



**7th Judicial District**  
**Virtual Clergy Day: Faith Leaders and the Justice System**  
*Housing and Tenant/Landlord Matters*

April 13, 2021



1

## Ground Rules



1. Participants should raise hand when wanting to speak.
2. Participants should identify who they are and what organization they represent.
3. Participants should ask their question in a form of a question and not make just statements. Question should not take longer than 2 minutes to ask.
4. Participants should remain civil at all times.
5. Participants should take control of their own noise-mute when not speaking.
6. Participants should be dressed appropriately.

2

**Virtual Clergy Day-Faith  
 Leaders and the Justice System**  
 Housing and Tenant/Landlords Matters

AGENDA

**3:00 PM Event Moderator:** Rashondra Martin, Principal Court Attorney, Rochester City Courts

**3:05 PM Welcome & Introduction of Speakers and Panelists:** Hon. Craig J. Doran, Administrative Judge 7<sup>th</sup> Judicial District

**3:10 PM Opening Remarks:** Hon. Edwina Mendelson, Deputy Chief Administrative Judge, Office for Justice Initiatives

**3:15 PM Overview of SCIP/Housing Specialty Courts:** Hon. Stephen Miller, Rochester City Court Judge, District Wide Coordinating Judge for Town & Village Courts

**3:20 PM Panelist Presentations:**

- Eugene Crimi, Chief Clerk – Rochester City Court
- Mark Muoio, Program Director, The Legal Aid Society of Rochester
- Mosunmola Ojo, Staff Attorney – Volunteer Legal Services Project
- Margaret Perkins, Supervising Attorney – Legal Assistance of Western New York
- Denise Read, Director of Financial Assistance – Monroe County Department of Human Services
- Carol Wheeler, Manager of Housing – City of Rochester

**4:10 PM Questions & Answers**

**4:25 PM Closing Remarks:** Hon. Judith Sinclair, Supervising Judge 7<sup>th</sup> Judicial District Criminal Courts

# Tenant Defense Project

Mosunmola Ojo, VLSP • Margaret Perkins, LawNY • Mark Muoio, LAS



**VOLUNTEER  
LEGAL SERVICES  
PROJECT**  
OF MONROE COUNTY, INC.



**LAWNY**  
LEGAL ASSISTANCE OF WESTERN NEW YORK, INC.



**The Legal Aid Society  
of ROCHESTER, NEW YORK**



5

## Tenant Defense Hotline - (585) 504-6195

- Volunteer Legal Services Project of Monroe County (VLSP) runs a tenant hotline Monday through Friday from 9:00 a.m. to 5:00 p.m.
- Tenants who have received court papers, notices from their landlords, warrants of evictions, or who have questions about their rights can call the hotline.
- Individuals who contact the hotline complete an intake. If they have court, their case is sent to one of the organizations (Volunteer Legal Services Project, Legal Assistance of Western New York, or Legal Aid Society) for representation in court.
- VLSP provides legal advice and information after completing an intake.
- VLSP through volunteers assists tenants with lease negotiations, demand for repairs, and other requests to landlord.

6

6

## Tenant Defense Hotline - Types of Cases

- Non-payment of rent
- Lease termination
- Non-renewal/renewal of lease
- Lease violation
- Illegal lock out
- Rent increase
- Bad condition of the apartment/unit
- Section 8 voucher
- Subsidized housing

7

7

## Tenant Defense Website <https://www.tenantdefense.org/>

- Tenants can apply for services through the website. Once they apply, they will receive a call from the Hotline to discuss their issues and complete their intake.
- There is very basic information on the website that the laws have changed and that individuals may be eligible for representation.

8

8

## Tenant Defense Project: Representation in Court

- Tenants who do not get to the Hotline prior to court, can attend court and complete an intake there.
- Legal service providers are on-site when court is scheduled.

9

9

## Tenant Defense Project: Eligibility Criteria

- Tenant must reside in Monroe County.
- Priority is given to those tenants who have received court papers or warrants of eviction.
- Priority is given to those tenants under 50% of Area Median Income.

