

## **Housing and Community Development Network – Under One Roof Conference Oct, 18, 2019**

### **Workshop Panel: “Addressing Eviction: Strategies to Protect Families and Communities”**

**Workshop: 11:45 – 1:00 PM**

#### **Panelist:**

##### **Frank Mazza**

*Deputy Department Director, County of Hudson Department of Family Services.*

Frank Mazza is currently serving as the County of Hudson Department of Family Services' Deputy Department Director. He previously served as the Hudson County Department of Corrections Director of Community Reintegration, a clinical, health care, social service and housing focused program has been recognized by the Bureau of Justice and the Council of State Governments as being at the forefront of reentry nationwide. Mr. Mazza is a former Family Service Worker for the Department of Citizen Services in Essex County, a therapist in the Hudson County Correctional Center, where he also served as Director of Reentry. He has been published by the New Jersey Bar Association focusing on inmate health and connecting inmate populations to medical insurance. Between 2013 and 2015, Mr. Mazza consulted for the Jersey City Employment and Training Program.

##### **Khabirah Myers**

*Coordinator, Division of Rent Control Board, Office of Tenant Legal Services, Economic and Housing Development, City of Newark*

Ms. Myers is responsible for the City's efforts to protect the legal rights of low income Newark tenants facing unwarranted, potentially illegal, evictions by their landlords. Before taking on the role of Director of the OTLS, Ms. Myers was an associate attorney and the Director of the Public Advocacy Section (PAS) of landoli and Edens, LLC. The mission of the Public Advocacy Section (PAS) is to achieve social justice and equity for marginalized and/or vulnerable people through litigation and public policy and includes representation of low-income tenants through the Morris Tenancy Project of Legal Services of Northwest Jersey. Ms. Myers is also a member-investigator of the Supreme Court of New Jersey's District V-A Ethics Committee, a member-organizer for several progressive organizations, including the National Lawyers Guild – New Jersey, Essex Rising (which she co-founded), and Lawyers for Good Government, and former Co-Director of the Diversity Committee of the New Jersey Women Lawyers Association (NJWLA). She has served in the Peace Corps in South Africa and attended Rutgers University School of Law – Newark.

##### **Rebecca Symes**

*Executive Director, The Waterfront Project*

Rebecca is the Executive Director for The Waterfront Project, a free legal center in Hudson County, which provides housing and financial counselling and legal representation to resist the forces of gentrification that displace low income people from their communities. Formerly, Rebecca was General Counsel for Dixon Advisory, a residential real estate investment trust operating in the NYC Metropolitan area. Rebecca managed relationships with elected officials, government agencies, and community stakeholders, while handling the day-to-day legal affairs of the company. Prior to joining Dixon Advisory, Rebecca was the Counsel & Director of Constituent Affairs for U.S. Senator Kirsten Gillibrand (D-NY.) Rebecca began her career as an attorney with Housing Conservation Coordinators, a NYC nonprofit unique for pairing attorneys and community organizers with residents. Together they worked to save affordable housing, improve living conditions, and fight for legislative reforms to promote a vibrant and diverse community with the power to shape its own future. Rebecca received her Bachelor of Arts from Ithaca College and her Juris Doctor from the Catholic University of America, where she was the Dulin Haynes Memorial Fellow. She serves on the Board of Trustees for the Liberty Science Center, the Jersey City Free Public Library, and New Leaders Council – NJ.



## **Purpose**

To expand current services for emergency assistance in providing housing assistance for those deemed eligible for TANF/ GA/ SSI/ SSH and Reunification funding. To ensure that those in need receive the appropriate support and services by improving access to federally funded programs offered to those who are currently in tenant/ landlord court facing eviction.

## **Assistance offered**

Emergency Assistance (EA) is provided to WFNJ/TANF/ GA and Supplemental Security Income (SSI) recipients on a needed basis. Assistance includes emergency allowance for food, clothing, furniture, utility, storage, shelter placement, security deposit and or back rent. Temporary rental assistance may be authorized in order to resolve imminent or actual homelessness.

