

September 4, 2019

**Testimony of Suhali Mendez and Maureen Belluscio
On Behalf of New York Lawyers for the Public Interest
Before the New York City Council's Committee on Public Housing and Committee on
Mental Health, Disabilities, and Addiction**

Oversight Hearing: Accessibility in Public Housing

New York Lawyers for the Public Interest (“NYLPI”) is a civil rights organization with a robust disability rights practice, and housing advocacy for people with disabilities is an important part of our work. NYLPI represents tenants in matters involving the need for reasonable accommodations, such as apartment and common area retrofitting, transfers to accessible apartments, and protection for use of service animals, as well as other housing discrimination issues. We appreciate the opportunity to provide testimony regarding accessible public housing in New York City.

In order to meet the needs of New Yorkers with disabilities, the New York City Housing Authority (“NYCHA”) must take immediate action to: (1) increase the number of accessible apartments within NYCHA’s portfolio; (2) make reasonable accommodations and modifications for existing NYCHA tenants; and (3) vastly decrease the amount of time that tenants with disabilities must wait to obtain accessible housing.

NYCHA is Largely Inaccessible for People with Disabilities

NYCHA is plainly not meeting its responsibility to provide accessible housing for New Yorkers who have disabilities. Based on information we have received from NYCHA tenants, waitlists for accessible apartments can be years long, and NYCHA refuses all too frequently to make reasonable modifications to existing apartments, entrances, and common areas which would create additional, much-needed accessible units.

Over the years, NYLPI has received calls from people with disabilities who live in NYCHA housing and have waited many months – sometimes years – for reasonable accommodations or to be transferred to an accessible apartment. We hear frequently from NYCHA tenants who report that their elevators are in woeful disrepair, and continuously break down, leaving them trapped. Accessible features, such as elevators, must be maintained in working order so that they may be readily used by tenants with disabilities.

While both federal guidance and a 2000 settlement resulting from the *Rivera v. NYCHA* litigation mandate that five percent of NYCHA housing units must be accessible, this figure is arbitrary

and untethered to the demands of the public housing population. As documented in New York City's 2018 AccessibleNYC report, approximately 11.2% of New Yorkers – or over one million people – disclosed living with a disability.¹ Furthermore, as noted in the Mayor's 2014 Affordable Housing Plan, nearly 20% of NYCHA residents are seniors, the vast majority of whom already have or will develop disabilities that require reasonable accommodations of some kind.² This number of seniors will only go up as “the number of New Yorkers who are age 65 and older will increase by 40 percent to more than 1.4 million” by the year 2040.³ According to the Mayor's NYCHA 2.0 report, nearly 39% of NYCHA households are headed by a senior.⁴

While the Mayor's 2017 Updated Housing Plan, Housing 2.0, promised to build more senior housing on existing NYCHA land,⁵ this is wholly insufficient to address the crisis for people with disabilities who live in NYCHA or need NYCHA housing.

NYCHA must increase its accessible housing stock in order to meet the needs of NYCHA tenants who have disabilities.

Robust Enforcement of Accessibility Laws

Adding to the accessible housing stock is not enough to meet the needs of NYCHA residents. New York City must hold NYCHA to the standards set by the New York City Human Rights Law (“NYCHRL”), which prohibits disability discrimination in the sale or rental of housing, and requires the provision of reasonable accommodations to enable people with disabilities to fully enjoy their housing.⁶ Notably, the protections under the NYCHRL have been interpreted more broadly than its state and federal counterparts. The NYCHRL requires, and the needs of NYCHA tenants with disabilities warrant, an expansion of the services NYCHA provides, far beyond the five percent required by outdated federal guidance and the *Rivera* settlement, which is nearly 20 years old.

As we have seen in the non-NYCHA housing context, consistent and aggressive enforcement of anti-discrimination laws allows more people with disabilities to remain in their existing homes. Our office has assisted countless people with disabilities who lived in untenable situations merely because their landlords or managing agents refuse to provide them with legally-required reasonable accommodations. We have spoken to numerous people with mobility impairments, including seniors, who could not safely enter and exit their buildings because their landlord refused to provide a ramp or an elevator key to allow access through an accessible alternative entrance. Other clients with disabilities have been at risk of eviction because their landlord claimed they were “harboring a pet,” when in reality they had a legally-protected service animal that provided them with critical emotional support or physical assistance.

¹ <https://www1.nyc.gov/assets/mopd/downloads/pdf/accessiblenyc-2018.pdf>

² https://www1.nyc.gov/assets/hpd/downloads/pdf/housing_plan.pdf

³ Id.

⁴ <https://www1.nyc.gov/assets/nycha/downloads/pdf/NYCHA-2.0-Part1.pdf>

⁵ <https://www1.nyc.gov/assets/hpd/downloads/pdf/about/hny-2.pdf>

⁶ NYC Admin. Code § 8-107(5)(a).

In order to meet the needs of its tenants, NYCHA and New York City must both take immediate action to address the needs of tenants with disabilities. We implore the Mayor's Office and the City Council to take steps to match the supply of accessible NYCHA housing to the needs of the public housing population.

About New York Lawyers for the Public Interest

For more than 40 years, NYLPI has been a leader in advocating for marginalized New Yorkers, working to accomplish equality of opportunity for all. We utilize a community lawyering model to bridge gaps between traditional civil legal services and civil rights advocacy, and to fortify capacity for both individual solutions and long-term impact.

Our work encompasses comprehensive organizing, policy campaigns, impact litigation, and individual legal services, and we are guided by the priorities of our communities as we advocate for the rights of people with disabilities, equal access to health care, immigrant opportunity, invigorated local non-profits, and environmental justice for low-income communities of color.

NYLPI's Disability Justice Program has represented thousands of individuals and triumphed in numerous campaigns improving the lives of New Yorkers with disabilities. We have long fought disability-based discrimination in housing, and our landmark housing victories include access to NYCHA housing for persons with disabilities, as well as ensuring that countless private landlords accommodate their tenants with disabilities.

Ongoing Support from NYLPI

We thank the City Council for convening this important hearing to promote affordable, accessible public housing in New York City. We appreciate the opportunity to provide this written testimony on behalf of our clients with disabilities who seek and deserve equal access to NYCHA's services. Please feel free to contact us at (212) 244-4664 or smendez@nylpi.org.