

# 2011

## New York City Council Human Rights Report Card

# Issue Brief: HOUSING

A publication of the Human Rights Project  
at the Urban Justice Center



### About Our Issue Briefs

This issue brief on housing is derived from information in the [2011 New York City Council Human Rights Report Card](#) (Report Card) published by the [Human Rights Project at the Urban Justice Center](#). The Report Card evaluates the human rights records of individual council members and the Council as a legislative body, and documents the roadblocks that human rights legislation encounters in the struggle for passage. These issue briefs draw from and expand on the full Report Card to give a detailed look at how a particular human rights issue was addressed in City Council.

### The Human Right to Housing Is At Risk in New York City

The human right to housing is derived from the right to an adequate standard of living and consists of several elements: the availability of services, materials, facilities, and infrastructure; affordability; accessibility; legal security of tenure; habitability; location; and cultural adequacy.<sup>1</sup> The right applies to everyone and is central to the enjoyment of economic, social and cultural rights.<sup>2</sup> Without it, employment is difficult to attain and maintain, health is compromised, and education is impeded.

*Everyone has the right to a standard of living adequate for the health and well-being of himself and his family including ... housing*

- Universal Declaration of Human Rights, Article 25

For many New Yorkers, the human right to housing is at risk. At least 41,000 people were living in shelters in New York City in late 2011, including nearly 17,000 children.<sup>3</sup> Homelessness disproportionately affects black and Latina/o New Yorkers: 53% of shelter residents are African-American and 32% are Latina/o.<sup>4</sup> These groups make up only 26% and 29% respectively of the total population.<sup>5</sup> The overcrowding rate in Asian American households is nearly double that of the city-wide average.<sup>6</sup> More than 171,000 New York City households, 8% of the total current rental housing stock, depend on federal, state and city subsidies to ensure their monthly rent remains affordable.<sup>7</sup> And

<sup>1</sup> National Law Center on Homelessness and Poverty. (2004, January 14). Homelessness in the United States and the Human Right to Housing. <http://www.nlchp.org/content/pubs/HomelessnessintheUSandRightstoHousing.pdf> (Retrieved 12/15/11).

<sup>2</sup> Ibid.

<sup>3</sup> "Basic Facts about Homelessness." Coalition for the Homeless <http://www.coalitionforthehomeless.org/pages/basic-facts> (Retrieved 11/28/11).

<sup>4</sup> New York City Homelessness: The Basic Facts. Coalition for the Homeless. <http://www.coalitionforthehomeless.org/page/-/NYCHomelessnessFactSheet10312011.pdf> (Retrieved 2/8/12\_

<sup>5</sup> U.S. Census Bureau. Quick facts: New York City. <http://quickfacts.census.gov/qfd/states/36/3651000.html>

<sup>6</sup> Asian Americans for Equality, Inc. (2011, February). Distinct places, shared opportunity: A neighborhood-based analysis of Asian Americans in NYC. [http://www.aafe.org/rsr/AAFE\\_AA\\_Neighborhoods\\_Report.pdf](http://www.aafe.org/rsr/AAFE_AA_Neighborhoods_Report.pdf)

<sup>7</sup> "State of New York City's Subsidized Housing: 2011", Furman Center for Real Estate and Urban Policy, New York University <http://furmancenter.org/files/publications/SHIPReportFinal.pdf> (Retrieved 11/28/11).

failure to enforce housing code violations has a disproportionate impact on the health of low-income New Yorkers of color and their children: asthma is three times more prevalent in low-income neighborhoods where violations like rodent and cockroach infestation or mold are more widespread,<sup>8</sup> and in 2010 black and Latina/o New Yorkers, who are disproportionately lower income, were hospitalized for asthma at nearly five times and four times the rate of white New Yorkers respectively.<sup>9</sup>