10

10

## Number of Clients Served by all providers

From August 2020 till February 28, 2021

- Number of TDP hotline calls - **2,154**
- Number of clients provided additional legal representation, advice, or information:
  - Initial intake via hotline - **778**
  - Initial intake at Court - **353**
- Other intake referrals- **301**

11

11

## Overview of Services Provided by VLSP

- Consumer Law
  - Deed Transfers
  - Real Estate Closing - Habitat for Humanity
  - Land or Contract Disputes
  - Property Title Issues
  - Uncontested Estate Administration involving Real Property
- Unemployment Insurance Benefits denials
- Family Law
  - Domestic Violence Divorce and/or Order of Protection
  - Child Custody or Visitation
  - Child or Spousal Support
- Immigration law matters
- Bankruptcy (Chapter 7) & Debt Collection
- Name Changes (including transgender name changes)
- Federal Pro Se Assistance Program
- Wills, Powers of Attorney, Health Care Proxies (for persons living with serious illnesses (HIV/AIDS, cancer etc.), seniors residing in the City of Rochester, or homeowners residing in the City of Rochester).

12

12

## Representing Tenants In Court

### Majority of Cases:

#### Nonpayment eviction proceedings

- Tenants facing loss of income during COVID
- Entitled to protection under NY law

#### Best Case Scenario

- Income has returned + rent is affordable
- Only back rent owed

13

13

## Representing Tenants in Court - Nonpayment Cases

### Worse Case Scenario:

- Tenant's income never recovered to pre-covid earnings
- Rent no longer affordable
- Lack of Available + Affordable
  
- Tenant's apt has health and safety violations LL won't fix
- Tenant not eligible for back rent relief

14

14

## Benefits to Collaboration

Brings services to tenants where they are:

- Monroe County DHS/Community Organization on site
- Tenants can apply for public benefits/rent relief
- Find out status of benefits they already applied for

Coordination between Legal Service Providers

- Weekly meetings to discuss project

Ongoing Communication with the Court

15

15

## Benefits to Collaboration

Coalitions:

Illegal Eviction Rapid Response Team

Justice for All - Housing Committees

16

16





## Overview of Our Services

### Practice Areas:

- **Health Law and Health Services**
  - Health insurance navigators, assistance with medical bills, insurance denials, home care services
  - Medical Legal Partnership - partnering with health care providers to provide on-site access to legal services
- **Public Benefits**
  - Nutrition Outreach and Education Program (NOEP)
    - information and assistance regarding SNAP, HEAP and WIC
  - Temporary Assistance
  - Unemployment
- **Housing**
  - Fair Housing Enforcement Project
  - Eviction Prevention
- **Consumer**
  - Debt collection, credit reports, student loans, identify theft, bankruptcy
- **Education Advocacy Project**
  - Assisting at-risk children obtain the services they need from the school system

### Population-based Legal Service Projects:

- **Seniors**
  - Elder abuse, wills, Power of Attorney, Advanced Directives and more
- **Veterans**
  - Legal services to veterans and their families
- **Reentry**
  - Assistance to individuals re-entering society from incarceration, and individuals with criminal records who may have been victims of employment discrimination or are facing barriers to obtaining employment.
- **Crime Victims**
  - Assistance with issues relating to a person's status as a victim of crime
- **Kinship (i.e. nonparent caregivers)**
- **Individuals living with HIV/AIDS**

17

17

## The Legal Aid Society of Rochester, NY

100  
CENTENNIAL CELEBRATION 1921-2021

The Legal Aid Society  
of ROCHESTER, NEW YORK

18

## Family Law

---

- Protection from Abuse (including domestic violence, elder abuse, and intimate partner violence)
  - Legal Services and Counseling
  - Assistance with Family Court Orders of Protection
- Child Support
- Custody
- Divorce
- Visitation
- Paternity
- Spousal Support
- Other Family Law Matters



19

19

## Education Law

---

- Committee on Special Education (CSE) meetings
- Section 504 Plan meetings
- Formation of Individualized Education Programs (IEPs)
- Superintendent Suspension Hearings and Manifestation Hearings
- School Residency cases, including homeless cases
- Responsibilities and Rights of Youth, Parents & Schools
- Transportation issues



20

20

## Immigration Law

---

- Obtaining a Green Card
- Asylum Applications
- Uniting Families Through Consular Processing
- Deferred Action for Childhood Arrivals (DACA)
- Family-Based Petitions
- Immigration Consequences of Criminal Convictions
- Naturalization/Citizenship
- Special Immigrant Juvenile Status
- T Visas
- Temporary Protected Status (TPS)
- U Visas
- Violence Against Women Act (VAWA) Petitions
- Removal Proceedings
- Work Authorization



21

21

## Housing & Consumer Law Unit

---

- Eviction Prevention
- Foreclosure Prevention
- Real Estate Closings
- Bankruptcy
- Consumer Credit Defense
- Entity Formation
- Security Deposit Litigation
- Impact Litigation



