

March 10, 2025
New York City Council
Hearing Before the Committee on Public Housing
Re: Preliminary Budget
Written Testimony of the New York Legal Assistance Group

Greetings Chair Banks and members of the New York City Council Committee on Public Housing. Thank you for the opportunity to submit testimony on the urgent need for increased capital funding for NYCHA. The New York Legal Assistance Group (“NYLAG”) uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustices. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients whose legal and financial crises are often rooted in racial inequality.

NYLAG works closely with community organizations, agencies, and elected officials, and operates numerous legal clinics in locations such as community centers, courthouses, and hospitals. With the full implementation of Right to Counsel at the NYCHA Office of Impartial Hearings (“OIH”), NYLAG created the Public Housing Justice Project (“PHJP”) within its Tenants’ Rights Unit (“TRU”). NYLAG’s PHJP is the first team of attorneys in New York City solely dedicated to representing NYCHA tenants. PHJP represents tenants in both Section 9 and Permanent Affordability Commitment Together, known as PACT, developments. We urge the City Council to take decisive action to prioritize public housing investment in this year’s budget.

NYCHA is the largest landlord in New York City. It is responsible for approximately 7% of New York City’s rental stock and is home to 1 in 17 New Yorkers. NYCHA apartments are family homes: tenancies are intergenerational and long term, averaging approximately 26 years. As NYCHA correctly notes in its 2025 Fact Sheets, these deep-seated communities are the equivalent of a city unto themselves, with more residents than Miami or Atlanta.¹

However, while analogies to prominent big cities around the country are helpful for illustrating the sheer size of NYCHA, it is *not* actually a city itself, separate from the rest of New York. Public housing residents are integral members of our communities: they are our neighbors, colleagues, friends, and classmates. The success of New York City is bound up in the success of NYCHA. For this reason, we are calling on City Council to ensure that NYCHA is fully funded, with safeguards put in place to ensure greater accountability to tenants in order to increase efficiency.

Year after year, NYCHA continues to face the same issues caused by rising expenses and deteriorating conditions. However, while the age and physical status of NYCHA’s housing stock are a reality we must contend with, the mismanagement that exacerbates them is not. More often than not, our clients in Section 9 and PACT developments are subjected to unacceptable living conditions. As their advocates, we see

firsthand how NYCHA's persistent mismanagement and resistance, on the individual level, to performing basic, needed repairs, exacerbates poor housing conditions and health inequalities.

The current state of NYCHA's housing stock requires full funding in order to ensure that the homes of hundreds of thousands of New Yorkers are safe and free from hazardous conditions. Equally as urgently, NYCHA residents deserve development management staff that are responsive to their needs, well-versed in their rights, and accountable to the residents they serve. Currently, a lack of effective oversight and training has created a pervasive problem of misinformation among development staff, who are the effective gatekeepers of repairs and due process for our clients.

We submit the following testimony because NYCHA is home to hundreds of thousands of New Yorkers and the health and preservation of these homes and communities matters. With the Trump administration's policies and priorities, and its slashing federal spending, it is unlikely that the federal government is going to fund public housing meaningfully. It is incumbent on New York City to ensure that NYCHA's capital repairs and operational budgets are fully funded. We also strongly urge the City Council to ensure specifically that NYCHA Section 9 developments are funded and not rely on privatization through PACT to save the future of public housing in New York City. Time and time again, this "public-private partnership" has proven that in its current iteration it cannot meet the requirements of resident services and repairs. We call upon the City Council to increase oversight of all NYCHA programs in order to increase accountability, efficiency and effectiveness.

NYCHA's Precarity Requires a Budget that Fully Funds Operations and Capital Repairs and Ensures that Funds Are Spent Effectively

A stable future for public housing in New York City requires a robust and consistent capital commitment from the City to complement state-level investments and ensure the modernization of thousands of NYCHA buildings that will not be included in the PACT program. It also requires that City Government take meaningful steps to ensure that money is used efficiently and effectively.