## The Human Right to Housing and New York City Council

The 2011 Report Card highlighted 16 bills from the 2010-11 legislative session that promote the human right to housing, only one of which became law. (Please see Table 1 for a description of these bills.) The bills address many of the elements of the human right to housing cited above, including accessibility ([LL 2011-037](#), [Int 0034-2010](#), [Int 0048-2010](#), [Int 0090-2010](#), [Int 0217-2010](#), [Int 0274-2010](#), [Int 0326-2010](#), [Int 0420-2010](#), [Int 0475-2011](#), [Int 0568-2011](#), [Int 0605-2011](#), and [Int 0606-2011](#)), habitability ([Int 0477-2010](#), [Int 0336-2010](#) and [Int 0572-2011](#)), availability of services ([Int 0012-2010](#)).

Two of the 15 bills yet to be enacted have significant support in Council but have not had a hearing.<sup>10</sup> (Please see Table 2 for a list of votes and sponsorships of all 16 housing rights bills.) Without a hearing, these bills cannot proceed to a Council vote, consequently inhibiting the progression of human rights. These delayed hearings are part of a larger trend our research has identified, which is detailed in the 2011 Report Card. The two housing rights bills that have been denied hearings, despite significant Council support, are:

### Tenants' Bill of Rights (Int 0477-2011)

**33 sponsors and the Public Advocate. No Hearing.**

This bill would mandate every owner of a multiple dwelling to post and provide to all residents, a bill of rights consisting of 11 rights, including those related to eviction and heat and hot water.

### Citywide Census of Vacant Properties (Int 0048-2011)

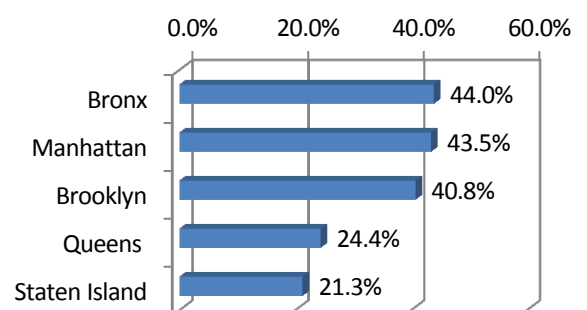
**29 sponsors. No Hearing.**

This would require the Mayor's Office of Operations to conduct an annual census of vacant buildings and lots, which homeless advocates argue, is the first step to transforming vacant property into housing for the homeless.

## Borough Scores

### As a Group, Bronx Council Members Received the Highest Score in Housing Rights

Collectively, Bronx council members scored the highest of the five boroughs in housing rights (44.0%, a B- grade).<sup>11</sup> This score was 0.5% higher than the next highest scoring borough, Manhattan (43.5%, a B- grade). Staten Island scored the lowest of the boroughs in housing rights (21.3%, a C grade). This low score can be attributed to a lack of sponsorship of the 15 housing rights bills not yet enacted. While all three Staten Island council members voted for the enacted bill, LL 2011-037, only [Council Member Deborah Rose](#) co-sponsored one of these 15 bills.



<sup>8</sup> Ruiz, A. (2011, January 9). Housing laws are breath of fresh air for city's children at risk for asthma. NY Daily News Online. [http://articles.nydailynews.com/2011-01-09/local/29442587\\_1\\_asthma-attacks-asthma-triggers-housing-laws](http://articles.nydailynews.com/2011-01-09/local/29442587_1_asthma-attacks-asthma-triggers-housing-laws) (Retrieved 12/15/11).

<sup>9</sup> Furman Center for Real Estate and Urban Policy—New York University. (2010) *State of New York City's Housing 2010*. <http://furmancenter.org/research/sonychan/> (Retrieved 2/8/2011)

<sup>10</sup> For the purposes of the 2011 Report Card, "significant support" denotes bills with 25 or more sponsors.

<sup>11</sup> The score of Queens Council Member [Ruben Wills](#) was not included in the Queens combined score given he is new to Council.