22

## Focus on Eviction Prevention

### Tenant Defense Project (TDP):

- 1 TDP Partners: Volunteer Legal Services Project, Legal Assistance of Western NY, The Legal Aid Society of Rochester
- 2 Our project was implemented quickly but we have had great success representing any person in Monroe County facing eviction. With the work of our offices and the City Wide Tenant Union very few people were evicted in Rochester during the pandemic
- 3 A first of its kind program in the nation as far as it's level of representation and breadth of the population we serve
- 4 Eviction cases ++: we also take calls about illegal lockouts, utility shutoffs, and bad living conditions



23

23

## Lack of Safe and (Truly) Affordable Housing in Rochester

This is a complex issue that we could spend many hours on it has its roots in federal, state and local policies that were both racist and classist.

As we deal with this problem as attorneys trying to prevent homelessness we see a cycle of people who are being evicted having few choices of homes to move in to that both meet their needs and are affordable.

Moving in an emergency situation like eviction often just moves the emergency down the road a ways because people are forced to move into substandard housing.



24

24

## Major Issues in Eviction Proceedings: Habitability

Many tenants in the City of Rochester have problems in the homes they rent. These problems can range from a slow drain to ceilings that have fallen in from water leakage; from having no screens on the windows to no heat, no hot water, and rodent infestations.

The City of Rochester takes an interest in these issues in their division of Building and Zoning. Inspectors respond to complaints and work with landlords to renew certificates of occupancy

**In many cases Tenants are unable to receive rental assistance if a property is in disrepair or if the City notes them to have violations that affect "Health & Safety"**

As attorneys we see many cases that come to court for eviction where the home is in disrepair. In many cases the home has violations cited by the City of Rochester.

We are working with state and local officials on how best to address this both in public policy and in the legal process.



25

25

## Illegal Eviction & Utility Shutoffs

We have seen a huge uptick in illegal evictions. Cases where Landlords have unlawfully deprived a tenant or occupant of their home and their possessions. This is a crime! Even threatening to lock someone out or turn off their utilities is a crime.

The criminal nature of these acts is relatively new so we are working hard to ensure that actors at all levels understand these laws and have the ability and support to enforce them. Police officers, DA's Office, Judges.

In the meantime we are working with the City administration and the County along with social service organizations to make sure that people illegally locked out have a safe place to reside until the legal issues can be resolved or enforced.



26

26

## The Work Ahead

- We need to continue & expand TDP
- Pre-eviction intervention?
- Expanded ongoing rent assistance (proposal at the federal level)
- We need to keep our eyes on policies in the rest of the country and the world that prevent eviction and allow communities to flourish

27

## Community Support Initiatives



A joint update from Monroe County  
and the City of Rochester

28



## Introductions

### **Carol Wheeler, City of Rochester**

Manager of Housing

Dept. of Neighborhood and Business Development

### **Denise Read, Monroe County**

Director of Financial Assistance

Department of Human Services

29

29

## Eviction Prevention

### **2020 Federal CARES Act funding**

- City and County both received allocations
- Over \$10 million allocated to-date for eviction prevention

### **Primary eviction prevention initiatives funded:**

- **Eviction Prevention Pilot Initiative 1.0:** rent arrears funding
- **Tenant Defense Project:** free tenant legal services
  - [www.TenantDefense.org](http://www.TenantDefense.org)
- **Housing Council Hotline:** tenant and landlord counseling
  - (585) 546-3700, open Mon-Fri, 9am-1pm

30

30

## Outcomes to Date

### **Eviction Prevention Pilot Initiative (EPPI) 1.0**

- Over 1,944 tenants received emergency rent assistance
- Total rent payments, over \$5,072,906

### **Tenant Defense Project**

- Over 1030 tenants received free legal services

### **Housing Council Hotline**

- Over 531 tenants/landlords received housing counseling

31

31

## Continuing Challenges

### **Approximately 25% of tenants still behind on rent as of March**

- Per surveys of landlords conducted by Harvard and County

### **State Eviction moratorium expires May 1<sup>st</sup>**

- Courts have already begun to reopen for some case types

CDC Moratorium is extended through June 30<sup>th</sup>

### **Landlords missing significant income**

- Difficulty keeping up with mortgage and taxes
- Deferring maintenance

32

32



## Announcing: EPPI 2.0 Program

Opened on April 1st

- County and City co-funding the Eviction Prevention program
  - Network of 13 contracted non-profits to administer funding
  - Landlords can apply on behalf of tenant, with tenant consent

