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Why Nonprofits Are Moving to Evict Hundreds of Vulnerable Tenants

Some of the biggest providers of supportive housing for New Yorkers are suing tenants for millions of dollars of unpaid rent. Critics call the process cruel and unnecessary.

May 31, 2023 | Updated 3:41 p.m. ET



Luis Ortiz, a tenant of the Times Square, a supportive housing development in Midtown Manhattan, is facing possible eviction because of unpaid rent that accrued after he lost his job at the Salvation Army.

Hilary Swift for The New York Times

One of the largest providers of housing for mentally ill and formerly homeless people in New York City has started hundreds of eviction cases against its tenants in an attempt to collect millions of dollars in rent that went unpaid during the pandemic, according to a new analysis of housing court records.

The housing developer, Breaking Ground, has filed to evict the tenants in about 345 of its more than 4,300 apartments since January 2022, according to SHOUT, a supportive housing tenant organizing group that compiled the data. The cases came after a pandemic-era moratorium on evictions was lifted.

The analysis captures a longstanding practice among nonprofit housing providers that has been exacerbated by the pandemic, legal experts said: threatening to evict low-income tenants who are behind on rent in order to expedite the tenants' access to emergency rental assistance from the city. The lawsuits come at a time when the city is dealing with record-high homelessness and surging demand for shelter from migrant asylum seekers.

Very few of the cases have led to tenants being evicted, but critics of the tactic say that the lawsuits are an unnecessary hardship for some of the most vulnerable renters in the city, many of whom have lived on the streets or in shelters for years. It is also emblematic, they said, of dysfunction within the city's social safety net, at a time when budget cuts are straining numerous departments.

"It's a startling number of cases," said Jenny Akchin, a lawyer with [TakeRoot Justice](#), a nonprofit legal services group. "This has been standard operating procedure for a lot of supportive housing providers, but it doesn't have to be, and it really shouldn't be."

Another supportive housing developer, [CAMBA](#), has petitioned to evict more than a quarter of residents from one of its buildings in Brooklyn, according to court records.

Supportive housing providers say the lawsuits are necessary, as a last resort, to recoup rent they rely on to operate the buildings and pay down debt.

They acknowledge that the filings are designed to trigger actions in court that can speed up the process of receiving a so-called one-shot deal — a lump-sum payment of emergency rental assistance from the city's Human Resources Administration to cover the portion of the back rent that the tenant owes. The balance of rent is covered by a range of public subsidies.

The agency is struggling to meet the demand for one-shot deals and other cash assistance grants. In early May, the Department of Social Services said that its caseload was up 43 percent since before the pandemic. The department was meeting just 42 percent of its goals, [in part because of a staffing shortage](#), according to a city comptroller report in March.

In [supportive housing](#), formerly homeless tenants, many of whom have mental health or substance abuse issues, pay no more than 30 percent of their income, whether from work or government assistance programs, toward rent. They receive on-site, voluntary mental health and other services. The buildings often also house a number of low- and moderate-income renters who pay below-market rent. The eviction cases were filed against both kinds of tenants.

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Housing single adults in permanent supportive housing can cost half as much as keeping them in the shelter system, according to Project Renewal, a homeless services group.

But the providers operate on thin margins, and unpaid rent is putting a financial strain on the model, said Brenda Rosen, the president and chief executive of Breaking Ground.

“We have never seen the amount of rent arrears that we have now,” she said, in part because many tenants had additional hardships during the height of the pandemic, and because of the eviction moratorium. The group said that in April, it was owed \$6 million in unpaid rent from tenants across its portfolio; 45 percent of the nonpayment filings were sent to supportive housing tenants.

At its 652-unit flagship building, the Times Square in Midtown Manhattan, Breaking Ground has sued 81 tenants for rent totaling \$1.1 million.

Gothamist [previously reported](#) on eviction filings at the building, but not across the company’s portfolio.

Luis Ortiz, 63, a longtime rent-regulated tenant of the Times Square, said that he had tried to get public assistance to help cover his \$504 monthly rent, after losing his job as a driver and supervisor for the Salvation Army, and that he had spoken to building staff about his arrears. Breaking Ground sued him for \$6,599 in unpaid rent in December.

“Only after I got the letter did they tell me about the one-shot deal,” he said, referring to the rental assistance program. “Why didn’t they tell me that before?”

Tenants' share of the rent makes up about 40 percent of the operating budget for a typical supportive housing building, Ms. Rosen said.

"We use every tool at our disposal to keep people housed," she said, adding that the provider had an eviction rate of less than 1 percent.

But critics say filing for eviction is an unnecessary and cruel step that could be avoided with earlier intervention.

"This looks like offloading casework to housing courts," said Craig Hughes, a social worker with Mobilization for Justice, a nonprofit legal services group, and a member of SHOUT.

In many cases, tenants fall behind on the rent because of paperwork issues that delay or reduce the cash they receive from public assistance, the main source of income for some tenants, said Sandra Gresl, a lawyer with Mobilization for Justice.

Of the more than 345 eviction petitions filed by Breaking Ground, lawyers were assigned to only 26 cases: The vast majority of tenants had to represent themselves in court.

"For people who have a history of homelessness and a chronic sense of housing precarity, and have disabilities, even just landing in court is trauma," she said.

At least two low-income tenants who were sued for rent arrears at the Times Square surrendered their apartments before receiving rental assistance, court records showed. Breaking Ground also took possession of a unit in a Brooklyn building, the Schermerhorn, after it filed to evict a low-income tenant for failing to complete required paperwork about his income.

Tenant advocates have criticized the relatively small amount of arrears that have led to some eviction filings; in one case, the tenant owed about \$800. Joe DeGenova, the chief executive of the Center for Urban Community Services, which provides supportive services at several Breaking Ground projects, said it does everything possible to resolve rent arrears with tenants before the landlord takes the tenant to court.

A New York Times analysis of court records found that another supportive housing provider, CAMBA, has filed to evict more than a quarter of residents at a 293-unit development in East Flatbush, Brooklyn, since the eviction moratorium was lifted last January.

A spokeswoman for CAMBA said the group "works every day to provide housing and prevent evictions." Only one tenant in the development had

been evicted in the last three years, the spokeswoman said, and that was because of behavioral issues, not unpaid rent.

Supportive housing providers have long operated under the notion that a court order is a prerequisite to help get a tenant emergency rental assistance, said Pascale Leone, the executive director of the Supportive Housing Network of New York, which represents about 100 supportive housing providers in the city.

A spokeswoman for the Department of Social Services said that a court filing was not a requirement to qualify for a one-shot deal, and never has been.

“It’s officially not their policy, but that is the practice, to this day,” Ms. Leone said. “When you go through these proceedings, it does unlock additional assistance.”

But that process can be stressful, said Shakeme Boyd, a supportive housing tenant in a Breaking Ground building in the Bronx.

The provider sued him in June 2022 for \$2,169 in rent arrears that accrued, in part, after he lost his job as a housekeeper in a nursing home, he said.

“I was scared,” he said. “I was dreading I was going to be back on the street.”

He said he was scheduled to speak with building staff about a possible one-shot deal, and that he could not imagine losing the apartment, which had taken him five years to secure.

“I don’t know what I would do.”

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