ----- 82,773	26.1% ----- 81,690	25.4% ----- 73,157
<b>Man</b> 25.2%	24.1% ----- 77,160	24.8% ----- 79,003	25.7% ----- 81,084	26.1% ----- 82,926	26.3% ----- 80,164	26.5% ----- 82,770	26.6% ----- 83,199	26.6% ----- 76,559
<b>Queens</b> 19.4%	16.1% ----- 51,588	17.4% ----- 55,408	17.3% ----- 54,406	16.5% ----- 52,576	17.0% ----- 51,754	17.1% ----- 53,598	17.0% ----- 53,226	17.4% ----- 50,212
<b>SI</b> 2.4%	1.5% ----- 4,989	1.5% ----- 4,999	1.5% ----- 4,852	1.7% ----- 5,443	1.5% ----- 4,927	1.3% ----- 4,870	1.5% ----- 4,973	1.7% ----- 4,944
<b>total</b>	<b>319,470</b>	<b>317,646</b>	<b>314,303</b>	<b>317,579</b>	<b>304,315</b>	<b>311,686</b>	<b>312,533</b>	<b>287,705</b>

The petition indicator is important since it shows the frequency landlords seek rent in Housing Court instead of resolving the dispute privately. The average cost of filing a petition charged by a lawyer is \$90.00.

However, the pattern of activity after the petition has been filed is of greater importance. Most petitions filed are for non-payment of rent. Many petitions are meant as a threat to get the tenant to pay back rent. The landlord does not have the intent of pursuing the case through Housing Court. Instead, the threat of being brought to Housing Court is conveyed through the petition in order to get the tenant to pay back rent.

**3-B. Petitions that are Residential Holdovers**

A landlord petitions the Court for a holdover when they want to evict the tenant regardless of rent owed or not owed. The landlord is no longer interested in collecting back rent- they want the tenant out. A holdover can take place because of disruptive or

**Chart 3-B Residential Holdovers filed in Housing Court**

	<b>1988</b>	<b>1989</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>
<b>Bronx</b>	4,218 ----- 21.1%	3,629 ----- 20.2%	3,146 ----- 19.0	2,664 ----- 17.9	2,305 ----- 16.2%	2,356 ----- 15.6	2,538 ----- 14.1	2,518 ----- 12.1
<b>Bklyn</b>	6,538 ----- 32.7%	5,701 ----- 31.7	5,064 ----- 30.6	3,943 ----- 26.6	4,207 ----- 29.5	4,125 ----- 27.3	4,645 ----- 25.8	5,691 ----- 27.5
<b>Man</b>	6,397 ----- 32.0	5,773 ----- 32.1%	4,996 ----- 30.1	4,562 ----- 30.7	4,945 ----- 34.7	5,037 ----- 33.4	5,609 ----- 31.2	5,898 ----- 28.5
<b>Qns</b>	2,544 ----- 12.7%	2,513 ----- 14	3,130 ----- 18.9	3,355 ----- 22.6	2,488 ----- 17.4	3,034 ----- 20.1	4,608 ----- 25.6	5,860 ----- 28.3
<b>SI</b>	268 -----	327 -----	209 -----	290 -----	332 -----	506 -----	575 -----	674 -----
<b>Total</b>	<b>19,965</b> ----- <b>100%</b>	<b>17,944</b> ----- <b>100%-</b>	<b>16,545</b> ----- <b>100%</b>	<b>14,814</b> ----- <b>100%</b>	<b>14,227</b> ----- <b>100%</b>	<b>15,058</b> ----- <b>100%</b>	<b>17,975</b> ----- <b>100%</b>	<b>20,641</b> ----- <b>100%</b>

illegal behavior on the part of the tenant, to remove a squatter, to remove a super who was fired, or for the owners own use. A holdover is more complicated and expensive for the landlord; it is also much more serious for the tenant. When a landlord files for a holdover, it usually means that they want the tenant out.

The number of holdovers is very significant for understanding underlying economic forces in the rental market. Chart 3-B shows a strong correspondence between the regional economy of New York and the changes in the number of holdovers. The number of holdovers dropped sharply during the recession of 1990-1993, and began to pick up again in 1994 and 1995. Equally important, rents increased significantly in 1994 and 1995.

### **3-C Cases Placed on the Court Calendar**

After a petition for non-payment has been filed by the landlord and responded to by the tenant, it is placed on the court calendar and assigned to a judge. The significance of calendared cases as an indicator of housing court activity is that it shows the seriousness of the landlord-tenant dispute. Close to two thirds of all petitions do not become calendared cases. There are three possible turn of events: the two parties are able to resolve the dispute without further court proceedings; the tenant moves out; the tenant does not respond and the landlord pursues a default judgment.

For non-payment petitions that are calendared cases, Bronx Housing Court is the most in use by landlords. The Bronx led the other Boroughs for all 8 years.

**Chart 3-C. Cases Calendared**

	1988	1989	1990	1991	1992	1993	1994	1995
<b>Bronx</b>	44,607 ----- 32.2%	36,045 ----- 36.4%	35,516 ----- 35.2%	39,445 ----- 34.5%	40,372 ----- 33.1%	40,868 ----- 32.9%	41,528 ----- 33.8%	37,179 ----- 33.1%
<b>Bklyn</b>	40,113 ----- 29.%	30,061 ----- 30.4	29,480 ----- 29.2	29,533 ----- 25.8	32,580 ----- 26.7	33,350 ----- 26.8	33,324 ----- 27.1	30,518 ----- 27.1
<b>Man</b>	36,307 ----- 26.2%	21,437 ----- 21.6	25,334 ----- 25.1	26,165 ----- 22.9	30,155 ----- 24.7	30,301 ----- 24.4	28,535 ----- 23.2	25,973 ----- 23.1
<b>Qns</b>	14,827 ----- 10.7%	9,277 ----- 9.3	8,084 ----- 8.0	16,975 ----- 14.8	16,991 ----- 13.9	17,668 ----- 14.2	17,270 ----- 14.4	16,639 ----- 14.8
<b>SI</b>	2,311 ----- 1.6	1,982 ----- 1.4	2,284 ----- 1.6	2,000 ----- 1.3	1,756 ----- 1.1	1,875 ----- 1.2	1,876 ----- 1.5	1,897 ----- 1.6
<b>Total</b>	138,165 ----- 100%	140,423 ----- 100%	137,964 -- ----- 100%	147,218 ----- 100%	153,307 ----- 100%	155,765 ----- 100%	122,533 ----- 100%	112,206 ----- 100%

In most situations, a calendared case means that the landlord's attorney has to make a court appearance (as well as the tenant). All holdover proceedings are automatically placed on the court calendar, whether the tenant responds or not. The above Chart for cases calendared does not include cases restored. The Bronx was the busiest Court for calendared cases in each of the 8 years. Not only was it busiest, the drop from petition for non-payment to calendared case wasn't as large in the Bronx as it was in the other boroughs.

### 3-D. Default judgments processed:

When a tenant fails to respond to a petition or fails to make a court appearance, the

landlord can request a default judgment from the court. The borough breakdown and 8 year pattern of default judgments is fairly consistent with the overall borough proportion for the vulnerable renter group for each of the boroughs with exception of Brooklyn. The Bronx, Manhattan and Queens percentage of defaults did increase as Brooklyn's decreased; however, the actual number of defaults in the Bronx, Manhattan and Queens changed little over the 8 year period. There was a significant decrease in the actual number of defaults in Brooklyn; it dropped by more than half.

**Chart 3D.**

**DEFAULT JUDGMENTS ENTERED**

<b>VR POP.</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>
<b>Bronx 19.5%</b>	24.2% ----- 17,061	22.4% ----- 14,808	21.2% ----- 12,659	23% ----- 10,713	27.5% ----- 14,259	25% ----- 13,401	31.6 ----- 15,525	29.3% ----- 14,592
<b>Brooklyn 33.2%</b>	34.4% ----- 24,244	31.1% ----- 20,611	29% ----- 17,321		25.8% ----- 13,378	24.6% ----- 13,212	23.8% ----- 11,692	23.0 ----- 11,492
<b>Man 25.2%</b>	23.2% ----- 16,401	23.9% ----- 15,835	26% ----- 15,521	28.9% ----- 13,465	28% ----- 14,521	31.1% ----- 16,668	25.3% ----- 12,429	26.4% ----- 13,181
<b>Queens 19.4%</b>	15.5% ----- 10,937	19.9% ----- 13,158	10.7 ----- 12,386	18.7% ----- 8,732	17.6% ----- 9,125	18.4% ----- 9,894	17.5% ----- 8,597	19.2% ----- 9,587
<b>SI 2.4%</b>	2.5% ----- 1,786	2.5% ----- 1,670	2.8% ----- 1,669	1.2% ----- 594	.89% ----- 463	.63% ----- 340	1.5% ----- 738	

The number of default judgments has always been a subject of concern for people involved with Housing Court. An un-quantifiable number of defaults are classified as "sewer service" in which the process server files the petition with the court but never delivers a copy to the tenant. Default often occurs because the tenant never learns of the proceeding or actual calendared court date.