Social Services for the Homeless (SSH) is provided to those with other sources of income such as employment, child support, SSD etc. The funding is used to help families and individuals avert homelessness by providing short term non-recurring back rent, security deposit and utility assistance for those who have a demonstrated need. Families and individuals seeking SSH funding must apply and be found ineligible for other public assistance programs such as TANF/GA/SSI.

Reunification funding is provided to (families and individuals) household members who are/ were justice involved within the last 12 months. Reunification offers back rent, utility assistance, security deposit and or short -term rental assistance.

## **Motivation for collaboration**

At times, the client due to not knowing their rights make deals with mediators without going in front of the judge and those uninformed decisions, the majority of the time, are in favor of the landlord. We think if we had an opportunity to be present we can decrease this likelihood and ensure that all those that may qualify for assistance receive the information. Our goal is to educate the tenant/ potential client of their rights and to offer assistance to those eligible. We would offer services/ information directly to the people experiencing possible homelessness who might not be comfortable and or feel reluctant in seeking out the assistance themselves. We want to leave no gaps in the population eligible for assistance.

We believe it will also be a great way to connect with landlords and build a stronger relationship on how our services are designed to help clients make the transition to self- sufficiency through stability in housing. There are times when a landlord is resistant over the phone to accepting payment once the tenant has already agreed to vacate in court. If we are there, we can more positively impact how comfortable the landlords may be to receiving payment from the agency.

Lastly, we believe this will be a great collaboration effort with the legal system in particular tenant/ landlord court. We believe we can be essential to the Judge in offering general information on eligibility for SSH and EA.

## Statistical Outcomes

Please see attached court outreach snap shot

## Court Feedback

Excerpt, received via email on 10/10/2019 2:06pm

- Assistant Civil Division Manager for Special Civil Part, Ms. Susan Statile

"I am happy to report that all of the feedback I've received, about your program and representative (Michelle) has been positive. Although we have seen an uptick in resolutions, again because we don't run reports against the data, it is impossible to accurately state whether or not it is the direct result of the resources you are providing. As to your question regarding the number of evictions we send out, yes the number remains in the neighborhood of approximately 450 weekly.

Your staff has been terrific with supplying us with a sufficient number of flyers and in a timely manner. The Landlord team attach them to the complaint and summons, consequently the litigants are getting the information first-hand and without delay. I personally have witnessed people coming in with the flyers and asking to speak with Michelle. In addition to attaching the flyers to the pleading, the staff person manning the LT calendar call makes an announcement every Wednesday advising the litigants that there is a representative on the premises. She also alerts the customer service staff on those days, in the event they encounter litigants, seeking assistance. Lastly, as you may know, the Ombudsman's office also has your flyers displayed. In fact, I spoke with one of the staff persons who relayed a specific incident where Michelle stepped in, going above and beyond to successfully assist a gentleman, who was in dire need of assistance.

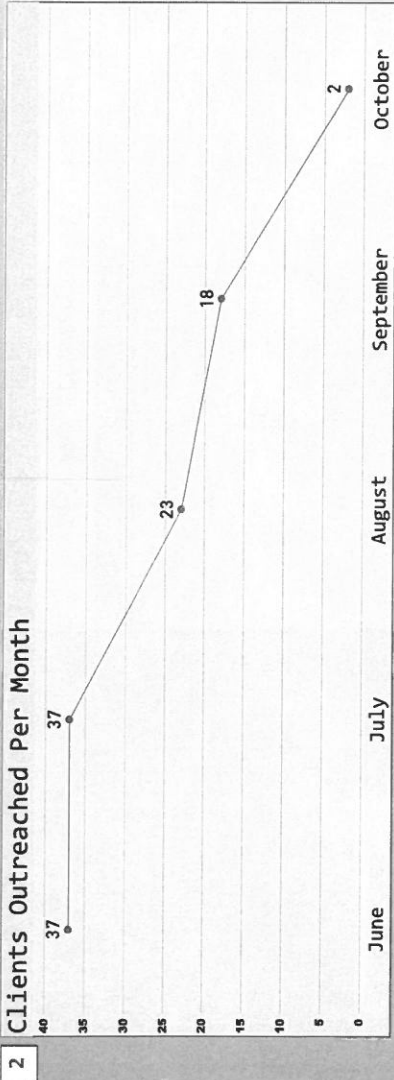
Overall, it appears your program is making a difference in the lives of those most in need of it.