## Top Scoring Council Members

### Seven Council Members Scored an A or Higher in Housing Rights

In 2011, the following seven New York City council members received an A grade or higher in the housing rights category based on their votes and sponsorship of housing rights legislation delineated in the [2011 Report Card](#):



#### **Charles Barron**

**Score: 89% Grade: A+**

Council Member Barron co-sponsored and voted in favor of [LL 2011-037](#), Reporting Citywide Emergency Housing Use. He also was the primary sponsor of [Int 0475-2011](#), Evictions of Elderly Tenants, and co-sponsored 14 pieces of housing rights legislation.



#### **Letitia James**

**Score: 89% Grade: A+**

Council Member James co-sponsored and voted for [LL 2011-037](#). She was also the primary sponsor of [Int 0012-2010](#), Emergency Management Housing Services, and [Int 0217-2010](#), Priority Housing Placements for Revoked Section 8 Voucher Holders, and co-sponsored 13 housing rights bills.



#### **Melissa Mark-Viverito**

**Score: 89% Grade: A+**

Council Member Mark-Viverito co-sponsored and voted in favor of [LL 2011-037](#). She also was the primary sponsor of [Int 0048-2010](#), Citywide Census of Vacant Properties, and [Int 0336-2010](#), Mandatory Department of Homeless Services Inspections Report, and co-sponsored 13 housing bills.



#### **Jumaane D. Williams**

**Score: 89% Grade: A+**

Council Member Williams co-sponsored and voted in support of [LL 2011-037](#). He was also the primary sponsor of [Int 0605-2011](#), Landlord Failure to Maintain Residential Buildings, and [Int 0606-2011](#), Requiring Brokers Provide Notice Income Discrimination is Illegal, and co-sponsored 13 bills.



#### **Helen D. Foster**

**Score: 87% Grade: A+**

Council Member Foster co-sponsored [LL 2011-037](#) and was excused from the vote due to medical leave. She also co-sponsored 15 housing rights bills.<sup>12</sup>



#### **Jimmy Van Bramer**

**Score: 82% Grade: A**

Council Member Van Bramer co-sponsored and voted in favor of [LL 2011-037](#) and also co-sponsored 14 pieces of housing rights legislation.



#### **Brad Lander**

**Score: 79% Grade: A**

Council Member Lander co-sponsored and voted in support of [LL 2011-037](#). He was also the primary sponsor of [Int 0326-2010](#), Co-op Rejection Disclosure, and [Int 0420-2010](#), Housing Discrimination Pamphlet, and co-sponsored 11 housing rights bills.

In addition, while several other council members received below an A grade in housing rights, they did introduce important housing rights bills, which would further the progression of human rights in New York City. These council members are as follows: [Gale A. Brewer \(Int 0572-2011\)](#); [Fernando Cabrera \(Int 0477-](#)

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<sup>12</sup> Council Member Foster was excused from voting on LL 2011-037 due to medical reasons.

[2011](#)); [Inez E. Dickens \(Int 0034-2010\)](#); [Rosie Mendez \(Int 0090-2010 and Int 0274-2010\)](#); and [Annabel Palma \(LL 2011-037 and Int 0568-2011\)](#)).

## **Conclusion**

While the human right to housing is in jeopardy for many New Yorkers, there are several housing rights bills currently in the City Council, including two with significant Council support, which would go a long way toward enhancing this right, and in turn, enhancing New Yorkers' economic, social and cultural rights. It is up to each New York City Council member, not only those highlighted in this Issue Brief, to ensure that these important pieces of legislation as well as other human rights legislation affecting the right to housing, are enacted. Moreover, we encourage every New Yorker to use the information in this Issue Brief and in the 2011 Report Card to put pressure on their council member to support these important bills.

## **About the Human Rights Project at the Urban Justice Center**

The Human Rights Project (HRP) works to improve the lives of New Yorkers living in poverty with a particular focus on women and people of color. We do this by monitoring and advocating for government compliance with universal human rights standards, especially the human rights to employment, housing, health, food, education and other economic and social rights.