**3-E Judgments Entered:**

The borough housing court difference in the number of judgments entered is highly significant. *The Bronx lead the City in judgments for all 8 years.* The number of judgments in Bronx Housing Court averaged twice as much as the proportion of VR number. In 1991, 1992, 1993, 1994, and 1995 Bronx averaged 25% more judgments

Chart 3E.

**FINAL JUDGMENTS ENTERED (NON-DEFAULT)**

<b>VR POP.</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>
<b>Bronx 19.5%</b>	56.2% ----- 59,327	51.3% ----- 51,445	47.8 ----- 50,620	41.1 ----- 50,044	43.3 ----- 53,274	43.7 ----- 52,582	42.5% ----- 55,549	38.5% ----- 57,250
<b>Bklyn 33.2%</b>	29.9% ----- 31,542	34.7 ----- 34,800	35.5 ----- 37,590	31.1 ----- 37,914	30.1 ----- 37,066	26.8 ----- 32,249	29.8% ----- 38,980	25.7% ----- 38,246
<b>Man 25.2%</b>	10.5% ----- 10,265	9.5 ----- 9,580	9.5 ----- 10,148	7.7 ----- 9,424	7.9 ----- 9,735	8.2 ----- 9,903	7.6% ----- 9,987	19.7 ----- 29,342
<b>Queens 19.4%</b>	2.5% ----- 2,716	2.4 ----- 2,476	4.6 ----- 4,970	18.4 ----- 22,473	17.4 ----- 21,405	19.6 ----- 23,554	18.2 ----- 23,826	14.4 ----- 21,411

than Brooklyn. The number of petitions filed that become judgments is strikingly different in Manhattan and Bronx Housing Court. Five times as many final judgments are issued in Bronx Housing Court as in Manhattan.

There are several possible interpretations that can explain this difference in volume of judgments. The number of judgments entered could be explained by the practices of lawyers who work in Bronx Housing Court. In Manhattan, the opposite takes place; most cases are dropped or settled with a tenant-landlord agreed to stipulation, without a final judgment. The pattern of judgments indicates that landlords are more willing to ask attorneys to spend more time in Housing Court in the Bronx. It also shows that tenants in

the Bronx have much less legal representation. If tenants had more representation by counsel, there would be more negotiation for settlements without a final judgment.

A larger number of judgments would have much significance if it translated into a commensurate number of evictions. If most final judgments became evictions in Bronx Housing Court, there would have been between 3 and 5 times as many evictions in the Bronx as in the other Boroughs. However, in actuality, the ratio of judgments to evictions in the Bronx is the lowest of the boroughs. The large number of judgments does translate into an equally large number of order to show cause petitions. The only substantive result of the legal culture of the Bronx Housing Court bar appears to be more legal activity. Every final judgment that requires an order to show cause means more court appearances by the attorney for the landlord.

### **3-F. Warrants of Possession Issued:**

The number of warrants of possession more commonly referred to as a 72 hour notice of eviction, is the most serious indicator presented so far. To get a warrant of possession, the landlord has to hire a marshal. The marshal goes to the clerk of the court to receive the warrant. The warrant requires the marshal to serve the tenant with a 72 hour notice of eviction prior to removing the tenants possessions. This indicator of court activity represents the number of court ordered evictions that can be conducted without any further involvement of the court. The overall breakdown of the evictions indicator does

**Chart 3F. WARRANTS OF POSSESSION ISSUED**

<b>Boro VR</b>	<b>1988</b>	<b>1989</b>	<b>1990</b>	<b>1991</b>	<b>1992</b>	<b>1993</b>	<b>1994</b>	<b>1995</b>	<b>8 Year Average</b>
<b>Bronx 19.5%</b>	25.4% ----- 27,872	24.5% ----- 26,710	22.8% ----- 24,067	24.4% ----- 21,852	26.8% ----- 27,286	29.3% ----- 27,766	31.6% ----- 32,273	30.3% ----- 29,382	26.8%
<b>Bklyn 33.2%</b>	34.6 ----- 37,941	34.4 ----- 37,451	30.7 ----- 32,358	29.7 ----- 26,533	27.2 ----- 27,614	28.1 ----- 26,624	24.3 ----- 24,860	25.4% ----- 24,608	29.3%
<b>Man 25.2%</b>	22.7 ----- 24,855	23.1 ----- 25,210	22.5 ----- 23,744	24 ----- 21,518	25.7 ----- 26,086	17.3 ----- 16,431	20.9 ----- 21,358	24.9% ----- 24,144	22.6%
<b>Queens 19.4%</b>	15 ----- 16,448	16.1 ----- 17,531	21.8 ----- 22,962	19.7 ----- 17,633	18.3 ----- 18,607	22.7 ----- 21,452	20.7 ----- 21,176	17.1 ----- 16,575	18.9%
<b>SI 2.4%</b>	2.1	1.6	2	2.2	1.8	2.3	2.3	2.3	2.0%
<b>Total</b>	109,493	108,664	105,309	89,340	101,488	94,453	102,030	96,795	

not correspond to the vulnerable renter population in each borough. Between 1988 and 1995, the Chart 3-F shows significant variation in each Housing Court. Why the number of evictions issued in each borough showed real highs and lows is difficult to say. However, the 8 year average shows only slight changes with the first year figure (1988).

On an 8 year average, only in the Bronx was the number of evictions significantly higher than its vulnerable renter population. In recent years 1993-1995, the figure for the Bronx is significantly higher than its VR population. In fact, the Bronx had the highest number of Court ordered evictions in 1993, 1994, and 1995.

The most dramatic improvement in reducing the number of warrants of possession was in Brooklyn. Comparing two periods of activity, [1988 to 1990] and [1991 to 1995], there was a decrease of 27.4% in Brooklyn or 9,869 fewer warrants of possession issued by the court each year. There was also a

noticeable decrease in Manhattan of 10.9%. However, in the Bronx, there was an actual increase of 6.1% and a tiny decrease of 1% in Queens. What accounts for the uneven performance between the boroughs of Brooklyn and the Bronx (as well as Manhattan and Queens) is difficult to answer. This issue is more fully discussed in the next chapter.

The warrants of possession indicator needs to be qualified by the actual number of legal evictions that take place. Issuance of a warrant of possession does not mean that the eviction is always carried out. Many warrants of possession are later stopped either through court intervention, the tenant filing an order to show cause and/or informal settlement between the parties, or through back rent payment agreements such as with "Jiggetts relief". The number of evictions that take place *without* the marshal's office having to physically remove the belongings and/or change locks is not recorded. An unknown number of tenants move out of their apartments once the warrant of possession has been issued by the Judge.

The warrants of possession indicator is the most serious and deserves the most attention; it is also the hardest to assess. The actual number of warrants of possession that result in a tenant losing their apartment is not officially recorded by any government entity. An analysis of the relationship between the recession of 1990-1994 and its effect on Housing Court and evictions is discussed in the next chapter.

### **3-G. Order to Show Cause:**

An Order to Show Cause is usually filed by the tenant to stop an eviction and get another opportunity re-appear before the Judge. It can be filed after a default, possession judgment and notice of eviction by the marshal. The number of borough Housing Court OTSC can depend upon several different factors. The only definite assessment that can be made of the OTSC indicator is regarding money. Each time a tenant is granted an OTSC by the Court it will mean another appearance by the attorney for the landlord. The process becomes more expensive. Bronx Housing Court had the highest number of OTSC granted for six out of the eight years.

Chart 3G.

