



Achieving Equality for New York City Public Housing Residents

Overview

The New York City Housing Authority provides essential affordable housing for 600,000 New Yorkers. However, decades of disinvestment have led to uninhabitable living conditions. These conditions have drawn sharp attention in recent years, including federal court orders requiring NYCHA, under the supervision of a federal monitor, to fundamentally reform its operations and remedy hazardous living conditions. Aging infrastructure, mismanagement, and systemic underfunding have made NYCHA chronically delinquent in responding to residents' requests for repairs. Tenants must navigate a confusing process to obtain repairs and address serious health hazards like mold. These conditions in NYCHA, where 90 percent of residents are people of color, reflect the legacies of pervasive racial and economic discrimination that have plagued America for centuries.

In Spring 2020, the Red Hook Community Justice Center's Housing Resource Center partnered with Columbia Law School's Community Advocacy Lab to review four years of court filings (2016-2020) arising from tenant-initiated actions (also known as Housing Part, or HP, actions) in the Justice Center's Housing Court, along with corresponding apartment inspection

reports by the Code Enforcement Division of the city's Department of Housing Preservation and Development. The report found that:

- Public housing tenants are subjected to living conditions and legal procedures that private tenants are not.**
 - Unlike private tenants who can call 311 to request an inspection, NYCHA tenants can request inspections and re-inspections only through housing court and must return to housing court for a new inspection date even when the original date was missed due to HPD's own error.
 - Courts are often hesitant to sanction NYCHA for failure to respond to court-ordered inspections and complete repairs because they are a government agency.
 - The authors recommend that HPD conduct inspections, issue fines, and complete repairs if NYCHA fails to do so in a timely or acceptable manner.
- The repairs process for NYCHA residents is fundamentally flawed, resulting in unnecessary delays and stark disparities in repair timelines and housing conditions.**

- HPD does not serve NYCHA directly with a notice of violations, as they do all other landlords, but rather serves these notices on the court, delaying the repair process.
- Based on data from 2019, the average repair timeline for private landlords was **17 days**. For NYCHA it was **125 days**.
- When completed, repairs are often inadequate and result in the same issues reoccurring. HPD does not conduct follow up inspections or hold NYCHA accountable as they do with private landlords.

3. The lack of public data on code violations for NYCHA makes it impossible to ascertain the nature and extent of the problem and ensure compliance with local laws.

- **Data** collected by the Justice Center’s Housing Resource Center of court filings from 2016 to 2020 attempts to fill this gap and reveals the enormity of the building repair violations and hazards.
- The authors recommend that HPD record complaints and violations in NYCHA housing and make them publicly available online as it does for private tenants.

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code violations cited by HPD at Red Hook Houses based on tenant-initiated complaints.

131 immediately hazardous (“Class C”)
551 hazardous (“Class B”)

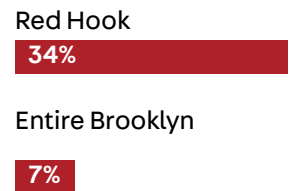
4. HPD’s continued failure to enforce housing code violations in NYCHA under law may violate its duty under the New York City Charter, the Fair Housing Act, and the Equal Protection Clause of the New York State Constitution.

- As a matter of law, HPD has the responsibility to hold NYCHA accountable as a landlord and protect public housing residents by exercising its powers and duties under the City Maintenance Code. This conclusion has been upheld by a decision in the **Appellate Division** of the Supreme Court of New York.

5. The Red Hook Community Justice Center facilitates repairs, increases tenant access to the Housing Court process, and prevents evictions through default judgement.

- The Justice Center’s collaborative approach and strong working relationships with NYCHA facilitates some emergency repairs being addressed more promptly than the traditional HP court process would otherwise allow—a process that has proven critical during the physical closure of courts as a result of COVID-19.
- The Justice Center’s physical presence in the community, outreach, and approach have improved access to justice for NYCHA residents in Red Hook. In 2019, the Housing Resource Center served 43 percent of all Red Hook NYCHA households and has created greater access to justice in filing tenant-initiated actions in Housing Court.
- The Housing Resource Center’s court attendance initiatives and local outreach help reduce the number of default judgments by minimizing the number of tenants who fail to appear for their court date. In 2019, less than one percent of Red Hook cases resulted in default judgment, compared to 14 percent in all of Brooklyn.

Housing Court Filings that were Tenant-Initiated



For More Information

Contact Ross Joy at joyr@nycourts.gov.
Full report: <https://www.courtinnovation.org/publications/housing-equality-nycha>