

**Housing Court Judges Association
Housing Part of the Civil Court
of the City of New York**

Dear Commissioners:

I write on behalf of the Housing Court Judges Association, which represents the 50 judges in the Housing Part of the Civil Court of the City of New York, in support of salary increases for the next four-year period as provided by statute.

The Housing Court Judges continue to request pay parity with the Civil Court Judges. In 2016, the Commission adopted a pay schedule according to which judges of the Civil Court of the City of New York received a salary that was 93% of the salaries of Supreme Court Justices and judges of the Housing Part of the Civil Court of the City of New York received a salary that was 90% of the salaries of the Civil Court judges. We would urge the Commission to rethink this pay gap.

Housing Court Judges provide an essential service to the City of New York, as we are singularly responsible for ensuring compliance with the landlords' statutory obligation to maintain dwelling units in good condition. When most courts were inoperable or fully virtual during the Covid-19 Pandemic, Housing Court Judges were required to return to in-person work as of June 20, 2020. We complied despite real concerns for our health and safety and that of our families. We were not eligible for vaccines until March 2021. We complied because we understand that we serve an essential function for our City.

Housing Court has also suffered unprecedented staffing shortages. Since January 15, 2022, all federal and state moratoria on evictions were lifted after 22 months. Housing Court was faced with an avalanche of activity caused by the restoration of pending cases and the initiation of new cases. Contemporaneously, the number of court attorneys assigned to Housing Court decreased dramatically from 89 in 2019 to 50 in 2022. One court attorney in each borough is assigned to the Help Center, which assists unrepresented litigants with Court information and forms leaving 45 court attorneys to assist 50 judges. Beginning in 2022 and continuing to date, various Housing

Court Judges have presided over voluminous calendars without a dedicated court attorney for months at a time. The number of Housing Court clerks also withered over the Pandemic due to retirements and transfers to other Courts. These historic staffing shortages contributed to our existing backlogs, which are a source of enormous pressure as we are keenly aware of the detrimental effect of delay on our court users.

During the Pandemic, OCA introduced NYSCEF to Housing Court. Before NYSCEF, Housing Court relied upon the physical file jacket to track progress of a case from check-in to disposition each day. The file jacket also provided a snap-shot of prior activity in the proceeding. The introduction of NYSCEF completely disrupted this model and created enormous inefficiencies and double work. The lack of files placed new and greater demands on our few clerks and court attorneys. Housing Court Judges assigned to resolution parts have average daily calendars of 50-60 cases. The removal of the case file required each Judge to develop their own system for tracking case progress each day. Judges and their staff now spend an inordinate amount of time managing these systems, as well as keeping track of stipulations and orders to ensure they are not lost before being uploaded to NYSCEF. We are also required to keep notes in NYBench rather than on a file jacket. As a result, Court Attorneys have little to no time to assist with research and writing. Despite our Herculean efforts, the system remains inefficient and rife with problems and mistakes. We continue to adapt and refine our attempts to operate with efficiency and effectiveness, but these efforts have contributed to our long work hours and challenging days.

Prior to the Pandemic, the City Council enacted a Right to Counsel in Housing Court proceedings. Initially, the program was being rolled out in a controlled manner, focusing on certain zip codes. During the Pandemic, eligibility was expanded to all income-eligible residents of New York City. As a result, respondents have attorneys more often than in the past. While our Association welcomes this change, the obvious consequence has been a huge increase in motion practice and the number of reserved decisions. According to UCMS data, the total number of motions brought by notice of motion increased from 24,517 in 2019 to 34,714 in 2022. Every Housing Court Judge is sitting on the bench from 9:30 to 4:30 every day. Thus, ALL writing is done after 4:30pm and on weekends. As a result we have been working late nights, and 6 days a week, for nearly two years and still face backlogs.

In addition to a lack of staff and resources, a new filing system, the introduction of more two-attorney cases, and a two-year backlog on filings;

our legal landscape has been transformed. Shortly before the Pandemic stayed all eviction proceedings, the Legislature enacted the Housing Stability and Tenant Protection Act (HSTPA). That law made dramatic changes to the Rent Stabilization Law and the Real Property Actions and Proceedings Law. Many of those changes are being litigated for the first time now as issues of first impression.

During the Pandemic, multiple new laws were enacted to address the ramifications of the Pandemic, such as the Covid 19 Emergency Eviction and Family Protection Act (CEEFPFA), the Emergency Rental Assistance Program (ERAP), and the Tenant Safe Harbor Act (TSHA). These laws continue to have a real impact on the rights and obligations of landlords and tenants. Parties continue to litigate those impacts. One challenge was litigated before the US Supreme Court, where a provision of CEEFPFA was found to be unconstitutional. *Chrysaftis v Marks*, 141 S.Ct. 2482 (2021).

The confluence of these legal and logistical changes have worked to create an extremely challenging environment. We strive to master this environment every day. Yet, despite our dedication to the Court System, to our users, and to the law; we have our bone fides questioned at every turn and receive less money than all other judges in New York State. Housing Court Judges have long been asking for equal treatment. Now is the time.

We request the same pay as the NYC Civil Court Judges. To the extent that the pay disparity is based upon the mistaken and outdated belief that we are not “real” judges, that belief should be discarded as unwarranted for the reasons stated above. Our decisions directly affect the value of New York City real estate and the lives of New Yorkers, including our most vulnerable residents. We deserve to have our dedication acknowledged. We deserve to be fully compensated for our challenging and important work. We deserve the same pay as the Civil Court Judges. There is no legitimate reason for disparate treatment.

I am happy to speak with the Commission and answer any questions it may have about our work and our Court. Thank you for your attention and thank you for the work that you do.

Sincerely,

Daniele Chinaea

Hon. Daniele Chinaea, JHC
President, Housing Court Judges Association