HRP has been at the forefront of the U.S. human rights movement for the past several years, demonstrating new models of applying human rights in the U.S., and in particular in New York City, to effectively advocate for the City's most vulnerable across a range of issues. The U.S. Constitution falls short in guaranteeing the right to health, housing, education, standard of living and other rights necessary to live in dignity. In combination with a legacy of structural discrimination, particularly through race and gender, and limits on rights that are protected, those most vulnerable in society have little recourse. The human rights framework and tools bring new possibilities in the face of limited remedies, and hope where there is despair.



## **Human Rights Project at the Urban Justice Center**

**123 William Street, 16<sup>th</sup> Floor**

**New York, NY 10038**

**646-602-5600**

**[www.hrpujc.org](http://www.hrpujc.org)**

**Table 1: Legislation Summaries of Housing Rights Bills (continued on following page)**

Bill Number	Bill Name	Bill Description
<a href="#">Int 0444-2010</a> <a href="#">(LL 2011-037)</a>	Reporting Citywide Emergency Housing Use	Though the Department of Homeless Services (DHS) provides daily data on people accessing DHS shelter, this information does not depict the true number of homeless persons because it does not include those in other city shelters. This law requires DHS to include in the daily census, the number of individuals who spent the previous night in other city shelters, including but not limited to, drop-in centers, faith-based facilities, and veterans housing. A more accurate count of the homeless population would help provide better services.
<a href="#">Int 0012-2010</a>	Emergency Management Housing Services	This bill would require the Emergency Management Department to designate one deputy commissioner as responsible for coordinating services for residents who have been displaced from their homes due to emergencies. Ensuring that New Yorkers who are displaced from their homes are supported in finding new housing and other services is an important protection of the right to housing.
<a href="#">Int 0034-2010</a>	City-Owned Property Ownership Option	Tenants of some city-owned properties have an option to collectively purchase the property if the City is planning to dispose of it. Often, these tenants are not notified or informed about their options in adequate time to plan for such a purchase. This bill would require the City notify tenants and provide them sufficient information and time to exercise their ownership option, increasing opportunities for home ownership and protecting the right to housing.
<a href="#">Int 0048-2010</a>	Citywide Census of Vacant Properties	This bill would require the Mayor’s Office of Operations to conduct an annual census of vacant buildings and lots. The information gathered in this census would include the condition and ownership status of these properties and be available to the public in print and on the Office of Operations website.
<a href="#">Int 0090-2010</a>	Legal Counsel for Senior Citizens Subject to Eviction, Ejectment or Foreclosure	This bill would help to ensure that all New Yorkers have access to legal representation in the event of a housing crisis. It would require the Commissioner of the Department of Homeless Services to appoint a civil justice coordinator responsible for establishing a program of legal services for eligible senior citizens facing eviction, ejectment or foreclosure proceedings.
<a href="#">Int 0217-2010</a>	Priority Public Housing Placements for Revoked Section 8 Voucher Holders	Those who have had their Section 8 vouchers revoked are often homeless or on the verge of homelessness. This bill would require the Department of Homeless Services to refer those receiving homeless services whose Section 8 vouchers have been revoked to the New York City Housing Authority for priority placement in public housing apartments.
<a href="#">Int 0274-2010</a>	Notification of Rent Control Housing Demolition	The bill increases notification and oversight of rent control housing demolition and may lead to the retention of some rent control units. Namely, it would require the New York State Division of Housing and Community Renewal to notify the community board and the council members in whose respective districts any housing is permitted for demolition within five days of the issuance of a demolition permit.
<a href="#">Int 0326-2010</a>	Co-op Rejection Disclosure	This bill addresses the often arbitrary and discriminatory nature of a co-op’s refusal to consent to sales. Specifically, it would require a co-op’s board of directors to disclose to prospective purchasers the reasons for withholding consent to a proposed sale within five days of withholding the consent
<a href="#">Int 0336-2010</a>	Mandatory DHS Inspections Report	This bill would help to ensure all New Yorkers have housing free from health and safety hazards. It would require the Department of Homeless Services to report the inspection results of potential transitional housing for the homeless to the Council Speaker as well as the council member and community board in the districts where the housing is located.