We here in SCP value your partnership and look forward working with you in the future. "



# Court Outreach - Snapshot 1

10/2/2019  
Latest Date



**1**  
Total Clients  
Outreached to Date  
**117**

Shows the number of clients outreached per month. Clients are deduplicated by month, meaning if client was seen twice in the same month, the client would only count once. If client was seen in two different months, the client would be counted once for each month.

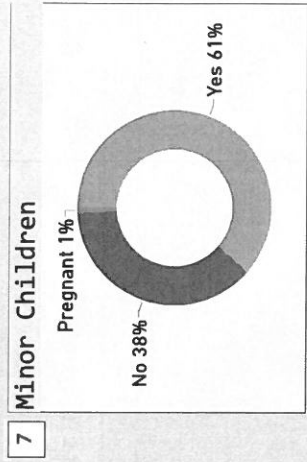
**3**  
# Outreach  
Clients Returning  
**36**

**4**  
% Outreach  
Clients Returning  
**31%**

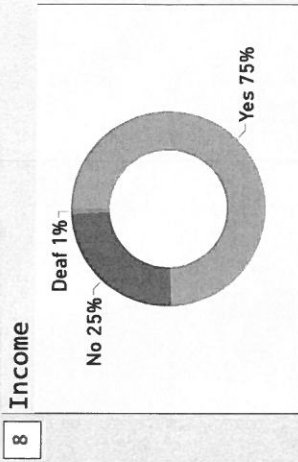
**5**  
# Outreach  
Clients Paid  
**11**

**6**  
% Returning  
Clients Paid  
**31%**

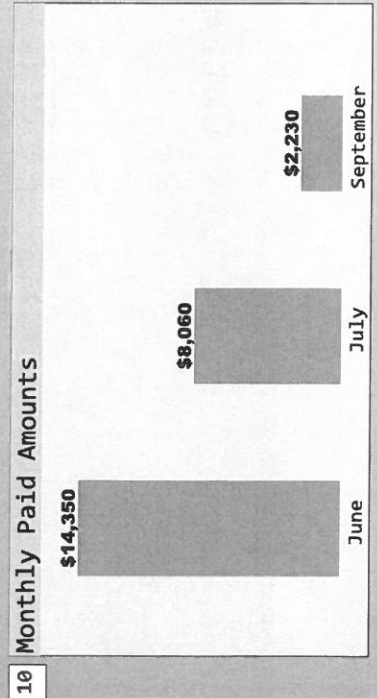
Visual #5 shows number of people who came to Family Services after Outreach.  
Visual #6 shows % of people who came to Family Services after Outreach.  
Visual #7 shows number of clients who have received payments.  
Visual #8 shows the % of clients who received payments out of all Returning Clients.



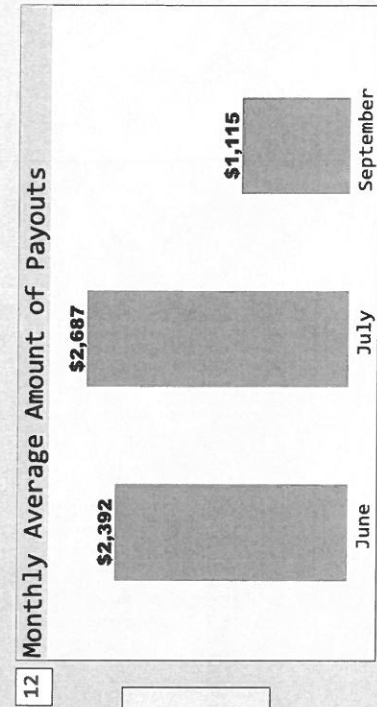
Shows the % of Outreach Clients reporting having Children.