In our practice, we work with NYCHA and PACT residents across the city in a wide range of matters: from terminations of tenancy or remaining family member grievances at the NYCHA Office of Impartial Hearings, to nonpay and holdover eviction cases in Housing Court, to HP Actions seeking repairs or the remediation of hazardous conditions in our clients' homes. Invariably, our clients are subjected to unacceptable living conditions or misinformation from building management. Before clients connect with our team, they have often contended with numerous bureaucratic obstacles, leaving them without any effective tools to hold their management or NYCHA accountable.

NYCHA's developments are plagued by both large, systemic repair needs that would be addressed under the capital repairs budget as well as smaller, individual repair needs that are addressed through the operations budget. These budgetary needs are in competition with each other, but the practicalities of these repairs means that they must be addressed in concert. By way of example: A development may require the replacement of a line of a stack-pipe system. This is a significant undertaking that would be addressed through the capital repairs needs budget. However, an individual living in that

development may be dealing with the fallout from years of having a corroded stackpipe behind their wall and may have related carpentry issues, such as falling cabinets as a result. This smaller repair would be addressed through the operations budget. Similarly, we have had clients with asthmatic children who contend with chronic elevator outages, which force them to climb seventeen flights of stairs, a repair that would be covered by the capital repairs budget. However, once they get to their apartments, they are then met with habitability conditions that exacerbate asthma, such as mold, poor ventilation, broken windows, or pest infestations.

Hazardous living conditions at NYCHA are compounded by mismanagement and misinformation. Before retaining an attorney from NYLAG to assist them, our clients often feel that they are left with no recourse due to misinformation from NYCHA staff. For instance, one client was told that she had no right to mold remediation because she was currently seeking Remaining Family Member status. Another client was told she would have to wait for repairs until her Termination of Tenancy case was resolved. In another case, a client was told his Remaining Family Member grievance was going to be denied because of the immigration status of a family member. In each of these scenarios, the information provided to residents by NYCHA staff was incorrect under the law and NYCHA's own policies.

NYCHA's mismanagement extends beyond headline-grabbing news stories about corruption. Inefficient management leads to duplicative efforts and an unnecessary strain on resources for both NYCHA and its residents. For instance, we have a client who recently connected with our office through Right to Counsel intake at NYCHA's administrative venue, the Office of Impartial Hearings ("OIH"), for a case based on charges of Chronic Rent Delinquency. After completing the intake with our client, we learned that she also had an active case in Housing Court based on nonpayment of rent that had recently been settled. In another case, we connected with a client in a Housing Court holdover after his tenancy had been terminated after defaulting at a chronic rent delinquency hearing at OIH. There, our client had defaulted at the OIH termination hearing because he had already been evicted from his NYCHA apartment through a nonpay case in Housing Court. He was restored to his apartment through post-eviction advocacy and the payment of outstanding rental arrears, only to be served with another Housing Court petition because NYCHA was simultaneously pursuing cases in two venues. In still another example, clients facing administrative Terminations of Tenancy proceedings or seeking Remaining Family Member succession at OIH such as the ones mentioned above, are told that the NYCHA attorneys at OIH cannot negotiate repairs, and instead the residents and their counsel must file an HP Action in Housing Court in order to speak to a different NYCHA attorney who can arrange repairs. In these cases, NYCHA does not even dispute that the conditions exist, but regardless insists that the parties maintain two proceedings, in two separate venues with at least three attorneys litigating an issue that should not even require litigation. This costly dysfunction and mismanagement diverts critical resources from essential repairs, which are often required by the Housing Maintenance Code. Empowering the NYCHA OIH hearing officers and attorneys to address repairs would increase efficiency and decrease the litigation burden on residents and NYCHA alike.

The stability of the families and homes of the hundreds of thousands of people who live in NYCHA demands a fully funded capital and operational budget. We implore the

City Council to provide the necessary oversight to ensure that the funds allocated to NYCHA are used in an efficient and effective manner, and residents are empowered to hold NYCHA accountable to fulfill its obligations to them.