**ORDER TO SHOW CAUSE**

	1988	1989	1990	1991	1992	1993	1994	1995
Bronx 19.5%	35.8% ----- 32,665	32.3% ----- 32,880	30.7% ----- 30,602	30.4% ----- 30,040	34.3% ----- 34,912	38% ----- 43,051	41.8% ----- 50,345	42% ----- 55,139
Bklyn 33.2%	28.2% ----- 25,607	29.1% ----- 29,679	35.3% ----- 35,231	32.8% -----	26.8% ----- 27,298	21.4% ----- 24,354	20.1 ----- 24,254	22.1% ----- 28,990
Man 25.2%	23.5% ----- 21,489	25.1% ----- 24,547	20.5% ----- 20,440	20.9% ----- 20,592	21.7% ----- 22,068	22.5 ----- 25,533	20.3 ----- 24,544	19.3 ----- 25,430
Queens 19.4%	11.2% ----- 10,250	13.2% ----- 13,453	11.9% ----- 11,878	15.4% ----- 15,185	16.2% ----- 16,500	17.1 ----- 19,413	16.9% ----- 20,424	15.2 ----- 19,999
SI 2.4%	1.1% ----- 1,025	1.07% ----- 1,096	1.5% ----- 1,526	0.29% ----- 288	0.7% ----- 747	.79% ----- 896	.6% ----- 790	1.4%

The large difference in the number of Order to Show Cause applications in Brooklyn and Bronx Housing Court deserves an explanation. One possible factor is the legal culture. Lawyers may generate more need for an order to show cause since it increases their need for court appearances and fees. As shown in the previous chapter, the factor of proportion of professionally managed apartments, is a possible causal factor in explaining why it has the busiest Housing Court.

**3-H. Marshal Evictions.**

The number of annual marshal's possessions and evictions carried out is recorded by the New York City Department of Investigation-NYCDOI. (NYC-DOI had the data broken down by borough beginning with 1991). This final and most serious action shows significant differences between the Bronx and the other boroughs. *While Brooklyn has close to twice as many households in the vulnerable renter group as the Bronx, the two boroughs have the same number of evictions.* Taking a 4 year average for 1991,

1992, 1993, and 1994, the Bronx had an annual average 5,809 evictions and Brooklyn had an annual average of 5,801. The citywide percentage

**Chart 3H. MARSHAL'S POSSESSION/EVICTION <sup>14</sup>**

Borough VR%	1991	1992	1993	1994	1995
<b>Bronx</b> ----- <b>19.5%</b>	<b>25.4%</b> ----- <b>5,202</b>	<b>28.3%</b> ----- <b>6,275</b>	<b>25.8%</b> ----- <b>5,668</b>	<b>25.4%</b> ----- <b>6,091</b>	<b>24.9%</b> ----- <b>5,575</b>
<b>Bklyn</b> ----- <b>33.2%</b>	<b>29.2%</b> ----- <b>5,970</b>	<b>24.7%</b> ----- <b>5,477</b>	<b>26.04%</b> ----- <b>5,713</b>	<b>25.2%</b> ----- <b>6,044</b>	<b>23.9%</b> ----- <b>5,350</b>
<b>Man</b> ----- <b>25.2%</b>	<b>24.4%</b> ----- <b>4,999</b>	<b>23.7%</b> ----- <b>5,254</b>	<b>24.3%</b> ----- <b>5,347</b>	<b>27.4%</b> ----- <b>6,575</b>	<b>25.3%</b> ----- <b>5,991</b>
<b>Queens</b> ----- <b>19.9%</b>	<b>18.5%</b> ----- <b>3,782</b>	<b>20.8%</b> ----- <b>4,597</b>	<b>21%</b> ----- <b>4,628</b>	<b>19.5%</b> ----- <b>4,689</b>	<b>21.7%</b> ----- <b>4,866</b>
<b>SI</b> ----- <b>2.4%</b>	<b>2.3%</b> ----- <b>479</b>	<b>2.2%</b> ----- <b>495</b>	<b>2.6%</b> ----- <b>581</b>	<b>2.3%</b> ----- <b>571</b>	<b>2.5%</b> ----- <b>577</b>
<b>total</b>	<b>20,432</b>	<b>22,098</b>	<b>21,937</b>	<b>23,970</b>	<b>24,995</b>

breakdown for the number of evictions for Queens and Manhattan was fairly consistent with their respective VR populations.

One very significant movement in Housing Court is between the number of warrant of possession issued and the number of evictions actually carried out. What happens to a case once a warrant of eviction has been issued by the Judge? How many of these cases actually result in a marshal's eviction? There are only slight differences between the borough Housing Courts regarding the progression of evictions ordered and carried out. Roughly 20% of all Court ordered evictions end up using the Marshal.

<sup>14</sup>

**Chart 3 H-2.**

**% of Warrant of Possession (72 Hour Notice of Eviction) that Become a Marshal Eviction**

Borough	1991	1992	1993	1994
Bronx	23.8	22.9%	20.4%	18.7%
Brooklyn	22.5%	19.8%	21.4%	24.3%
Manhattan	23.2%	20.1%	32.4%	30.7%
Queens	20.9%	24.1%	24.1%	22.1%

What happens to the other 80% (how many of these cases result in people losing their apartment) has never been documented.

**3-G. Relationship of Landlord Lawyer Court Activity to Evictions Ratio of Petitions**

**Becoming Possessions:** What is the likelihood of a petition ending up as a possession. Is there much difference between the Borough housing Courts? The Bronx had the smallest likelihood of a petition becoming a possession between years 1998 through 1993. Queens had the highest likelihood.

Borough	Likelihood/Ratio of Petition Becoming a Possession (Average of Years 1988 to 1993).
Bronx	For every 3.4 petitions filed, one possession
Brooklyn	for every 2.8 petitions filed, one possession
Manhattan	for every 3.2 petitions filed, one possession
Queens	for every 2.7 petitions filed, one possession

The data on the ratio of petitions to possessions sheds some light on the issue of how "friendly" the court is to evictions and landlords. While hardly conclusive, it does not support the contention that the Bronx Housing Court is encouraging landlords to pursue evictions.

### Ratio of Final Judgments (Including Defaults) to Court Ordered Evictions:

Borough	Likelihood/Ratio of a Judgment Becoming a Possession (Average of Years 1988 to 1995)
<b>Bronx</b>	for every 2.4 judgments, one possession
<b>Brooklyn</b>	for every 1.7 judgments, one possession
<b>Manhattan</b>	for every 1.1 judgments, one possession
<b>Queens</b>	for every 1.3 judgments, one possession

The machinery of Housing Court does not produce similar products in each Housing Court. While Bronx is far more busy than the other Housing Courts, this greater amount of activity does not result in a *commensurate* higher number of evictions. If the number of petitions and judgments were commensurate with evictions, or even had a ratio similar to the other boroughs (as shown in the above chart), then the number of actual evictions in the Bronx, would far exceed the other Boroughs.

These two charts show that lawyers who specialize in eviction law are in much greater use in the Bronx than in the other Boroughs. The number of court appearances and activity by lawyers is much greater in the Bronx than the other boroughs. Therefore, landlords in the Bronx are spending more money on legal fees than the other boroughs. While much more money is being spent on legal fees in the Bronx, it is an open question as to who actually benefits from this situation.

In summary, the eight year period of 1988 to 1995 shows that the borough Housing Courts did significantly vary in several areas. The most important areas were in the number of petitions files, judgments, and possessions. In each of these areas, Bronx Housing Court is as busy or busier than Brooklyn. Why do these two borough housing courts have similar usage? This question was addressed in Chapter 3 by looking at 15 different social and economic factors.

Of all the factors that could possibly explain this, the only one that showed a strong

correspondence between the two boroughs was the number of large apartment buildings. Both boroughs had similar numbers of large apartment buildings in low income community districts. Large apartment buildings will tend to be more professionally managed. Professionally managed buildings will be more likely to use housing court as a remedy than small buildings. The business dimension of owning apartment buildings is the most important factor for explaining Housing Court activity.

#### **Chapter 4. The Impact and Distribution of City and State Government Funded Preventive Services: A Borough Comparison**

In this chapter, the impact and distribution of government funded eviction prevention programs is examined. These two different problems have been combined in into one discussion because they have turned out to be highly inter-related. The geographic distribution of government funded preventive/intervention services by borough, while a problem in terms of equity, also sheds much light on their effectiveness in preventing eviction. Two findings that were documented in the previous chapter are further analyzed:

**1) Bronx was the busiest Housing Court for petitions, judgments, possessions and Marshal evictions**

**2) Brooklyn showed considerable progress in bringing down the number of warrants of possession; Manhattan showed some progress; Bronx and Queens showed no progress.**

To assess and understand the significance of these two findings, the following two questions will be addressed:

**1. How effective are government preventive/intervention services in helping poor tenants to avoid eviction?**

**2. How are government funded services distributed by borough? To what extent do existing funding formula's reflect actual need?**

The evidence presented in this Chapter will show that preventive services make a difference; however, the existing geographic distribution of government funds does not correspond to need.