Shows the % of Outreach Clients reporting Income.



**9**  
Total Amount  
Paid to Date  
**\$24,640**

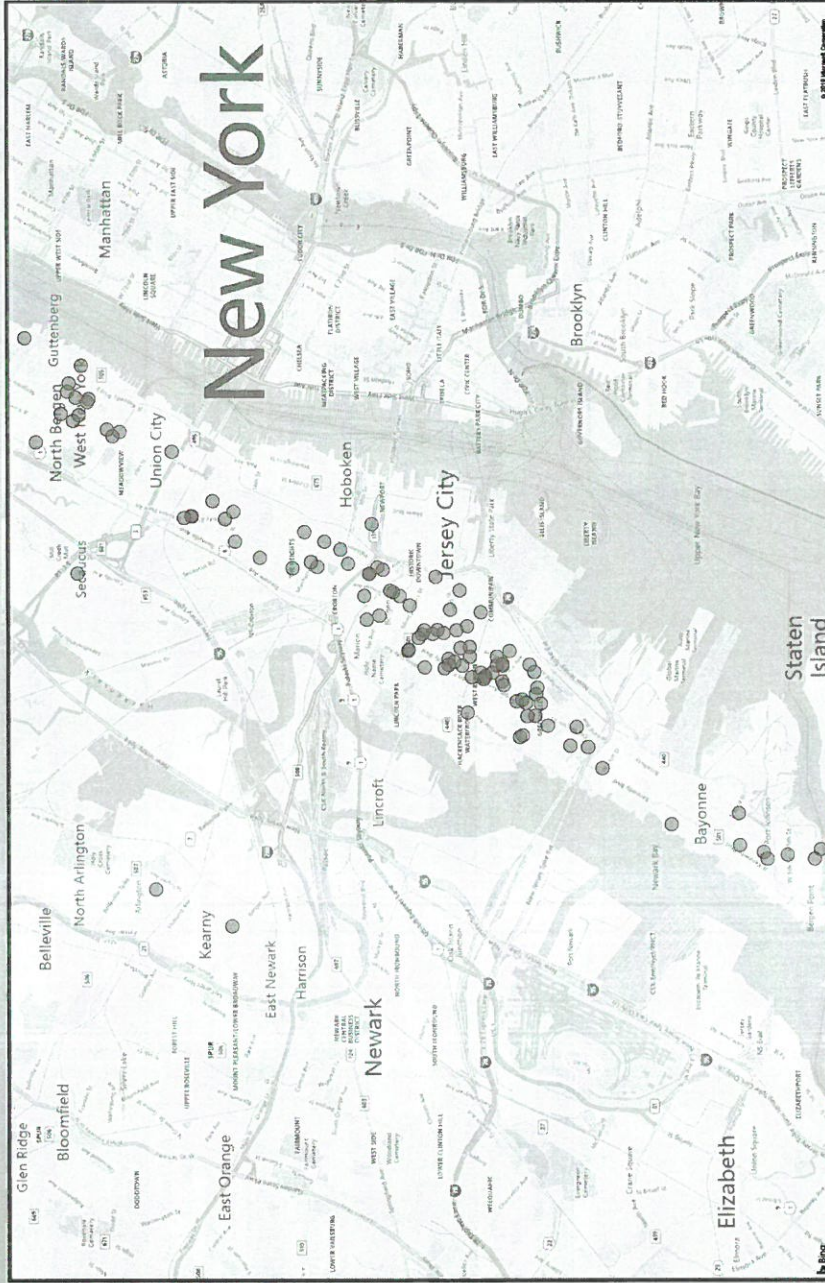


**11**  
Average Amount  
Paid Per Client  
**\$2,240**



## Court Outreach - Snapshot 2

Map - Concentration of Clients



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### Client Location

City	Count	%
Jersey City	77	66.96%
Bayonne	11	9.57%
West New York	10	8.70%
North Bergen	8	6.96%
Union City	6	5.22%
Kearny	2	1.74%
Secaucus	1	0.87%

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Shows the cities reported as client residences.