Bill Number	Bill Name	Bill Description
<a href="#">Int 0420-2010</a>	Housing Discrimination Pamphlet	This bill would mandate the Commission on Human Rights to develop a housing discrimination pamphlet for city agencies administering public or housing assistance to distribute to housing subsidy recipients. The pamphlet would make clear that recipients of housing assistance are protected from housing discrimination and possess rights if discriminated against.
<a href="#">Int 0475-2011</a>	Evictions of Elderly Tenants	This bill would amend the New York City code regarding the evictions of elderly tenants. Specifically, it would require the Department of Housing, Preservation and Development, upon receiving notification of an impending eviction, to provide the tenant with a list of legal services. In doing such, the bill helps to ensure the right to housing for all New Yorkers.
<a href="#">Int 0477-2011</a>	Tenants' Bill of Rights	Too often tenants are taken advantage of because they do not know their basic rights. This bill would require every owner of a multiple dwelling to post and provide to all tenants a tenants' bill of rights. The bill of rights would include 11 rights, including those related to eviction, heat and hot water, roommates and subletting and contain a special section for tenants in rent-regulated apartments.
<a href="#">Int 0568-2011</a>	Family Shelter Eligibility Guidelines	This bill would amend the New York City code in regards to families' eligibility for shelter. Specifically, it would codify various guidelines the Department of Homeless Services (DHS) currently must adhere to in determining whether a family is in immediate need of shelter. It would also require DHS to post additional data on families re-applying for shelter on its website.
<a href="#">Int 0572-2011</a>	Inspection and Correction of Structural Defects	This bill would help to ensure the right to adequate housing that does not compromise one's health and safety. It would require the Department of Buildings to conduct structural inspections of those multiple dwellings that have a dangerous number of hazardous or immediately hazardous violations. It would also require the Department of Housing, Preservation and Development to correct structural defects when the owner fails to do so, at the expense of the owner.
<a href="#">Int 0605-2011</a>	Landlord Failure to Maintain Residential Buildings	This bill would broaden the scope of Section 8 discrimination law in New York City. Specifically, it would make it an unlawful discriminatory practice for landlords participating in Section 8 or other government rental assistance programs to fail to maintain their buildings so as to discourage participation in such assistance programs.
<a href="#">Int 0606-2011</a>	Requiring Brokers Provide Notice that Income Discrimination is Illegal	This bill would require real estate brokers to provide notice that it is illegal to refuse to deny housing because of any lawful source of income. It would also invalidate any rental application that fails to contain a statement regarding such.

**Table 2: Current Votes and Sponsorships of Housing Rights Bills<sup>13</sup> (Continued on next page)**

	LL 2011-037	Int 0012	Int 0034	Int 0048	Int 0090	Int 0217	Int 0274	Int 0326	Int 0336
# of Sponsors <sup>14</sup>		12	21	29	24	19	20	14	20
Public Advocate									
Arroyo	Y (s)			s	s				
Barron	Y (s)	s	s	s	s	s	s	s	s
Brewer	Y (s)		s	s	s		s		s
Cabrera	e (s)	s		s				s	s
Chin	Y (s)		s	s	s	s	s		s
Comrie, Jr.	Y								
Crowley	Y			s		s			
Dickens	Y		PS	s		s			
Dilan	Y				s				
Dromm	Y (s)	s	s	s	s	s	s	s	s
Eugene	Y								
Ferreras	e (s)			s	s	s			s
Fidler	Y (s)		s	s					
Foster	med (s)	s	s	s	s	s	s	s	s
Garodnick	Y		s	s	s		s		
Gennaro	Y (s)								
Gentile	Y				s	s			
Gonzalez	Y								s
Greenfield	Y (s)								
Halloran	Y								
Ignizio	Y								
Jackson	Y (s)		*s	s					s
James	Y (s)	PS	s	s	s	PS	s	s	s
Koo	Y				s				
Koppell	Y (s)	s	s		s	s	s	s	
Koslowitz	Y			s	s		s		
Lander	Y (s)		s	s	s	s	s	PS	s
Lappin	mat			s	s				
Levin	Y (s)			s		s		s	
Mark-Viverito	Y (s)	s	s	PS	s	s	s	s	PS
Mealy	e (s)								
Mendez	Y (s)			s	PS		PS	s	s
Nelson	Y			s	s	s	s	s	s
Oddo	Y								
Palma	Y (PS)	s	s	s			s	s	
Quinn	Y								
Recchia	Y (s)						s		
Reyna	Y (s)		s	s			s		
Rivera	Y								
Rodriguez	Y (s)		s	s	s	s		s	
Rose	Y			s					
Sanders, Jr.	Y (s)		s		s	s	s		s
Seabrook	e	s							s
Ulrich	Y								
Vacca	Y (s)	s	s	s					s
Vallone	e								
Van Bramer	Y (s)	s	s	s	s	s	s		s
Vann	Y		s	s	s	s	s		s
Weprin	Y (s)								
Williams	Y (s)	s	s	s	s	s	s	s	s
**Wills	Y (s)								