#### **4-A. Government Funded Prevention/Intervention Services Helped Lower the Annual Number of Court Ordered Evictions**

Beginning in 1988, several government agencies began providing funds for additional eviction prevention legal services. These programs include the Human Resources Administrations Eviction Prevention Legal Services, Homelessness Prevention, Income Maintenance Centers Diversion Teams, and Housing Court Liaison Programs. The NYC Department of Housing Preservation and Development also started its own an anti-illegal eviction prevention program. In 1991, lawyers were allowed to apply for "Jiggets Relief" payments were made available in eviction prevention cases. In December of 1991, a court ruling allowed that, in addition to attorneys, community workers can apply for "Jiggetts Relief" payments for their clients<sup>15</sup>

Together, these various programs represent a significant increase in the resources for preventing evictions of low income people. Has the recent increase in services and cash grants caused a noticeable decrease in the number of evictions? Based on the evidence presented below, one could give a qualified yes.

An assessment of the success of government funded services requires a discussion of which cluster of social forces actually drives Housing Court and can explain the increase and decrease in **inputs** (non-

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payment and holdover petitions), and **outputs** (warrants of possession and evictions carried out by the marshal). The two socio-economic relationships that cause changes in Housing Court inputs and outputs are:

- low vacancy rate and rising rents push landlords to be more aggressive in evicting tenants and re-renting empty apartments;

- or a rise in unemployment and public assistance usage\less money for rent therefore forces landlords to have to evict more tenants; In Appendix One, there is a discussion of these factors with a chart that documents their progression over a 10 year period.

The chart shows that Housing Court inputs and outputs decrease when the real estate market is in a weak position as it was during 1991 and 1992. As the market gets tighter, and rents increase, Housing Court gets busier. The years of 1994 and 1995, are critical tests for this observation. During those years the real estate market was very strong, Public Assistance usage remained very high, yet evictions were still much lower than during the previous strong real estate market period of 1986 to 1989. It appears that the new factor of government funded eviction prevention services and programs are keeping the actual number of evictions from rising back up to their earlier levels.

If one places more importance on the second group, recessionary economy-unemployment-public assistance, there is strong evidence that government funded services are making a difference. During the 5 years of 1991, 1992, 1993, 1994, and 1995, the average annual number of warrants of possession awarded in Housing Court was 96,689. For the previous 3 years (1988 to 1990), the average was 107,822. A drop of 11,133 evictions or 10.3%.

Three out of five of those years covered a period marked by a regional economic recession (approximately 291,000 jobs were lost between 1990 and 1993 in New York City) and very large increases in the number of people on Public Assistance. During the years of 1991, 1992, and 1993, the number of families and individuals who went on Public Assistance (AFDC, Unemployed Parent, and Home Relief) grew from 358,627 as of October, 1990 to 498,818 cases as of October, 1993- **an increase in 3 years of 140,191 cases or 39%** (it increased again slightly in 1994). During the previous 5 years the number of cases shifted downward: 372,282 cases in Oct. 1985 and 319,398 cases in Oct. 1988. *In short, during a*

*period when the number of vulnerable tenants grew sharply, the number of court ordered evictions dropped.*

The number of evictions carried out by city marshals also offers evidence of the effectiveness of government funded preventive services. During the last major recession in the New York regional economy, 1981 to 1983, the number of marshal recorded evictions reached a high of 29,000. During the recession of 1990 to 1993, the number of Marshal recorded evictions reached a high of 22,100- **a 23.7% decrease. The decreases were not uniform; most of it took place in Brooklyn and some in Manhattan. Bronx and Queens actually got worse.**

As noted in Chapter 3, the impressive drop in the number of warrants of possession (court ordered evictions) took place mostly in Brooklyn. In comparing two periods of activity 1988 to 1990 and 1991 to 1995, in the latter period, 1991 to 1995 (when the Jiggetts and the other prevention programs were in full operation), Brooklyn had 9,869 fewer warrants of possession ordered by the court in 1995 than in the earlier period of 1988 to 1990- a decrease of 27.4%. Its drop accounts for much of the citywide drop. In Manhattan, there was a decrease of 10.9%; in Queens there was an increase of .5%; and in the Bronx, there was an increase of 6.1%.

### **Disparity in Government Funding for Homelessness/Eviction Prevention Programs Strongly Corresponds to Performance**

Why the number of court ordered evictions (warrants of possession) was highly uneven across the City is a difficult question to answer. Nevertheless, as the next section will clearly show, Brooklyn and Manhattan have been receiving much higher amounts of government funds for homelessness/eviction prevention programs than the Bronx and Queens. In fact, Brooklyn has been receiving four times as much HRA Homelessness Prevention dollars as the Bronx and Queens; Manhattan has been receiving three times as much. While these numbers add more weight to the effectiveness of prevention programs, they need to be interpreted with caution. Other factors (such as the culture of the local bar or HRA income

maintenance workers who process applications for rent arrears payments ) could certainly influence the uneven borough performance for reducing the number of warrants of possession.

A definitive conclusion on the effectiveness of government funded eviction and homelessness prevention programs is difficult to reach. However, based on the activity in years 1994 and 1995, it can be argued that preventive services and programs are making a difference in reducing the number of possessions and marshal evictions. Furthermore, the data also gives weight to the argument that significant amounts of money result in commensurate levels of impact.

#### **4-B. Assessing the "Jiggetts Relief" Factor**

The New York State Department of Social Services (DSS) authorizes back rent payments to landlords when families who are AFDC recipients are threatened with eviction. These payments, known as Jiggetts Relief, named after the plaintiff, Barbara Jiggetts, an AFDC recipient, in the law suit, Jiggetts vs Bane, have resulted in assistance to approximately 20,000 to 25,000 families a year in New York City. As important as the infusion of Jiggetts payments into the battleground of Housing Court, its actual impact has yet to be carefully documented and analyzed. Several questions concerning the impact of Jiggetts payments are central to this study's inquiry.

1. To what extent has there been a measurable decrease in the number of evictions carried out since Jiggetts payments began?
2. How do Jiggetts payments vary by borough and income maintenance center? How do these payments correspond to the actual numbers of families receiving public assistance, housing conditions, in each borough? [ A letter requesting this information has been sent twice to the NYS-DSS. NYS-DSS will not release this information because a final decision had not been issued by the Judge.]

#### **4-D NYC-HRA Homelessness/Eviction Prevention Programs**

The City of New York Human Resources Administration (HRA) contracts out homelessness prevention programs to non-profit organizations in each borough. Approximately, \$8 million was spent

each year in 1993, 1994, and 1995. These dollars are used to pay for staff to intervene in preventing evictions through a variety of mechanisms including negotiating with the landlord for more time to pay rent, clearing up a grant payment problem with HRA, and use of HRA emergency one shot payments. Much of this work involves processing applications for ‘‘Jiggetts Relief’’. Staff are out stationed at Income Maintenance Centers to allow for easy accessibility to a clients file. Another \$10.5 million is contracted out by HRA for anti-eviction programs. Of the \$10.5 million, \$8.5 million is split between the Legal Aid Society of New York-Civil Division and Legal Services of New York. These two citywide organizations parcel out these dollars to their various neighborhood offices in Manhattan, Brooklyn, Queens, the Bronx and Staten Island. Letters requesting how these dollars were actually distributed by borough were sent to both organizations. Neither organization responded to the inquiry. If the dollars are being distributed on a formula based solely on income (such as the number of households with income below the Federal poverty level), then the pattern of giving will be very similar to the one used by the HRA Homelessness Prevention program.