This Map illustrates the Location of all clients outreached at the Courthouse.



## Hudson County Department of Family Services

### Are you being evicted? We may be able to help.

Did you know our agency has **Emergency Assistance, Social Services for the Homeless and Reunification** funding that can help you in an emergency?

Emergency Assistance (EA) is provided to WFNJ/TANF/ GA and Supplemental Security Income (SSI) recipients on a needed basis. Assistance includes emergency allowance for food, clothing, furniture, utility, storage, shelter placement, security deposit and or **back rent**. Temporary rental assistance may be authorized in order to resolve imminent or actual homelessness.

Social Services for the Homeless (SSH) is provided to those with other sources of income such as employment, child support, SSD etc. The funding is used to help families and individuals avert homelessness by providing short term non-recurring **back rent**, security deposit and utility assistance for those who have a demonstrated need. Families and individuals seeking SSH funding must apply and be found ineligible for other public assistance programs such as TANF/GA/SSI.

Reunification funding is provided to (families and individuals) household members who are/were Justice involved within the last 12 months. Reunification offers **back rent**, utility assistance, security deposit and or short term rental assistance.

#### Documents Needed

- Birth Cert or passports for all household members (SSH only)
- SS cards for all household members (SSH only)
- Paystubs/ Income worth 1 month (SSH only)
- PSEG original shut off notice
- PSEG 12 month printout
- Eviction notice, court resolution, lockout notice, Apt Lease
- Letter from children's school verifying address/report card showing address (SSH only)
- If Section 8 –Section 8 household composition and client portion letter
- Picture/ State ID for all adult household members (SSH only)
- Proof of TANF/ GA/ SSI recipient
- Social worker may request other documents based on eligibility on a case by case





## Hudson County Department of Family Services ¿Enfrentas desalojamiento? Quizá podamos ayudar.

¿Sabías que nuestra agencia puede ayudarte con asistencia de emergencia, servicios sociales para desamparados y programa de reunificación para prevenir su emergencia?

La asistencia de emergencia (EA) se proporciona a los beneficiarios de WFNJ/TANF/GA y de ingreso de seguridad suplementario (SSI) sobre una base necesaria. La asistencia incluye la provisión de alimentos, ropa, muebles, servicios públicos, almacenamiento, colocación en refugios, depósito de seguridad y atrasos de renta. La asistencia de alquiler temporal puede autorizarse con el fin de resolver la pérdida de vivienda inminente o actual.

Los servicios sociales para los desamparados (SSH) se proporcionan a aquellos con otras fuentes de ingresos tales como empleo, manutención de niños, SSD, etc. La financiación se utiliza para ayudar a las familias y las personas a evitar la falta de vivienda como atrasos de renta no recurrente, depósito de seguridad y asistencia de servicios públicos para aquellos que tienen una necesidad demostrada. Las familias y los individuos que buscan financiamiento SSH deben aplicar y ser encontrados inelegibles para otros programas de asistencia pública como TANF/GA/SSI.

Programa de reunificación se proporciona a miembros del hogar (familias e individuos) que estan/han estado involucrados con la justicia en los últimos 12 meses. La reunificación ofrece asistencia para atrasos de renta, asistencia de servicios públicos, depósito de seguridad y asistencia de alquiler a corto plazo.