Y = Voted in favor of bill    Y(s) = Voted in favor & co-sponsor    e = Excused    e(s) = Excused & co-sponsor  
 mat= Maternity(excused)    med(s) = Medical(excused) & co-sponsor    PS = Primary Sponsor    s = Sponsor  
 \* Sponsorship after publication of 2011 Report Card, during 2011-12 Legislative Session    \*\* New Council Member

<sup>13</sup> Current vote sponsorships are of January 10, 2012 and therefore vary from the sponsorships detailed in the 2011 Report Card.

<sup>14</sup> The number of sponsors only includes council members and does not include the Public Advocate.

**Table 2: Current Votes and Sponsorships of Housing Rights Bills<sup>15</sup> (cont.)**

	Int 0420	Int 0475	Int 0477	Int 0568	Int 0572	Int 0605	Int 0606
# of Sponsors <sup>16</sup>	11	16	33	18	20	14	13
Public			s				
Arroyo			s				
Barron	s	PS	s	s	s	s	s
Brewer			s	s	PS	s	s
Cabrera			PS			s	s
Chin			s		s		
Comrie, Jr.							
Crowley							
Dickens			s				
Dilan							
Dromm		s	s		s		
Eugene			s				
Ferreras				s			
Fidler					s		
Foster	s	s	s	s	s	s	s
Garodnick	s		s	s	s		
Gennaro							
Gentile					s		
Gonzalez			s				
Greenfield			s				
Halloran			s				
Ignizio							
Jackson	s*	s	s	s*	s*	s*	s*
James	s	s	s	s	s	s	s
Koo							
Koppell			s		s	s	s
Koslowitz			s				
Lander	PS	s	s	s	*s	s	s
Lappin							
Levin		s*	s				
Mark-Viverito	s	s	s	s	s	s	s
Mealy		s	s	s			
Mendez	s		s	s	s	s	s
Nelson				s		s	
Oddo							
Palma		s	s	PS	s		
Quinn							
Recchia		s	s				
Reyna							
Rivera			s				
Rodriguez			s				
Rose	s	s	s	s	s	s	s
Sanders, Jr.							
Seabrook		s	s				s
Ulrich							
Vacca				s	s		
Vallone							
Van Bramer	s	s	s	s	s	s	s
Vann		s	s	s	s		
Weprin			s				
Williams	s	s	s	s	s	PS	PS
**Wills			s				

Y = Voted in favor of bill    Y(s) = Voted in favor & co-sponsor    e = Excused    e(s) = Excused & co-sponsor  
 mat= Maternity(excused)    med(s) = Medical(excused) & co-sponsor    PS = Primary Sponsor    s = Sponsor  
 \* Sponsorship after publication of 2011 Report Card, during 2011-12 Legislative Session    \*\* New Council Member

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