Resident Choice: PACT Cannot Be the Solution

The implementation of resident voting on the funding structures for their NYCHA developments has been a profound step forward in tenant empowerment and democracy. However, City Council must not ignore the very clear message being sent by the results of these votes. Out of the four developments given the opportunity to vote for either converting to PACT, converting to NYCHA Preservation Trust, or remaining in Section 9, not one selected PACT. One development chose to remain in Section 9 and three developments opted for the Preservation Trust. The City must fully fund NYCHA in order to ensure that a vote against PACT does not mean no repairs and no improvements in management.

Thousands of residents live in PACT developments, but none of them chose to do so. As Comptroller Lander's recent audit made clear, the current administration of PACT is inefficient and fails to provide residents with the promised safeguards.² At the same time, the current federal administration has announced intentions to severely cut HUD funding. These combined circumstances mean that PACT cannot be relied on for the future of public housing.

The Comptroller's audit reflected an increase in evictions in PACT developments; the failure of PACT project managers to perform adequate outreach to at-risk residents as required; and the failure of PACT property managers to report all eviction and pre-eviction activity as required. Simply put, NYCHA and the managers of PACT developments have failed at every turn to make good on their obligations to PACT residents. These compounding failures mean increased evictions and decreased due process for residents who did not even have the opportunity to vote on the funding structure of their homes or whether they wanted to live in PACT developments. The City Council should make clear that PACT funding comes with the requirement of meaningful, effective, and accessible resident safeguards, and a promise from NYCHA that it will exercise effective oversight over PACT partners.

Public Housing and Public Health

NYCHA residents are disproportionately impacted by environmental racism due to conditions caused by both the internal and external environments of their homes. Many developments are located near high-diesel corridors, contributing to poor air quality. Other developments, such as Red Hook Houses, are built on marshland and are more susceptible to climate-related flooding.³ Meanwhile, developments such as Cooper and Gowanus Houses are located in close proximity to superfund sites.⁴ Indoors, NYCHA apartments are plagued by lead paint, mold, failing heat systems, cockroaches, rodents, leaks, and crumbling appliances. These conditions are often left unaddressed for long periods of time, even after tenants place tickets and work orders are opened. In 2023, NYCHA issued a report finding that between 2019 and 2023, the average number of days to address work orders increased from 38 to 295 days.⁵

The combination of external and internal environmental conditions has a profound impact on NYCHA residents' health. NYCHA developments have higher rates of particulate matter 2.5 (PM 2.5) than Section 8 developments and beyond what is acceptable according to the Environmental Protection Agency.⁶ PM 2.5 is caused by proximity to diesel exhaust, highways, poor air circulation and filtration, pest infestation, and mold spores.⁷ Long-term exposure increases the risk of heart disease, asthma, low birth weight, and dementia.⁸⁹ Indeed, children in NYCHA experience disproportionately high rates of asthma. Between 2010 and 2014, preventable asthma hospitalizations among NYCHA residents were 300% higher than the citywide average.¹⁰

The adverse environmental conditions at NYCHA are creating an ongoing health crisis. The City Council must take affirmative steps to prevent these crises from worsening by creating plans for large capital repairs and comprehensive modernizations that go beyond cosmetic changes and that will improve the indoor air quality and the lives of NYCHA residents.

Funding Requests

The City Council must fully fund NYCHA in order to protect the future of all public housing developments in New York City. We strongly urge the Council to:

1. Increase annual NYCHA capital funding to \$1.5 billion – a necessary increase from the \$779 million in the previous year's budget.
2. Ensure an equitable distribution of funds for both capital repairs and operations budgets: Developments should receive fair funding regardless of whether they opt into the PACT Program, Preservation Trust, or remain in Section 9. Last year, only 2% of allocated funds went to Section 9 developments, well below the amount estimated by NYCHA's Physical Needs Assessment.
3. Create a dedicated sustainability and environmental justice capital fund. The City Council must allocate dedicated funds to create healthier, safer, and climate resilient developments for the 21st Century.

During an uncertain time, City Council must act to fully fund NYCHA and ensure the future of the hundreds of thousands of New Yorkers who call its developments home. Thank you for your time and consideration.

Respectfully submitted,

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