



**Testimony of David R. Jones, Esq,
President and CEO, Community Service Society**

**Hearing of Task Force to Expand Access to Civil Legal Services
September 28, 2010**

Good morning and thank you for inviting me to address this task force on expanding access to civil legal services in New York. I am president of the Community Service Society, an independent, nonprofit organization whose primary constituency for more than 160 years has been low-income New Yorkers. As such, we have a compelling interest in the legal services available to this group of individuals.

Over the years, the Community Service Society has collaborated regularly with the Legal Aid Society, Legal Services of New York, and other legal assistance organizations to help poor and low-income New Yorkers with civil legal matters. Our attorneys have worked closely with attorneys from these organizations, including filing several amicus briefs in support of lawsuits brought on behalf of clients by Legal Aid and Legal Services.

As an agency that works to help poor and low-income residents, we regularly see New Yorkers in need of legal help on a number of issues. These include problems concerning housing, health care, and employment discrimination, areas that directly affect the lives of clients and their families. The Legal Aid Society and Legal Services of New York are usually places of last resort for many people. Most have little in the way of financial resources. In our latest survey of New Yorkers, “The Unheard Third,” one-third of low-income respondents said that they have no savings at all in case of an emergency.

As president of the Community Service Society, I can attest to the hardships affecting low-income New Yorkers. Our annual survey remains the only regular polling of low-income residents in the nation. Direct feedback from low-income respondents provides us with the best up-to-date opinions on a number of issues that concern this group of New Yorkers. Our latest

survey, conducted this summer, reveals the catalogue of hardships that poor New Yorkers face in their daily lives.

Among these are housing hardships, including the threat of eviction, the spread of predatory equity, and the struggle against deteriorating conditions in apartments and buildings. Evictions are increasing as many low-income New Yorkers lost jobs during the recession. Without a regular income – and often with little or no savings – they are prey to being evicted. Many end up in Housing Court without an attorney and little chance of saving their homes. At CSS, we often see clients who need legal representation because of a dispute with a landlord, problems with rent arrears that could lead to eviction.

An article in yesterday's *New York Times* reveals the desperate situation of many low-income New Yorkers. The percentage of households in public housing that owe at least one month in back rent is almost 50 percent higher than the past year. Many of these families whose workers have lost jobs in the recession are facing the real possibility of eviction. As the article stated: "It does not take much to send a family over the edge."

Predatory equity entails investing in rental apartment buildings at inflated prices, calculating to replace poor and working people with tenants willing to pay higher rents. In addition to the many illegal tactics used to displace low-income tenants, when higher rents do not materialize, the consequences for residents are often reduced services, building deterioration, and, ultimately, foreclosure. Without competent legal representation, residents are often pushed out of their apartments or see their buildings deteriorate below decent living conditions.

Our surveys have also reflected the importance of access to health care as a requisite to employment. We found that health problems are a continual leading impediment to looking for a job for unemployed low-income New Yorkers. Without a job, most of these people do not have access to health insurance. Even those who are enrolled in health care organizations often cannot determine how to access the care they need or how to appeal decisions that deprive them of necessary health care. These situations underscore the importance of local organizations, such as Community Health Advocates at the Community Service Society, that help people enroll in and navigate the health care system as well as reforms such as the recent federal health legislation that will enroll more than 30 million new consumers in health care over the next decade.

We have seen numerous complex cases involving clients who have been turned down by government agencies or their HMOs for necessary health benefits. Without attorneys who are specialists in these types of cases, they would have little or no chance of an appeal being successful even if they knew how to conduct an appeal.

These are two typical cases where our clients needed legal services. Our Center for of Benefit Services recently sent a disabled client to the Legal Aid Society who was denied Social Security benefits because of paperwork problems and needed legal representation in a hearing. Another client was twice turned down for recertification for Medicaid benefits because she was not a citizen. She was finally recertified after an attorney from the Legal Aid Society intervened.

Employment discrimination cases, particularly cases involving the reentry of the formerly incarcerated, are often complex and long-term. Without adequate legal representation, clients – who are usually without many resources – are unlikely to gain or hold the very jobs that would prevent their return to criminal activities as their only avenue of survival and, ultimately, their

return to prison. New York State has the fifth highest rate of recidivism in the U.S. This not only destroys lives; it affects whole communities. The Community Service Society in 2006 formed the New York Reentry Roundtable, which represents over 50 stakeholder organizations, providing a forum for strategies to successfully transition the formerly incarcerated back into family life and their communities. The Roundtable focuses on systemic change through an advocacy agenda primarily at the state legislative level.

An example of our work with Legal Aid concerning employment discrimination affecting the formerly incarcerated is the case of *Acosta v. Department of Education*, where a woman was fired by the department for a criminal incident occurring 14 years previously. CSS has filed an amicus brief in support of the Legal Aid client. The Appellate Division found for the plaintiff, reversing the judgment of the Supreme Court. This case has become an important test of employment discrimination issues and the rights of formerly incarcerated individuals to employment after their reentry into society. It is now before the Court of Appeals.

The gap between the wealthy and everyone else in New York is wide and has been growing for many years. Add that to the fact that the recent recession has hit low-income New Yorkers especially hard. And while, statistically, New York City is doing better than the nation in recovering from the recession, its effects were spread unevenly. Lower wage workers lost jobs or saw their pay cut as a rate greater than those in higher wage positions. At a time of great economic insecurity, legal services have become a bastion against disaster for many low-income New Yorkers. Yet the need for legal services is so much greater than what is currently being provided.

The work of legal services organizations often has had far-reaching effects – well beyond a specific case - such as changing public policy on issues concerning the well-being of low-income New Yorkers. But these organizations cannot do the work that they have been created for without adequate funding and competent attorneys. We know that legal services for the poor are at the breaking point in New York City. This is a safety net service that must be strengthened. Increased support for these agencies is essential if those New Yorkers without resources are to be accorded equal justice under law.

Summary of Testimony of David R. Jones
President and CEO, Community Service Society
Civil Legal Services Task Force Hearing

The Community Service Society has collaborated regularly with the Legal Aid Society and Legal Services of New York to help poor and low-income New Yorkers with civil legal matters. These include problems concerning housing, health care, and unemployment insurance benefits.

As president of the Community Service Society, I can attest to the hardships affecting the low-income New Yorkers. Our annual survey of New Yorkers, “The Unheard Third,” remains the only regular polling of low-income residents in the nation. Our latest survey, conducted this summer, reveals the hardships that poor New Yorkers face in their daily lives.

These include housing hardships, especially the threat of eviction and the struggle against deteriorating conditions in their apartments and buildings. Our surveys have also reflected the importance of access to health care as a requisite to employment of low-income New Yorkers. This is reflected in local organizations, such as Community Health Advocates, that help people enroll in and navigate the health care system as well as in reforms such as the recent federal health legislation that will enroll more than 30 million new consumers in health care over the next decade. At a time of near record unemployment and a “jobless economic recovery,” the access to unemployment insurance is vital for thousands of low-income New Yorkers. Our survey finds that two-thirds of unemployed, low-income New Yorkers have been jobless for more than a year. Yet only three in ten New Yorkers are receiving unemployment insurance.

These issues are a major concern of legal services, but they cannot do the work that they have been created for without adequate funding and competent attorneys. We know that legal services for the poor are at the breaking point in New York City. Increased funding for these agencies is essential if those New Yorkers without resources are to be accorded equal justice under law.