**Chart 4-A Distribution by Borough of NYC-HRA Homelessness Prevention Dollars<sup>16</sup>**

<b>Borough</b>	<b>HRA Homelessness Prevention \$</b>	<b>HRA \$ Per Calendared Court Case (1995)</b>
<b>Bronx</b>	<b>\$3,750,000.</b>	<b>\$ 33.</b>
<b>Brooklyn</b>	<b>\$11,163,000.</b>	<b>\$121.</b>
<b>Manhattan</b>	<b>\$8,380,018.</b>	<b>\$107.</b>
<b>Queens</b>	<b>\$1,006,549.</b>	<b>\$ 20.</b>
<b>SI</b>	<b>-</b>	<b>-</b>
<b>total</b>	<b>\$24,299,567.</b>	<b>\$ 72.</b>

The distribution of HRA Homelessness prevention funding does not correspond to the geographic distribution of need as documented in this study. Chapter 3 clearly showed that Bronx has the busiest Housing Court. Furthermore, the Bronx well exceeded Brooklyn and Manhattan in the number of warrants of possession (years 1991 to 1995) and tied with them for number of Marshal evictions. Despite the greater need found in the Bronx, Chart 4-A shows that Brooklyn and Manhattan received respectively four and three times as much HRA funds as did the Bronx.

It should also be pointed out that there are similar numbers of homeless families from the Bronx as are from Brooklyn and many more than from Manhattan. According to the NYC- Department of Homeless Services, between the years of 1991 and 1994, usage by families of the NYC Shelter system had the following borough breakdown:

**Chart 4-B. Borough of Residence Prior to Entering Shelter System 1991-1994<sup>17</sup>**

Borough	Families	Per Cent
Bronx	21,133	31.7
Brooklyn	22,146	33.1
Manhattan	14,489	21.7
Queens	7,981	11.9
SI	1,008	1.4
Total	66,757	-

In addition to the disparity in funding for homelessness prevention, the actual amount of legal representation also varies by borough. The sampling of 1,960 tenants in Housing Court in the CWTFHC Study showed that the least amount of legal representation was in Bronx Housing Court. In the Bronx, 6.3% of tenants were represented, in Manhattan 17.9% were represented, in Brooklyn 11.5% were represented and in Queens 11.4% were represented.

#### **4-E. Government Funded Tenant Advocacy/Organizing**

Since 1979, City and State funds have been contracted out to community organizations for tenant advocacy and assistance. Tenant advocacy and organizing projects, when they are undertaken with professional staff, can result in serious help to low income tenants. They can improve building conditions and mediate disputes before they go to Housing Court.

In order to improve housing conditions in New York City's low and moderate income communities, two programs were initiated in the late 1970's. These two programs, Community Consultant Contract administered by the New York City Department of Housing Preservation Development (HPD) and the Neighborhood Preservation Companies administered by the New York State Division of Housing and Community Renewal (DHCR), give grants to over 150 New York City non profit neighborhood service providers (nsps). Most neighborhood service providers receive funding from both programs. Together, these two programs averaged around 90,000 dollars annually per neighborhood service provider (nsp). In 1993, together, they distributed approximately \$9,050,000 dollars to community groups in New York City. It is a small but highly significant amount of money. While the City's community consultant contract program was cut down several times and was recently changed into the Neighborhood Preservation consultant program, the State program has been a fairly reliable and steady source of funds.

#### **New York State Division of Housing and Community Renewal (DHCR)- Neighborhood Preservation Program<sup>18</sup>**

The NYS Division of Housing and Community Renewal's Neighborhood Preservation Program was begun in 1977. Between 1977 and 1992, New York City communities received a total of 72,479,000 dollars from the NPP program. In 1992-93, New York City communities received a total of 6,542,000 dollars. Most low and moderate income neighborhoods in New York City have at least one DHCR funded neighborhood service provider (nsp). A few, such as East Harlem (Community District 11), Lower East Side (Community District 3) and Williamsburg (Community District 1), have many more. In

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1992-93, East Harlem had 5 DHCR funded nsps and the Lower East Side has 9 nsps. The entire borough of the Bronx had 23 nsps funded by DHCR in 1992-93.

How strong a factor was need in the distribution of these DHCR funds? Did each borough's share of DHCR money correspond to the number of housing needy people they have or to the amount of City owned property or amount of housing with serious deficiencies?

DHCR's own criteria for determining need can be found in its Program Manual (revised as of 8/24/94). DHCR awards funds based the statutory authority of the New York State Private Housing Finance Law Article 16. In order for a neighborhood to be considered an eligible area it must have the following conditions:

- at least 50% of the households must have incomes that are 90% or below of the area median income. A designated area must have a minimum of 20,000 people residing within its boundaries.

- documentation exists to show that the area has sustained physical deterioration, decay, neglect or dis-investment and contains a significant number of deteriorating or substandard buildings not being adequately repaired, renovated, upgraded modernized or rehabilitated under existing programs;

Under this criteria, a wide range of communities, with varying degrees of need, could qualify for DHCR funding. A community where 70% of the households have incomes below 50% of the median income are competing with communities where most of the households have income between 50% and 90% of the median. There is no mentioning in the DHCR Program Manual of any criteria for *ranking* of need. Nor are very poor communities given more weight than moderate income ones. Moderate and middle income communities as well as the desperately poor ones need programs that strengthen neighborhoods. Chart 2 shows how the DHCR distribution of dollars corresponds to the borough proportion of the different indicators of need.

### **When Documented Need is the Only Factor Considered, the Bronx Receives Less DHCR Dollars.**

When the DHCR criteria for awarding funds is used, the Bronx fares worst of the five boroughs.

**Chart 4-C. Comparison of the Boroughs for DHCR Funds Distributed Between 1977 and 1992 and 4 Indicators of Need<sup>19</sup>**

Boro	(1) DHCR \$	(2) 100% of Poverty Level	(3) 125% of Poverty Level	(4) Building Defects	(5) Maint. Defects
<b>BX</b>	17.6% (\$12,796,000)	24.1	23.1%	34.7%	25.6%
<b>BKY</b>	32.9% (\$23,885,000)	37.1	36.9%	25.2%	34.7%
<b>MAN</b>	31.7% (\$23,012,000)	21.4	21.3%	24.2%	30.4%
<b>QNS</b>	15.3% (\$11,096,000)	15.1	16.3%	5.0%	8.5%
<b>SI</b>	2.3% (\$ 1,687,000)	2.0	2.2%	10.6%	.7%
<b>Total</b>	100% (\$ 72,476,000).	100%	100%	100%	100%

1. Column 1 shows the borough percentage of DHCR Neighborhood Preservation dollars received between 1977 and 1992. (DHCR Annual Report, 1992)

2. Column 2 shows the borough percentage for the number of people living in households with incomes below the Federal poverty level in 1990. (1990 Census, Dept. of City Planning).

3. Column 3 shows the borough percentage for the number of people living in households with incomes below 125% of the poverty level. (1990 Census, Dept. of City Planning).

4. Column 4 shows the borough percentage of rental units in buildings which have 4 or more structural defects. (Stegman Report, HVS 1991, p. 241).

5. Column 5 shows the borough percentage of rental units with 5 or more maintenance or equipment deficiencies. (Stegman Report, HVS 1991. p. 247)

**Chart 4-C** shows the borough percentage for each of the factors cited by DHCR in its awarding of funds to communities for neighborhood preservation activities. It is the only borough that consistently did not

receive a share of money based on its actual needs. The Bronx was under funded for all categories of need. In some cases, the under funding was substantial.

Between 1993 and 1995, 5 new community organizations were awarded funds for the Neighborhood Preservation Program by DHCR. Three of these organizations were in Brooklyn, one was in Manhattan and one was in Queens. Also, to ensure that all funded organizations still meet DHCR eligibility requirements, DHCR required all of its funded organizations to submit updated neighborhood data based on the 1990 Census. DHCR is in the process of reviewing 1990 Census data and awarding new groups contracts for neighborhood preservation activities. Therefore, it would seem appropriate, based on the above documented data, that the Bronx receive some new contracts with a special emphasis on eviction prevention services.

In short, funds for preventive/intervention services play an important role in reducing evictions. The increase in City\State funding for eviction prevention services did result in a measurable decrease in the annual number of evictions. How cost effective these dollars are is difficult to determine since some of the funding sources are not disclosed.

**Chapter 5.****Conclusion, Recommendations and Questions for Further Inquiry and Research****WHY DO RATES OF USAGE OF HOUSING COURT AND EVICTIONS VARY BY BOROUGH - QUESTIONS FOR FURTHER INQUIRY AND RESEARCH.**

The Study set out to answer the question of why do rates of usage of Housing Court and evictions significantly vary by borough. The factor of private building ownership was proven to be the primary one for explaining this phenomenon.

