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### **Impact of U.S. COVID-19 pandemic policies on housing**

My name is Susan Prensky. I am very honored to be here. I am a full-time professional volunteer organizer with New York State Coalition of Concerned Legal Professionals. We are an all-volunteer organization that takes no government funding. Our membership of attorneys, law students, and others is fighting for a legal system that serves the needs of the majority of the population.

Working people in the U.S. often lack access to the legal system because legal representation is so expensive. Also an increasing number of labor contracts require employees and consumers to take their disputes to private arbitration, where corporations generally win and there is no right to appeal the decision to a court.

The COVID pandemic further complicated matters for working people. For example with regard to housing in the U.S., homelessness was a major problem for working people *even before the pandemic*.

According to government statistics before the COVID pandemic, there were 580,000 homeless people in the U.S. That is almost two out of every thousand people.

The government's ability to count the number of homeless people was interrupted during COVID, however, when the government did count, they only counted those in temporary housing or shelters. There were officially fewer homeless in shelters during COVID, but the shelters also had fewer beds due to social distancing requirements. Many homeless were afraid to go to shelters because of a fear of COVID and also because of high instances of crime, including robberies, assaults, and fights. Homeless people thus went elsewhere — many to the increasingly visible tent cities in many parts of the U.S., particularly California.

A quarter of all homeless people in the U.S. live in New York or California. In California, there are 174,000 homeless people and more than 100,000 of them live in massive tent cities all over the state. In Los Angeles County, an average of five homeless people die every day, some due to extreme summer heat or cold in the winter.

In New York City, the shelter system created to keep homeless people off the street at night is inadequate and crime ridden. People sleep on the streets, in the subway tunnels and in abandoned buildings instead of the shelters.

Statistics on homelessness do not include all the families who move in with relatives and live two to three families in one apartment. Many of the homeless are

children. In New York City, as of October 2022, 10% of public-school students — or 104,000 children — experienced homelessness over the past year.

How does the wealthiest country in the world have so many who lack such a basic survival need as shelter?

First, housing and real estate in the U.S. are yet another investment opportunity, used by private industry, assisted by the government, to make money, not to provide a place for people to live. For-profit businesses of various sorts owned 21.7 million units of housing in the U.S., or 45% of total housing units in 2021. During the pandemic large investors made even greater profit: 61 landlords have a \$241 billion in collective net worth. Their assets increased by 10% during the pandemic.

To be clear, lack of housing is an economic problem. There is not a lack of *housing units*. There is a huge shortage of *affordable* housing in U.S. cities. Median rent for privately owned apartments in New York City for example, is \$3,000 USD per month, which low-wage workers cannot afford. With an inflation rate of almost over 8% in one year, pushing up the cost of basic necessities, a new study shows that 35% of all U.S. families that work full-time do not earn enough money to cover their most essential needs, including housing, food and childcare.

It starts with workers being paid insufficient wages.

Workers also suffer wage theft, when employers refuse to pay promised wages, paying less than legally mandated minimums, failing to pay for all hours worked or not paying overtime pay rates. Wage theft deprives working people in the U.S. of \$50 billion dollars annually. It also leaves hundreds of thousands of workers and their families in poverty. CCLP won back wages for a contractor after a long fight with state and local government agencies charged with responsibility for enforcing laws to protect workers who had not been paid for hours worked. ~~after a long fight~~. There are state and local government agencies responsible for enforcing wage laws to protect workers.

When COVID struck in the U.S. in 2020, many cities shut down places of business and government buildings and issued orders for people to stay at home. In the spring of 2020, 22 million U.S. workers lost their jobs in two months, which hit low-wage workers the hardest. 80% of those workers were in the lowest quarter of wage earners.

Those low-wage workers who continued to work during the pandemic, who the government called "essential workers," could not stay home or work from home, but had to go out to work in grocery stores and hospitals, pick up the garbage, deliver food and other necessities, do farm work and other service work. Many complained that their employers failed to protect them against COVID and more and more low-income workers contracted COVID which killed over a million people in the U.S. and today still kills over 300 a day.

In addition, low-income tenants have rights on paper to help them fight to stay in their homes, but those rights do not exist in reality — what we call “rights without remedies.”