### Documentos necesarios:

Actas de nacimiento o pasaportes para todos los miembros del hogar (solo SSH)

Tarjetas SS para todos los miembros del hogar (solo SSH)

Talonarios/ingresos por valor de 1 mes (solo SSH)

Aviso de apagado original de PSEG, Historial de cuenta PSEG de 12 meses

Aviso de desalojo, resolución de la corte, aviso de bloqueo, contrato de arrendamiento

Carta de la escuela de los niños que verifica la dirección

Si sección 8 – sección 8 composición del hogar y carta de porción del cliente

Identificación estatal o identificación con imagen para todos los familiares adultos (SSH solamente)

Comprobante del beneficiario de TANF/GA/SSI

El trabajador social puede solicitar otros documentos basados en la elegibilidad, caso por caso



# Newark

Department of Economic & Housing Development  
Division of Rent Control Board  
Office of Tenant Legal Services

920 Broad Street, Room 111  
Newark, New Jersey 07102  
Tel: 973-877-9424, Fax: 973-623-8040  
[OTLS@ci.newark.nj.us](mailto:OTLS@ci.newark.nj.us)  
[www.newarknj.gov/departments/rentcontrol](http://www.newarknj.gov/departments/rentcontrol)

Ras J. Baraka  
Mayor

Allison Ladd  
Acting Deputy Mayor/Director

Jacquea Lee  
Rent Regulation Officer

Khabirah H. Myers, Esq.  
Coordinator

## OFFICE OF TENANT LEGAL SERVICES (OTLS) FREQUENTLY ASKED QUESTIONS

### 1. What is the Office of Tenant Legal Services (OTLS)?

The City of Newark's Department of Economic & Housing Development -- Office of Tenant Legal Services (OTLS) is a resource created for Newark's low-income tenants in response to multiple factors, including the Mayor's efforts to curb the upswing in unwarranted evictions in Newark in light of the increased development of market-rate housing throughout Newark.

### 2. What types of services does the OTLS provide?

OTLS attorneys provide legal services of two types: (1) *Brief services* when an eligible applicant is given legal advice, but no legal representation because she/he is either capable of resolving her/his legal dispute with only the advice of counsel or has no viable legal defense; and (2) *full representation* that minimally includes preparation for and appearances at court and/or administrative hearings/meetings, and trial-level court applications, but excludes any applications to the Appellate Division.

### 3. Can all tenants acquire legal assistance through the OTLS?

No. The OTLS will only service a household of a rental dwelling located in the City of Newark, whose gross (before taxes) household income is 200 percent or less of the current federal poverty level and who is either facing eviction or some action by a governmental assistance-providing agency that adversely affects a tenant's rights, duties, welfare or status and could result in eviction.

### 4. What does "income eligible" mean at the OTLS?

Pursuant to City Ordinance, an income-eligible applicant to the OTLS is an applicant whose gross (before taxes) household income is 200 percent or less of the current federal poverty level (FPL). The chart below provides further details.

Federal Poverty Guidelines for Year 2019<sup>1</sup>

Household Size	200% of Annual FPL	200% of Monthly FPL
1	\$24,980	\$2,082
2	\$33,820	\$2,818
3	\$42,660	\$3,555
4	\$51,500	\$4,292

<sup>1</sup> See <https://aspe.hhs.gov/poverty-guidelines>, containing more detail.

5	\$60,340	\$5,028
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**5. How do I secure an attorney through the OTLS?**

Clients are secured through an intake process between the hours of 8:30AM to 4:30PM at the OTLS located at Newark City Hall, 920 Broad Street, Newark, NJ, Room 111. Anyone wishing to receive legal assistance through the OTLS must apply for services by: Appearing at the OTLS with documented proof of household income, lease agreement (if possessed), termination and/or eviction-related notice(s), recent rent receipts (if possessed), and completing an OTLS Intake Form to be screened for eligibility. After the OTLS deems the applicant eligible, then she or he will participate in an in-person interview and legal assistance will begin.

**6. Will the OTLS service all income-eligible tenants?**

**No.** The OTLS does not accept any case that poses a conflict of interest to the City and, for this reason and until further notice, the OTLS is not currently accepting any case concerning HOPWA (Housing Opportunities for Persons With AIDS) assistance.

**7. Does an applicant’s immigration status affect her ability to secure an attorney through the OTLS?**

**No;** the OTLS services every income-eligible, Newark tenant whose case poses no conflict of interest to the City.

**8. Who provides the services?**

The OTLS contracts with legal service organizations, firms, and/or individual attorneys– including volunteer/pro bono attorneys -- to provide services to OTLS’s eligible applicants.