**1. *Composition of private building ownership.*** The Study documented and analyzed the following factors: several indicators of personal income, housing court cases, housing composition and conditions, immigration, limited English speaking skills, the supply of government owned/managed affordable housing, the private supply of affordable housing, and apartment building ownership. The factor that is strongest for explaining the above question is apartment building ownership. In each of the other factors, the borough breakdowns are not significant enough to cause Housing Court to operate differently. Only with building ownership, documented by the number of apartment buildings with 20 or more units, were very significant differences between the boroughs in evidence. Large buildings tend to be more professionally managed and have a larger overhead to cover the costs of legal work. A small building owner can rarely afford a long and costly battle in Housing Court with a tenant.

**2. *Other Factors that Need to Be Considered:*** Due to limitations in the data gathering process, several important pieces of information were not used in the Study. These pieces of information would be helpful in completing the citywide picture of the borough differences in the relationships between need and resources. These pieces of information include:

1. More accurate information on the number of tenants who lose their apartments through a case being brought to Housing Court. The number of tenants who vacate their apartments prior to receiving a 72 hour notice or after receiving a 72 hour notice is not presently available.
2. breakdown the addresses of all tenants evicted by the Marshall's Office into the community district boundaries.
3. breakdown by borough of *all* government funded legal services dollars for housing related problems and eviction prevention. Letters requesting information on the neighborhood breakdown of HRA funded Eviction Prevention dollars to the Legal Aid Society and Legal Services of New York were sent. Neither Agency responded to the request for information.
4. breakdown by income maintenance center and borough of all cases of "Jiggetts relief". Letters requesting this information were sent to the New York State Department of Social Services and the New York City Human Resources Administration. If each of these pieces of information were made available for research purposes, a much more sophisticated and effective system of eviction prevention could be implemented- without any additional government dollars.

## **Recommendations:**

### ***1. Continue/Increase Funding for Eviction/Homelessness Prevention Services.***

The Study shows that the combination of government funded eviction prevention services (contracted out to not for profit organizations) and cash grants for rent arrears (NYS-DSS "Jiggetts Relief" and HRA-Emergency Assistance payments) have helped decrease the annual number of court ordered evictions (warrants of possession) and Marshal evictions in New York City. The current levels of funding for eviction prevention services should be increased. The Bronx and Queens should have their funding allocations brought up to the levels of Brooklyn and Manhattan. The "Jiggetts Relief" payments for AFDC families and the NYC-HRA emergency rent arrears program should be continued.

### ***2. Revise Funding Formulas for Eviction/Homelessness Prevention and Tenant Advocacy Programs***

The funding formulas that are used by the NYC-Human Resources Administration, Legal Services Corporation, and the Legal Aid Society, should be revised to give weight to the factors of privately owned large apartment buildings and the actual amount of volume in each Housing Court. Presently, income (number of low income people by borough, community district) is the sole or main basis for the

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geographic allocation of funds. Until the funding formulas are revised, the low income tenants of the Bronx will remain at greater risk of being brought to Housing Court and evicted.

***3. Supplement Study with Additional Research to Determine Which Neighborhoods Most Need Eviction Prevention Services***

Targeting eviction prevention services to the most needy neighborhoods may also help to reduce the number of evictions. Almost all of the information presented in this Study was broken down on a borough basis. For a more strategic understanding the geographic distribution of need, a community district basis is necessary. The NYC Department of Investigation or another governmental agency should break down the number of Marshal evictions by Community District.

## Chapter 6:

### 2001 UPDATE: EVICTIONS RISE IN THE BRONX, BUT DECLINE IN OTHER BOROUGHS BETWEEN 1997 AND 1999

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A study commissioned by the **Citizens Advice Bureau**

July 2001

Research Findings by Mr. David Rubel, Community Planning and Development Consultant

Part One: Introduction. In May 1997, the **Citizens Advice Bureau (CAB)** released a 62 page study entitled *New York City Housing Court Usage and Preventive Services: A Comparative Study of Borough Housing Courts and Low Income Renters*. Its main finding was that the Bronx accounted for a disproportionate share of evictions in the city. Its author was David Rubel, a community planning and development consultant.

*Since the study was released, major changes have taken place in the operation of the city's Housing Court system. The New York State Rent Regulation Reform Act of 1997 went into effect in October 1997. Two new provisions require tenants to deposit rent with the court when they are requesting an extension. In December 1997, under the direction of Judith Kaye, the Chief Judge of the State of New York, a series of reforms were implemented to improve Housing Court for both tenants and landlords. Known as the Housing Court Program, a new system of case management was implemented; it was designed to move cases more quickly through the various stages of litigation.*

*An additional change took place in the Bronx, namely the opening of a new ten story, \$44 million Bronx Housing Court building on the Grand Concourse between 166th and McClellan Streets in late 1997. The building offers nearly twice as much courtroom space as the old Bronx Housing Court, which was located in the basement of the Bronx County Courthouse on the Grand Concourse near 161st Street.*

*In the first two years of operation under the new system, the Bronx Housing Court has seen a significant increase in tenant evictions. While the number of evictions for the city's other Borough Housing Courts decreased during this period, it increased by 5.8 percent in the*

*Bronx. As a result, the Bronx accounted for one-third of all evictions in New York City in 1999. In contrast, the borough has only 16 percent of the city’s total population.*

Between 1997 and 1999, the New York City Borough Housing Courts experienced the following percentage changes in the number of evictions:

- The Bronx: 5.8% increase.
- Brooklyn: 7.2% decrease.
- Queens: 22.4% decrease.
- Staten Island: 15.6% decrease.
- Manhattan: 13.9% decrease.

## TABLE ONE: RESIDENTIAL EVICTIONS BY BOROUGH, 1995 TO 1999

BOROUGH	1995		1996		1997		1998		1999	
	EVICIONS	NYC %								
Bronx	5,575	24.9	6,498	27.2	7,111	28.8	7,305	31.1	7,524	33.1
Brooklyn	5,350	23.9	5,759	24.1	6,595	26.7	6,002	25.5	6,114	26.9
Man.	5,991	25.3	5,609	23.4	5,694	23.0	5,651	24.0	4,898	21.5
Queens	4,866	21.7	5,275	22.0	4,612	18.6	3,952	16.8	3,576	15.7
Staten I.	571	2.5	742	3.1	669	2.7	544	2.3	564	2.4
Total	24,995	100.0	23,883	100.0	24,681	100.0	23,454	100.0	22,676	100.0

Source: New York City Department of Investigation-Bureau of City Marshals

**Part Two: Findings.** After two years of rent reform law, administrative court changes, and a new Bronx Housing Court Building, our research reveals the following:

- The Bronx’s citywide share of evictions increased from 28.8 percent to 33.1 percent.
- The citywide share for the other four boroughs went down or stayed the same.

- **Regarding the actual number of evictions, the four other boroughs experienced a decrease between 1997 and 1999. Only in the Bronx did the number of evictions increase.**
- While the 1997 study revealed that the Bronx accounted for 19.5 percent of the city tenants most likely to be brought to Housing Court for an eviction case, the percentage of actual evictions in 1999 is 33.1 percent, 70 percent higher than the previous figure. (See the 1997 CAB study for a discussion of this tenant group and the analysis of data.)
- **Brooklyn has almost double the number of renter households as the Bronx, yet in 1999 the citywide share of evictions was 26.9 percent for Brooklyn and 33.1 percent for the Bronx.**
- **Since the 1997 CAB study was released, the eviction problem in the Bronx has only gotten worse. (That study looked at housing court and eviction data up to 1995.) Between 1996 and 1999, the number of evictions increased by 1,949 or 34.9 percent.**

### **Part Three: Factors that could contribute to the increase in evictions in the Bronx.**

The underlying causes for the variation in eviction by borough should be identified and carefully assessed. While preliminary observations can be made, to give the issue the attention it deserves would warrant a new study.

To fully identify causal relationships would require looking at thousands of individual eviction cases for the period of 1997 to 1999 in all five borough Housing Courts. To get some understanding of the aforementioned findings, several interviews were conducted with practitioners who work in the Housing Court system. Below are brief descriptions of factors that may have contributed to the increase in evictions in the Bronx. However, since all of these factors operate on a citywide level, they do not explain why evictions went down in the other four boroughs and up in the Bronx.