Landlord-tenant problems are one example of the U.S. failing legal system. In our work, which includes volunteer attorneys providing legal advice to low-income workers, we see that low-income people who rent, face terrible living conditions — toxic mold, rats, vermin, leaky plumbing and mountains of garbage. Particularly with low-income housing or government-subsidized housing, it is difficult to get courts to force landlords to make repairs, and court cases can take years. There are many obstacles to making some of these properties habitable.

During the pandemic, the federal government, followed by many state and local governments, issued a moratorium on evictions and foreclosures. Their actions did nothing to ensure tenants could pay rent and that landlords could pay mortgages, property taxes, and heating bills. It made it very difficult for small landlords to keep and maintain their buildings without receiving rental income.

This government policy pitted landlords and tenants against one another. Tenants blamed landlords. Many small landlords did lose their buildings. This allowed corporate investors to buy more property, consolidating control of the housing market into fewer and fewer hands.

It took 15 months into the pandemic, before the U.S. government established funds to pay landlords for tenants back rent to save the homes and prevent evictions. However, the government required tenants to have a computer to fill out the complicated form.

In New York State only about 54% of the over 380,000 households who applied actually received *some* funds. One person CCLP helped lacked internet connectivity in his home, which was necessary to apply; 38% of Bronx residents don't have internet. This individual also did not have a cell phone to get the required contact messages. Numerous CCLP volunteers navigated the website and submitted his documents. They found that every time they had to stop to get another form, document, or data, the program required them to start the process over again. CCLP helped one small homeowner get \$16,000, saving his home for both himself and his tenant, although he only received about 1/3 of what the tenant owed.

### **Illegal evictions**

Some landlords illegally evict tenants: they change locks, shut off utilities and take other drastic measures to force tenants out. Undocumented immigrants are particularly vulnerable, as many fear deportation if they complain. According to court data, few of these landlords face legal consequences.

Landlords reject tenants with government housing vouchers, which are ~~subsidized~~ payments subsidized by the government for housing rented in the private property market. But many landlords ~~often~~ don't want to fill out the paperwork and deal with a government agency. For example, CCLP assisted a tenant whose building was bought by a new company that refused to accept his voucher. Two years later the new company agreed to take the voucher as payment but is demanding the low-income tenant pay the arrears from the months they did not receive the subsidy. The tenant feared eviction, a frightening proposition for a disabled elderly person. CCLP's lawyers assured him he cannot be held accountable for the back rent and advised him on what to do if the landlord proceeds against him.

CCLP is in the Bronx, the poorest borough in New York City, which is also one of the poorest congressional districts in the U.S.

The New York City agency responsible for investigating voucher discrimination had *zero full-time staff members* remaining after years of turnover. Understaffing government enforcement agencies in the U.S. is a policy decision designed to give the illusion of protection while not actually protecting the population.

### **Other Sources of homelessness**

There are other sources of homelessness. NY State prisons discharge inmates directly into New York City's shelter system. In the U.S., people who are poor have complicated legal problems, often ending up in jail or prison. At CCLP we say, "It's a crime to be poor, in the U.S."

In Cuba, the goal is for the offender to return to society as a functioning, productive individual. In the U.S. many prison inmates when released have no home to go to, no job or income, and end up in a homeless shelter. With a felony conviction, which limits employment options, many return to crime to survive. According to the National Institute of Justice, almost 44% of those released from prison return to prison within one year.

No one with a criminal conviction can live in government-subsidized housing, allowing the government to evict the entire household if the convicted ~~loved one~~ family member comes back to the housing. Housing management has forced some families to sign forms that their family member is now off the lease, is barred from visiting, and that the housing management could inspect their apartment from 9 am to 7 pm five days per week to look for evidence the family member had visited. Some volunteers have reported that on Mothers Day, police flood the apartment complexes to arrest young people visiting their mothers, aunts, and grandmothers. So if any member of a family in public housing is convicted of crime, the offender cannot return home to his or her family once released from prison.

This is a small portion of the problems that low-income workers face that we at CCLP see in our work every single day. A complete change in policy is called for, including creating a legal system in the United States that serves the working people of the nation and follows the principles of national and international law.

We need a system that puts people first. CCLP is dedicated to this goal.