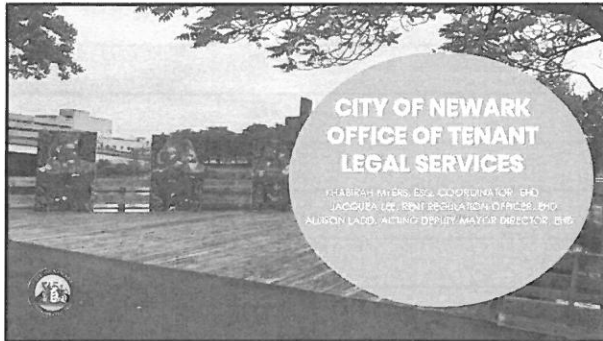
**9. Why is it important for low-income tenants to have access to free legal services?**

Multiple studies show that represented tenants are more likely to retain possession of their homes than similar, unrepresented tenants, thereby reducing shelter costs, hospital costs, mental health costs, juvenile delinquency, and the number of filed eviction actions. And, according to recent Census data, 78.2 percent of Newark’s residents are renters.

Furthermore, the courts will conserve resources due to the reduction in filed eviction complaints: Many if not most unrepresented, low-income tenants are repeat defendants; an attorney can reduce the barriers that would bring a low-income tenant back to court.

**10. What are the OTLS’s expected outcomes?**

Recent evidence shows that approximately 38,000 eviction actions are filed annually in the County of Essex; approximately 20,000 of those actions are filed against Newark tenants. Hence, the OTLS’s current goals are to reduce evictions in the City of Newark and the size of the docket of the Essex County Superior Court’s Landlord/Tenant Section.




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**Current Statistics**

- According to recent Census data, at least 75% of the City of Newark's residents are renters.
- According to officials from the Essex County Trial Court Administrators Office (TCA), there are approximately 38,000 eviction actions filed annually in Essex County, and Newark's share is the highest at 20,000.
  - Approximately 60-70% of evictions of indigent tenants in Newark are brought by the Newark Housing Authority (NHA) against public housing tenants.
- Newark is only the third municipality in the nation to create a program like the OTLS.
- According to recent studies, children raised in the City of Newark by families earning about \$27,000 grow up to earn less than the national median (\$34,000).

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**Main Challenge**  
Increasing Housing Stability & Affordability

- City of Newark Mayor Ras J. Baraka is committed to increasing housing affordability and stability for Newark's residents of low-income.
- In an effort to uphold the Mayor's aforementioned commitment, on December 19, 2018, the Municipal Council of the City of Newark adopted Newark, New Jersey, Municipal Code Title 19, Chapter 3 (2018), which established the Office for Tenant and Legal Services (OTLS). The OTLS officially launched in June 2019 as part of the City's Department of Economic and Housing Development (EHD).





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### Main Challenge

#### Increasing Housing Stability & Affordability

- The mission of the EHD is to empower Newark residents and create economic opportunity as well as to enhance the vibrancy of the City of Newark. To this end, the mission of the OTLS is to ensure that all of Newark's tenants of low income benefit from the revitalization and reinvestment resulting from Newark's boom in economic growth.
- The OTLS places special emphasis on Newark's most vulnerable tenants, including senior citizens, persons with disabilities, and persons with undocumented immigration status.
- Over the next three years, the OTLS will strive to reduce by at least forty percent (40%) the number of residential evictions in the City of Newark.