*Section A: Major Changes in New York State Rent Laws went into effect in 1997.* The Rent Regulation Reform Act of 1997 went into effect in October 1997 and has two provisions that require tenants to deposit rent money in an escrow account with the court. Known as the Rent Deposit Law, the legislation contains Real Property Action Proceedings Law (RPAPL) 745-2 and RPAPL 747a, which work against the tenant in the following ways. Subsection Two of RPAPL-745 requires a tenant to deposit rent money with the court after the second of two adjournments requested by the tenant. RPAPL 747a stipulates that after a final judgment has been issued, the tenant has to deposit the rent owed the landlord with the court if the tenant

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requests an extension or an order to show cause. These provisions make it more difficult for tenants to get the extension they need to secure rent arrears monies.

*Section B: The New York City Housing Court Reform Program begun in 1998.* Administrative changes have created a more efficient system for moving cases through Housing Court. One consequence is that judges are under pressure not to adjourn a case. The order to show cause is the major protection tenants had for delaying an eviction while they were securing the money needed to pay back rent. These orders have become more difficult for tenants to get. In contrast, attorneys representing landlords have been more effective at using these reform measures to their benefit.

*Section C: Securing funds to cover rent arrears.* These changes in Housing Court operations have made it more difficult for tenants to get the money they need for rent arrears. Securing a Jiggetts Relief payment can be time-consuming, creating a vacuum that leads tenants on public assistance particularly vulnerable to eviction. (In 1998, Bronx residents accounted for 31.5 percent of the city's TANF participants.) All applications have to be processed by both the New York State Office of Temporary and Disability Assistance (OTDA) and the New York City Human Resources Administration (HRA).

Jiggetts applications routinely take three to four months to be processed before a check for the rent is given to the landlord. The net effect is that Landlords become frustrated with the long delays in payment and decide to proceed with the eviction. Because of provisions of Subsection Two of RPAPL 745 and RPAPL 747a, as well as the frequency of final judgments issued by the court (due to the new Housing Court administrative reforms), it is more difficult for a tenant to get an order to show cause to stop an eviction and get more time for OTDA and HRA to process the application for the Jiggetts rent arrears money.

(Jiggetts Relief is a New York State Supreme Court decision, which allows tenants on public assistance to apply to New York State for money to pay the difference between the shelter allowance and actual rent owed if it is within "market levels." An increasing number of tenants have rents higher than the Jiggetts approved levels.)

These three factors interact together to make it more difficult for a tenant to get the money to cover the rent arrears. Each of the above listed factors affects all Housing Courts in all five boroughs. Why any of these factors are having a particularly adverse effect in the Bronx is still open to discussion and further research.

*Section D: The new Bronx Housing Court building.* The issue of whether the new Bronx Housing Court building is a neutral or contributing factor to the increase in evictions is difficult to assess. While the number of evictions in the Bronx increased since the new building went into operation, the issue of how the building helps or hinders tenants and landlords requires further research.

*Section E: The decline in TANF eligible families was smallest in the Bronx. (To be eligible for Jiggetts payment, a family must be receiving TANF).* Table Two shows that the Bronx had the smallest percentage decline in the number of public assistance cases by borough. By itself, the number of Bronx based public assistance cases is not a factor that would explain why the Bronx has the highest rate of eviction and actual number of evictions in New York City.

**TABLE TWO: CHANGES IN PUBLIC ASSISTANCE CASES BY BOROUGH (AFDC/TANF), 1996 TO 2000**

Borough	1996	2000	Change/Percentage	
Bronx	84,766	54,125	-30,641	36.1%
Brooklyn	95,894	54,922	-40,972	42.7%
Manhattan	44,577	25,336	-19,241	43.1%
Queens	41,944	19,904	22,040	52.5%
Staten Island	6,714	3,704	-3,010	44.8%
New York City	273,895	157,991	-115,904	42.3%

Source: The Human Resources Administration District Resource Statement and Computer Printouts. Figures are only for Family Assistance; they do not include Home Relief/Safety Net Assistance (SNA).

*Section F: Professional building management.* “Professional building management” is still the strongest factor for explaining why the Bronx has a much higher rate of eviction than the other boroughs. The 1997 CAB study identified one significant factor that could explain why the Bronx had a higher rate of eviction than the other four boroughs: poor renters living in professionally managed buildings. The new data from 1996 to 1999 reveals that the Bronx now also has the highest number of evictions. The “professional building management” factor can help explain this situation. Of the five boroughs, the Bronx has the highest number of poor tenants living in buildings that are professionally managed.

**Table Three: Comparison of Bronx and Brooklyn  
Poor Community Districts for Number of Poor Renters  
Living in Buildings with 20 or More Units**

Bronx Low Income Community Districts	Households with Income Below \$10,000	Percent of Units in Buildings with 20 or more units	Estimated Poor Households Based on Percent of Building Ownership	Brooklyn Low Income Community Districts	Households with Income Below \$10,000	Percent of Units in Buildings with 20 or more units	Estimated Poor Households Based on Percent Building Ownership
1. Mott Haven	12,661	72.5	9,179	1. Williamsburg	16,642	33.4	5,558
2. Longwood	6,076	71.4	4,338	2. Fort Greene	7,517	47.3	3,555
3. Claremont	8,911	77.0	6,861	3. Bed-Stuy	17,083	28.2	4,817
4. Concourse	15,637	84.8	13,260	4. Bushwick	11,312	5.8	656
5. Morris Hts.	15,100	86.7	13,091	5. East New York	15,154	43.0	6,516
6. Tremont	9,671	71.4	6,905	7. Sunset Park	7,889	15.1	1,191
7. Kingsbridge	12,187	87.9	10,712	8. North Crown Heights	10,049	39.7	3,989
9. Soundview	14,613	68.6	10,036	9. South Crown Heights	6,969	69.1	4,815
				13. Coney Island	14,576	79.1	11,529
				14. Flatbush	10,917	52.3	8,569
				16. Brownsville	11,004	78.5	5,755
				17. East Flatbush	8,043	47.2	3,796
<b>Total</b>	<b>94,856</b>		<b>74,382</b>		<b>122,579</b>		<b>60,746</b>

Explanation and Source: The shaded column shows the number of poor households based on the percentage factor of buildings with 20 or more units. The data was taken from the 1990 Census.

While Brooklyn has much larger numbers of total renters and poor renters than the Bronx, the Bronx *actually has more poor renters who live in buildings that are professionally managed.*

Landlords of professionally managed larger buildings are much more likely to use Housing Court than landlords of small buildings. The much larger number of tenants they rent to means more frequent use of attorneys and Housing Court. The building ownership factor would explain why administrative reforms could have a different outcome in the Bronx from the other four boroughs. Since the data was based on the 1990 Census, it needs to be compared with the 2000 Census. (See 1997 CAB study for discussion of the significance of the building ownership factor.)

**Part Four: Main Conclusion. Administrative changes and a new court building have not brought any relief to the tenants of the Bronx. The high number of evictions in the Bronx is even greater than when the CAB Study was released in 1997. New strategies are needed to level the playing field between landlords and tenants.**

### **Part Five: Recommendation.**

Use a portion of the New York State TANF surplus to increase funding for homelessness/eviction prevention programs. The New York State TANF surplus is currently estimated to exceed one billion dollars. These are unspent dollars that originate at the Federal level and can only be used for TANF eligible activities. Homelessness/eviction prevention activities are TANF eligible and do not count towards the five-year time limit. Furthermore, a family can receive short-term assistance more than once in a 12 month period and they can be used for working families with incomes above the poverty level.

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#### **Notes:**

Information regarding the New York State TANF surplus dollars was based on a working paper from the Center on Budget and Policy Priorities, "Using TANF Funds for Housing Related Benefits to Prevent Homelessness" by Barbara Said. April 3, 2001.

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## APPENDIX- 1

### **Discussion of the relationship between socio-economic factors and housing court activity. Which socio-economic factors drive Housing Court in New York City?**

The day to day use of Housing Court reflects the larger social and economic portrait of New York City. While few would argue with this statement, the actual importance of various factors has not been fully weighed. The main question that will be looked at is - which set of factors has a greater influence on Housing Court?:

**-rising rents and a strong real estate market;**

**-or a recessionary economy with a rise in unemployment and public assistance.**

A chart of 7 indicators has been prepared to enable comparison and analysis of these two groups.