33

33

## Basic Tenant Eligibility Requirements

- 1. Income Qualified, by either:**
  - ✓ Annual income at 80% AMI or below
  - ✓ Current month income at 80% AMI or below
- 2. Documented COVID Impact, by either:**
  - ✓ Qualified for unemployment
  - ✓ "...reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak"
- 3. Documented Risk of Homelessness or Housing Instability, by any of:**
  - ✓ Past due utility bill, past due rent notice, eviction notice
  - ✓ Unsafe or unhealthy housing conditions
  - ✓ "Any other evidence of such risk"

34

34

## Program Income Eligibility Limits

Number of People in Household	Total Household Gross Monthly Income Requirements	
	At or Under 50% of Area Median Income (AMI)	At or Under 80% of Area Median Income (AMI)
1	\$2,229	\$3,567
2	\$2,550	\$4,075
3	\$2,867	\$4,583
4	\$3,183	\$5,092
5	\$3,442	\$5,500
6	\$3,696	\$5,908
7	\$3,950	\$6,317
8	\$4,204	\$6,725

35

35

## Eligibility Criteria

- 1. Up to 12 months back rent**
  - ✓ Amount documented by landlord
- 2. Up to 3 months future rent**
  - ✓ Only if household can't afford ongoing rent
  - ✓ 2 months for 50-80% AMI
  - ✓ 3 months for 0-50% AMI

**Note:** utilities only eligible if included in the rent

36

36

## Applying for EPPI 2.0

### **211 will be main point of entry for program**

- Will distribute applicants to agencies by:
  - Tenant choice
  - Closest proximity to residence
  - Agency's specialized population, if known:
    - Landlord applicants: Providence Housing
    - Spanish speakers: Ibero
    - New Americans: Refugees Helping Refugees
    - Domestic Violence Survivors: Willow
    - 14609 Zip Code: Connected Communities

### **Agencies may also initiate applications**

37

37

## Program Launch Timeline

### **Applications opened on April 1<sup>st</sup>**

- Applicants should collect needed documentation to prepare for eligibility process

### **Call 211 for pre-screening**

- New callback feature so don't need to wait on hold
  - But make sure to pick up the unknown number caller!
- Open 24 hours a day, phone line is less busy at odd hours

38

38

## Additional Rental Assistance Funding

### US Treasury, Emergency Rent Assistance Program (ERAP)

- **Total local allocation:** \$39 million
- Monroe County: \$28.5 million
- City of Rochester: \$10.8 million
  
- **New York State:** Over \$1 billion

39

39

## Additional Supports – ESG and CDBG Rental Assistance

These funds are able to complement and be used in conjunction with the new ERAP/EPPI 2.0 Program

Funds can be used to help with relocation. Can pay for security deposit and some rental assistance

Can help stabilize housing by funding up to six (6) months of back rent and more funding going forward.

Reserved for the lowest incomes, special populations and those that are at imminent danger of eviction

Contact 211

40

40

## Additional Supports - SNAP

### Supplemental Nutritional Assistance Program

- 1 in every 7 Monroe County residents is in receipt of SNAP. DHS currently has 66,000 SNAP cases. Many SNAP recipients are older adults or families who are employed, yet still rely on SNAP to supplement their food purchases. SNAP issues electronic benefits once a month via a debit card that can be used by the recipient to purchase food items.
- The Families First Act (FFA) Federal Law was passed which included funding to states to provide supplemental SNAP benefits to address food insecurity for low-income households receiving SNAP during the COVID-19 pandemic. Since March of 2020, households not already receiving the maximum allotment for their household size received monthly supplements to bring them to the maximum amount. In 2020, on average, \$18.6M in SNAP benefits (a 26% increase over the 2019 monthly average of \$14.7 million) were issued to Monroe County residents *each month* and spent throughout our community

41

41

## Additional Supports - SNAP

TO APPLY FOR SNAP

Apply online at : [www.myBenefits.ny.gov](http://www.myBenefits.ny.gov)

Call DHS at 753-6960 to have an application mailed

Submit a paper application at : 691 St. Paul St 14605

42

42

## Additional Supports - HEAP

### Home Energy Assistance Program (HEAP)

HEAP provides a grant to assist with the cost of heating during the cold winter months. Tenant must have responsibility for heat account

Basic HEAP opened in November and Emergency HEAP opened in January

For Households with a shut-off threat; 2 additional "Emergency" benefits are also available

43

43

## Additional Supports - HEAP

TO APPLY FOR HEAP

Apply online at : [www.myBenefits.ny.gov](http://www.myBenefits.ny.gov)

Call DHS at 753-6477 to have an application mailed

Submit a paper application at : 111 Westfall Road 14620

44

44

## Additional Supports

### Other utility-related benefits:

- **Emergency Utility Assistance** -- Eligible applicants can apply to have last four months of RG&E/utility company arrears paid. Bills for SSI recipients can be guaranteed for 6 months (GPP).
- **Cooling Assistance** – provide a vendor installed window or portable air conditioner for applicants with a medically documented condition exacerbated by extreme heat.
- **Clean & Tune** – HEAP eligible homeowners can have their furnace cleaned and tuned annually by an authorized vendor.
- **Heating Equipment Repair & Replacement** – HEAP eligible homeowners can have their furnace repaired or replaced at no charge by an authorized vendor.

