



EQUAL JUSTICE AMERICA

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EJA FELLOWSHIP RECIPIENT



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Final Reflection:

Freedom is a place, and we make it. Therefore, struggles for justice, equality, equity, and freedom must be place-bound. The fight for housing justice is a place-bound struggle that cuts across racial and class divisions. Housing is something we all need, and the housing system impacts us all.

This summer, I worked as a Housing Fellow for the Legal Services of the Hudson Valley. I was primarily assigned to advisory cases. Advisory cases involve tenants who have not received an eviction notice but are facing a housing issue, such as a notice to cure. Most of the individuals I advised lived in rent-regulated housing, either through local, state, or federal regulations. These programs and regulations included Section 8 Vouchers (Place-Based and Portable Vouchers), public housing administered by municipal housing authorities, Low-Income Housing Tax Credit (LIHTC) housing, and local housing ordinances. The individuals I served were primarily on fixed incomes, either receiving Social Security Income (SSI) or Social Security Disability Income (SSDI). Rent was their primary expense, leaving little for anything else.

I. Client Advisory Calls

My direct client service was comprised primarily of advisory assignments. "Advice cases" are incidents where individuals or families are experiencing housing issues but have not received an eviction complaint. Although my clients were not a party in an active eviction proceeding, they still exhibited the mental and physical distress of housing insecurity. One client, a senior citizen, dealt with a property management company that sent monthly rent statements that showed unpaid rent. Those monthly rent statements also included two different accounts and addresses attributed to the



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client. After working with the client to track all proofs of payment, we did not receive a response from the property management company or its legal representative. My client expressed that she was feeling anxiety about her other bills and whether she would be evicted. The case was never resolved.

Throughout the summer, I served as the primary practitioner on approximately 15-20 advisory cases. These cases shared many commonalities, such as tenants receiving a notice to quit and/or notice to terminate, a claim of unpaid rent (which the tenant usually had proof of payment), a rental increase, or a housing voucher share change. The differences among the cases were also what made housing a salient modality across identities and issues. The primary differences that allude to housing insecurity and injustice as a broad issue include:

- i. Race: Most of my clients were Black or People of Color. However, due to the demographics of Westchester County and the broader Hudson Valley region, several of the clients I served included white racial and ethnic groups.
- ii. Gender and Reproductive Justice: Most of my clients identified as women. Most of my clients were women of color. One of my clients had possibly been a victim of sex trafficking. Three of my clients were men. One of the men was white, and two were Black. Housing must be a part of gender and reproductive justice.
- iii. Protected Classes: Most of my clients were senior citizens, veterans, or people with disabilities (i.e., vision impairments or blindness). The most vulnerable members of our society face some of the biggest threats of housing insecurity. In one case, a property manager had turned off the door buzzer for a senior citizen with vision impairments, preventing the tenant from letting guests, aides, or doctors into the building and forcing them to descend and ascend multiple flights of stairs.
- iv. Public Benefits or Public Housing: Many of my clients lived in buildings that were either financed, managed, or owned by a municipality. Many of my clients also received a public housing voucher, either project-based or portable. These clients fell into the trap of a public benefit that promoted housing security. Still, any change in the tenant's personal circumstances could reduce the tenant's public benefit, thereby returning the tenant to housing insecurity. Tenants themselves said that Section 8 vouchers and other government vouchers promoted complacency.

II. Court Observations



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A major component of my summer included observing eviction court at the White Plains City Court, or other town courts across Westchester County, NY. Although I appeared once on the record, I primarily observed the cases assigned to the attorneys in the Housing Unit at the LSHV White Plains Office. I noticed that, unlike other places such as the Essex County Court in Newark, NJ, and the housing court in Manhattan, NY, which I had observed previously as a student-attorney, the individuals and families in housing court in Westchester County, NY, were racially diverse. Many housing scholars note that people of color and women mostly experience eviction court. Matthew Desmond notes in his research that eviction is to Black women as mass incarceration is to Black men. In Westchester County, however, I observed White people, Asian people, Latin Americans, Middle Eastern and North Africans, and Black people. There were also many men, primarily men of color. Although those being evicted were a diverse group, the lawyers, judges, and staff who represented the law were all white, except me. Landlords and owners never attended the eviction proceedings.

The proceedings I observed never amounted to a full trial. That is the norm, not the exception. Housing court and, primarily, eviction proceedings operate on a summary process. This means that civil process operates on an expedited timeline. Many procedures, such as Discovery, that are available in other civil proceedings are not available in housing court. There are also a few defenses to eviction beyond procedural deficiencies (e.g., notice requirements) and habitability claims, especially if the proceeding is based on nonpayment of rent. Judges rarely weigh the balance of equities outside of the timeline for payment of arrears and rent when presiding over an eviction case. Thus, most tenants settle with their landlords, and this summer every case I observed ended in a settlement agreement. I noticed that the attorneys representing tenants focused on reaching a deal rather than fighting the basis of the action itself. This frustrated me, and although I do not agree with their sentiment, I understood from their perspective why focusing on the relationship with the opposing lawyer rather than raising a counterclaim or contesting the action could benefit future clients.

III. What Comes Next

At times, this past summer, I felt discouraged by the task at hand. Each case seemed to be settled or resolved in favor of the landlord. The scope of legal representation was limited by the organization's funding, which meant viable tactics to prevent eviction proceedings and even to provide tenants with affirmative claims were barred or discouraged. The game felt rigged.

Despite the feelings of discouragement, I realized the importance of frontline tenant defense as one tactic in the struggle for housing justice. The next step is to



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find places to build tenant power and social housing. This entails organizing individuals, buildings, blocks, neighborhoods, communities, cities, states, the country, and then the world. Housing is essential to all of us, and we all deserve it.

I plan to apply to legal services and legal aid organizations that provide housing assistance to low-income individuals and communities. I hope to serve in an organization that does direct tenant defense and housing advocacy.