The first group works on the assumption that Housing Court gets busier as the value of an empty apartment increases. Rents rise mostly when the economy is strong. The second group works on the assumption that Housing Court is busiest and evictions more frequent when the economy is in a recession and unemployment and public assistance are at their highest levels. An input-output analysis of Housing Court will be used to further this discussion. Also, because there are individual differences between the boroughs, the discussion will look at Housing Court on a borough as well as citywide basis.

### **Comparison of Socio-Economic Inputs and Outputs of Housing Court Activity in New York City**

YEAR	Holdover Petitions	Warrants of Possession	Marshal Evictions	NYC-HRA Public Assistance Cases	Unemployment	rent +/-
1981			28,000	325,890	9.0	
1982			29,000	332,196	9.6	
1983			29,000	356,700	9.4	
1984			24,000	379,962	8.9	
1985			20,300	388,631	8.1	
1986			23,300	372,450	7.3	
1987			25,800	351,940	5.7	
1988	19,965	109,493	24,200	354,275	4.7	
1989	17,944	108,664	25,000	392,880	5.8	
1990	16,545	105,309	23,500	441,797	6.8	4.0
1991	14,814	89,340	20,400	480,961	8.5	-2
1992	14,227	101,488	22,100	527,529	10.8	1.5
1993	15,058	94,453	21,900	531,642	10.1	4.2
1994	17,975	102,020	23,900	534,475	8.7	
1995	20,641	96,795	25,000	462,400	8.5	

A careful analysis of the Chart shows that there are few clear cut relationships between inputs and outputs of Housing Court. The real estate market and Housing Court have a close correspondence. Inputs (residential holdovers) and outputs (evictions) definitely declined when the real estate market was slowest. Inputs and outputs began to grow as the real estate market changed and rents began to rise. However, the outputs (evictions) never reached the high numbers of the late 1980's. This situation may be due to the factor of an increase in government funding for preventive services and "Jiggetts Relief" payments.

## APPENDIX 2

### What Happens Once a Petition is Filed in Housing Court? Comparison of Borough Housing Court by the Stages of Activity.

A second and equally important way of looking at Housing Court activity is by comparing the actual progression of petitions filed in Housing Court to the number of evictions carried out by the City Marshal.

#### 1988

Borough	Petition	Default	Judgment	Possession	Order to Show Cause
Bx	27.3% ----- 91,278	23.4% ----- 17,386	42.3% ----- 77,493	24.5% ----- 28,197	35.8% ----- 32,665
Man	25.7% ----- 85,885	25.4% ----- 18,904	16.5% ----- 30,285	25.1% ----- 28,884	23.5% ----- 21,489
Bky	29.6% ----- 99,004	33.3% ----- 24,748	31.4% ----- 57,573	33.7% ----- 38,789	28.2% ----- 25,807
Qns	15.7% ----- 52,653	15.2% ----- 11,292	7.7% ----- 14,107	14.5% ----- 16,739	11.2% ----- 10,250
SI	1.5% ----- 5,057	2.4% ----- 1,850	2.1% ----- 3,513	2.1% ----- 2,479	1.1% ----- 1,025

**1989**

	Petition	Default	Judgment	Possession	Order to Show Cause
Bx	27.2	21.8	38.8	24	32.3
Man	26.5	26	16.6	24.6	25.1
Bky	27.7	30.1	32.9	33.8	29.1
Qns	17.	19.4	9.3	15.7	13.2
SI	1.5	2.5		1.7	1.

**1990**

	Petition	Default	Judgment	Possession	Order to Show Cause
Bx	26.5	21.8	37.3	21.9	30.7
Man	27.8	28.9	17.	25.6	20.5
Bky	27.2	27.7	32.8	29.4	35.3
Qns	16.8	20.	10.3	20.9	11.9
SI	1.5	2.7		2	1.5

**1991**

	Petition	Default	Judgment	Possession	Order to Show Cause	Marshal Eviction
Bx	26.5%	20.5%	34.8%	23.1%	30.4%	25.4%
Man	27.8%	28.9%	15.9%	27.8%	20.9%	24.4%
Bky	27.2%	27.7	29.7%	28.1%	32.8%	29.2%
Qns	16.8%	20%	18.07%	18.8%	15.4%	18.5%
SI	1.5%	2.7%			.3%	2.3%

**1992**

	Petitions	Defaults	Judgments	Possession	Order to Show Cause	Marshal Eviction
Bx	27.9%	24.8%	37%	25.3%	34.3%	28.3%
Man	28.4%	34.5%	16.5%	29.5%	21.7%	23.7
Bky	25.5%	23.6%	28.2%	25.8%	26.8%	24.7%
Qns	16.3%	16.1%	17%	17.4%	16.2%	20.8%
SI	1.5%	.8%		1.7%	.7%	2.2%

**1993**

	Petition	Default	Judgment	Possession	Order to Show Cause	Marshal Eviction
Bx	27.5% ----- 90,048	23.4% ----- 18,554	37% ----- 67,783	27.7% ----- 28,139	38% ----- 43,051	25.8% ----- 5,668
Man	28.4% ----- 93,192	35% ----- 20,276	17% ----- 31,158	21.4% ----- 21,732	22.5% ----- 21,533	24.3% ----- 5,347
Bkly	25.8% ----- 84,645	23.3% ----- 13,486	25.7% ----- 47,179	26.7% ----- 27,130	21.4% ----- 24,354	26% ----- 5,713
Qns	16.6% ----- 54,401	17.6% ----- 10,222	18.8% ----- 34,556	21.8% ----- 22,176	17.1% ----- 19,413	21.1% ----- 4,628
SI	1.3% ----- 4,928	.06% ----- 345	1.5% ----- 2,226	2.1% ----- 2,204	.8% ----- 896	2.6% ----- 581

There are several significant differences between the borough Housing Courts regarding the progression of petitions filed. While the Bronx has the highest number of judgments filed, it has the lowest proportion of judgments that proceed to warrants of evictions. In Manhattan, almost all judgments proceed to a warrant of possession. Where as in the Bronx, an average of 60% of the judgments do not proceed to a warrant of possession. The much high level of lawyer activity in Bronx

Housing Court does not result in a commensurate number of court ordered warrants of possession. There are several possible reasons for the difference in progression of activity in the Borough Housing Courts:

1) the practice of the legal culture of the bar differs by borough; or 2) tenants in the Bronx are more likely to leave their apartments after a judgment for eviction has been issued by the Court; 3) Income Maintenance staff in the Bronx are more likely to process a claim for “Jiggetts Relief” with an order to show cause.

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5. NYC Human Resources Administration District Resource Statement for years 1988, 1990, 1993,1995.
6. Information for column one was taken from the 1990 Census; In 1990, a family of four with an income of 150% of the poverty level translated into 19,011 dollars (1990 dollars); column 3 was taken from the Stegman Report, U.S. Bureau of the Census 1991; and column 4 was taken from the Stegman Report, U. S. Bureau of the Census, 1991.
7. New York City Department of City Planning, Socio-Economic Profiles of the 1990 and 1980 Census, published in March 1993.
8. Column one was taken from the Stegman Report, 1991. Column two was taken from the Dept. of Housing Preservation and Development (HPD) District Resource Statement for 1993-94. Column 3 was taken from a report

by the Office of the Mayor David Dinkins entitled, *Building a Strong Foundation: A Future Print for Housing New Yorkers*. The Report showed the increases in new HPD assisted rental housing units constructed during the four years of the Dinkins Administration 1989-1993. The information presented in the Chart is not exhaustive. It does not include programs such as Section 202 elderly/disabled housing; Section 8 new construction and rehab; and Section 236 low and moderate income housing.

9. Housing and Vacancy Study. 1991. Column two, very poor renters, is comprised of all renter households in the bottom two income deciles for all New York City renter households. Renter households in these two deciles would have annual incomes below 6,460 in 1990 dollars. Column three, gross rents under 300, is comprised of all rental units with gross rents below 300 dollars a month.

10. Column two was taken from the 1990 Census. It includes Puerto Rico; Column three was taken from 1990 Census. It was asked of all residents, over age 5, of people who do not speak English at home; column four was taken from the New York City Department of City Planning, "The Newest New Yorkers", published in 1993. Column 4 is a more accurate portrait of New York's immigrant resettlement since it is based on official figures from the United States Immigration and Naturalization Office while the Census figures are based on the responsiveness of people to fill out the forms.

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