45

45

## Additional Supports – Child Care

### Child Care Subsidies

- Income Eligible Child Care
- Temporary Assistance
- Child Care in Lieu of Temporary Assistance
- Transitional Child Care
- Upstate Revitalization Initiative (URI)

46

46

## Additional Supports – Child Care

### **Income Eligible Day Care**

- Subsidy program for care provided while parent/guardian is working
  - No minimum hours required; care can be provided for hours of work only and up to 1 hour travel time.
  - Care provided while attending school (vocational, high school, 2 or 4-year programs) can be covered after the parent/guardian works at least 17.5 hours per week.
  - Care provided while parents, under 21, are still enrolled in high school (must maintain 85% attendance) can be covered without any work requirements.

47

47

## Additional Supports – Child Care

### **To apply for childcare assistance**

Application materials available online at:

<https://www.monroecounty.gov/hs-daycare>

Call 753-6960 to have an application packet mailed

Submit a paper application to: 111 Westfall Road 14620

48

48



## Additional Supports - FEC

City of Rochester Financial Empowerment Center

**Provides free, professional, one-on-one financial counseling**

**Focus on savings, banking, reducing debt and building credit**

**More information at: [www.rochesterFEC.org](http://www.rochesterFEC.org)**

**Or call 252-7119 for an appointment**

49

49

## Additional Supports – Senior Services

Seniors may receive restaurant prepared meal delivery. Prepared meals from participating restaurants will be delivered to homes of eligible seniors.


Seniors may also qualify for food delivery and other essential services..

Seniors interested in either of these services should contact 211.

50

50

### Emergency Rental Assistance Program EPPI 2.0



Funding is currently available for City of Rochester/Monroe County households with an emergency need for assistance with rental arrears related to the Covid-19 pandemic. Households must complete an application for the program, be interviewed, and provide required documentation based on their individual situation. Landlords may also apply on behalf of their tenant (with the tenant's consent).

**Do you qualify for emergency rental assistance?**

- ✓ Do you owe back rent since March 2020?
- ✓ Are you in receipt of Unemployment Insurance?
- ✓ Have you experienced a loss of income or increase in expenses related to the Covid-19 pandemic?
- ✓ Is your monthly gross (before taxes) household income below 80% Area Median Income?

Gross Monthly Income Limits	
Household Size	At or Under 80% AMI
1	\$3,567
2	\$4,075
3	\$4,583
4	\$5,092
5	\$5,500
6	\$5,908
7	\$6,317
8	\$6,725

To start an application, call 211/Lifeline by dialing **211** or **1-877-356-9211**.  
Representatives are available 24 hours a day, 7 days a week.


If call wait times are long, you can use the call back feature to avoid waiting on the line. You'll get a call back when your spot in line is reached.  
**The caller ID will show "1" when 211 calls back.**

Applicants who have received an eviction notice from the court and/or have a scheduled court date will receive priority, **please let 211 know.**


If you are a **Landlord applying on behalf of your tenant**, please contact Providence Housing directly at [www.providencehousing.org](http://www.providencehousing.org) or email [epi.app@dor.org](mailto:epi.app@dor.org).

**Needed documentation will include:**

- ✓ Identification for primary applicant
- ✓ Social Security Number for each household member
- ✓ Verification of earned and unearned household income (such as: unemployment benefit statement, wage stubs, statement from employer, social security statement, child support print-out)
- ✓ Statement of rent owed broken down by month
- ✓ Attestation of covid-related hardship
- ✓ W-9 form from landlord or property owner



City of Rochester, NY  
Lovely A. Warren, Mayor  
Rochester City Council



ADAM J. BELLO  
COUNTY CLERK

# Questions?

---



**For Handouts  
From Today's  
Presentation  
Email  
Jeanna at:**

**[jsavage@nycourts.gov](mailto:jsavage@nycourts.gov)  
or call  
585-412-5292**

53