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### Collaborations

#### Increasing Housing Stability & Affordability

- In December 2018, Mayor Baraka initiated *Newark Forward, A Blueprint for Equitable Growth and Opportunity in Newark*, which includes the following strategies:

• Inclusionary Zoning Ordinance	• Right to Counsel legislation to prevent evictions (i.e. the OTLS)
• The Homestead Ordinance	• Foreclosure Prevention Programs
• The Amended Long Term Tax Abatement Ordinance	• Workshops and guidance to help renters become owners
• Neighborhood Development Program	• Selling homes at low cost to residents
• Strengthened Rent Controls	• Preparing small Newark minority and women contractors to become developers
• Creation of the Office of Affordable Housing	• Creation of an Equitable Growth Advisory Commission
• Stronger code enforcement in deteriorating affordable housing	

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### Collaborations

#### Increasing Housing Stability & Affordability

To implement the OTLS, the City collaborated with multiple entities including the Rutgers CLIME, Newark Community Development Network (NCDN), the Ironbound Community Corporation (ICC), MacCarter & English, LLP, and Seton Hall University School of Law.




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### Collaborations

#### Increasing Housing Stability & Affordability

- Furthermore, Newark was one of ten U.S. Cities chosen to participate in a national initiative on economic mobility funded by **Bloomberg Philanthropies, the Bill & Melinda Gates Foundation and Ballmer Group**. In June 2019 Newark began working with a team of advisors from **Results for America** and the **Behavioral Insights Team**, both partners in **What Works Cities** who helps cities confront urgent challenges through data and evidence-based decision-making.
- Current research from behavioral science is utilized to improve service design and delivery, and conducts rigorous impact evaluations that help us find out what works. Since the start the engagement the **"BIT"** has been helping the OTLS develop evidence-based outreach, communications, and service offerings.

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### Evidence Base

#### Increasing Housing Stability & Affordability

- There is evidence that reduced evictions and housing displacement will consequently reduce juvenile delinquency, negative credit reports, and health care costs.




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### Early Lessons Learned

#### Increasing Housing Stability & Affordability

- Non-payment is almost always the stated cause of an eviction filing, representing over 52% percent of the cases the OTLS has handled in since its inception in June 2019. However, **there are many factors that lead to the filing of eviction actions based upon non-payment**, including illegal rent increases, rent-withholding pursuant to Morini, and fees that are uncollectable as rent.
- CLIME's research has shown rising rent burdens in the City, as wages have stagnated relative to asking rents. In 2015, 60 percent of Newark residents paid more than a third of their income on rent. Almost a third paid more than half of their income on rent.
- A large percentage of OTLS applicants are of **households led by a single mother**.




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### Early Lessons Learned

#### Increasing Housing Stability & Affordability

- Close reading of cases is key; of the nonpayment cases the OTLS has handled, nearly **90 percent of those cases** have had at least one viable legal defense meriting a court-ordered stay of eviction.
- Providing access to legal representation has had substantial effects on the staffing needs, training programs, and resources of legal service providers. The City is presently working to ensure it is equipped to meet the program's demands and to provide quality legal representation for tenants in light of current financial limitations.



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### Key Accomplishments

- In its four months of existence, the OTLS has accepted over 140 tenancy cases, and has helped over 350 Newark tenants avoid homelessness.
- The OTLS applied for pro bono status which will enable volunteer attorneys to receive Madden credits for handling cases assigned to them by the OTLS.
- The OTLS has provided legal representation and/or assistance to multiple tenants facing eviction in landlord-tenant court; of those cases, **more than half** were dismissed or settled, many with litigation.
- Most applicants were eligible for legal services from the OTLS (89%).
- The OTLS turns no applicant away; every applicant receives some sort of assistance – either legal and/or informational.



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### Upcoming Goals

- OTLS Coordinator meets and collaborates with other right-to-counsel advocates and develops a lobbying plan to take to our New Jersey legislators.
- Coordinator and OTLS attorneys engage in ongoing tenants' rights seminars throughout the City of Newark.
- Create and distribute materials that unrepresented tenants can use to familiarize themselves with the legal process and respond to their landlords' claims.
- Mitigate harm caused by eviction filings by **collaborating with Newark Housing Authority (NHA)** which currently files the highest number of eviction complaints against Newark tenants.
- **Assist NHA tenants with recertification** – an underlying cause of eviction filings - by improving case management and communications between tenant and property owner.



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