

**Written Testimony of the NAACP Legal Defense & Educational Fund, Inc.  
Before the New York State Senate and Assembly 2024 Joint Legislative Budget Hearing****February 14, 2024****Introduction**

The NAACP Legal Defense & Educational Fund, Inc. (“LDF”)<sup>1</sup> submits this testimony to urge the Housing Committee to prioritize passage of Senate Bill S305 and its companion Assembly Bill A4454, acts to amend the real property law, in relation to prohibiting eviction without good cause (“Good Cause”).

Founded in 1940 by Thurgood Marshall, LDF is the nation’s oldest civil rights law organization. LDF was launched at a time when America’s aspirations for equality and due process of law were stifled by widespread state-sponsored racial inequality. For more than 80 years, LDF has relied on the Constitution and federal and state civil rights laws to pursue equality and justice for Black people and other people of color, including fair housing opportunities for Black people. Some of LDF’s early victories in the Supreme Court came in *Shelley v. Kramer*, 334 U.S. 1 (1948), and *McGhee v. Sipes*, 334 U.S. 1 (1948), which held that the state enforcement of racially-restrictive covenants violated the Equal Protection Clause. In the decades since those victories, LDF has continued to challenge public and private policies and practices that deny Black people safe and quality housing and freedom from discrimination. LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society.

This testimony will focus on LDF’s new original research from epidemiologist Dr. Sandhya Kajeepeta, Senior Researcher at LDF’s Thurgood Marshall Institute (TMI), examining the racial disparities in evictions in New York state. Currently, thousands of tenants in private housing are at risk of eviction simply because their landlords do not wish to renew their leases. In fact, nearly 1 in 5 eviction filings in the state are for holdover evictions — those initiated for a reason other than non-payment of rent, such as retaliation for raising concerns about the home or simply because the lease agreement has expired.<sup>2</sup> Because Black renters are likely over-represented in this group, as analyzed more fully below, protecting more tenants from eviction through enacting Good Cause is expected to reduce racial disparities and help promote racial equality in our state.

<sup>1</sup> LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

<sup>2</sup> This statistic was calculated using data from New York State Unified Court System, Division of Technology & Court Research, *Statewide Landlord Tenant Eviction Dashboard*, <https://app.powerbigov.us/view?r=eyJrIjoiZGE3NzljYmItYTBMZCooOGI2LTliYTgtYzY5ZjIoN2UoMWYxIiwidCI6IjMoNTZmZTkyLWNiZDEtNDA2ZC1iNWZzLTUzNjRiZWwYUzYzMyJQ.>

The Good Cause bills represent a critical opportunity for New York to promote housing security for tenants, particularly Black tenants. The bills would prohibit most landlords, excluding small-time landlords who own fewer than four units, from initiating eviction proceedings against a tenant absent one of seven specific reasons. By limiting the grounds for eviction, Good Cause prevents landlords from evicting tenants simply because the landlords no longer wish to renew their leases. These added safeguards will help protect renters across the state from no-cause evictions and thereby reduce the rate of such evictions in the state.

## Evictions Have Devastating Consequences for Renters

Every eviction can be irrevocably destabilizing and devastating for families and broader communities. Evictions not only mean losing one's home, but they also lead to harmful downstream consequences, like, loss of employment, reduced earnings and access to credit, adverse health outcomes and hospital visits, disruptions to children's education, and potential loss of child custody.<sup>3</sup> At the community level, evictions often facilitate the process of displacing Black communities, contribute to neighborhood poverty and inequality, and result in depressed political participation.<sup>4</sup> Even the threat of eviction or an eviction filing alone can lead to adverse mental and physical health consequences, wealth extraction through court fees, and a reduced likelihood of securing future housing.<sup>5</sup>

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<sup>3</sup> Morgan K. Hoke & Courtney E. Boen, *The Health Impacts of Eviction: Evidence from the National Longitudinal Study of Adolescent to Adult Health*, 273 Soc Sci Med 113742 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8045672/>; Megan E. Hatch & Jinhee Yun, *Losing Your Home Is Bad for Your Health: Short- and Medium-Term Health Effects of Eviction on Young Adults*, Housing Policy Debate (2020), [https://www.nlihc.org/sites/default/files/MEMO\\_Health\\_Effects\\_of\\_Eviction\\_on\\_Young\\_Adults.pdf](https://www.nlihc.org/sites/default/files/MEMO_Health_Effects_of_Eviction_on_Young_Adults.pdf); Robert Collinson, John Eric Humphries, Nicholas Mader, et al., *Eviction and Poverty in American Cities*, Center for Economic Studies Working Papers (2023), <https://www2.census.gov/library/working-papers/2023/adrm/ces/CES-WP-23-37.pdf>; Maria Roumiantseva, *A Nationwide Movement: The Right to Counsel for Tenants Facing Eviction Proceedings*, 52 Seton Hall Law Review 1351-98 (2022), <https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1843&context=shlr>.

<sup>4</sup> Elora Lee Raymond, Ben Miller, Michaela McKinney, & Jonathan Braun, *Gentrifying Atlanta: Investor Purchases of Rental Housing, Evictions, and the Displacement of Black Residents*, Housing Policy Debate (2021), <https://www.nlihc.org/sites/default/files/Gentrifying-Atlanta-Investor-Purchases-of-Rental-Housing-Evictions-and-the-Displacement-of-Black-Residents.pdf>; Matthew Desmond & Tracey Shollenberger, *Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences*, 52 Demography 1751-72 (2015), [https://scholar.harvard.edu/files/mdesmond/files/desmondshollenberger\\_demography.2015.pdf](https://scholar.harvard.edu/files/mdesmond/files/desmondshollenberger_demography.2015.pdf); Gillian Slee & Matthew Desmond, *Eviction and Voter Turnout: The Political Consequences of Housing Instability*, 51 Politics & Society 3-29 (2023), <https://journals.sagepub.com/doi/pdf/10.1177/00323292211050716>.

<sup>5</sup> Hugo Vasquez-Vera, Laia Palencia, Ingrid Magna, et al., *The threat of home eviction and its effects on health through the equity lens: A systematic review*, 175 Social Science & Medicine 199-208 (2017), <https://www.sciencedirect.com/science/article/abs/pii/S0277953617300102>; Lillian Leung, Peter Hepburn, & Matthew Desmond, *Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement*, 100 Social Forces 316-44 (2021), <https://academic.oup.com/sf/article/100/1/316/5903878?login=true>.

## New Analysis: Black Tenants are Disproportionately at Risk of Eviction

In New York, as in many places across the country, Black families and communities face a disproportionate risk of eviction, and thus are more likely to face the destabilizing and harmful consequences that follow eviction. New research<sup>6</sup> from TMI documents that New York's eviction crisis has a disproportionate impact on Black renters. Dr. Kajeepeta analyzed housing and demographic data from the U.S. Census Bureau's American Community Survey, the U.S. Census Bureau's Household Pulse Survey, the New York State Court System's Statewide Landlord Tenant Eviction Dashboard, and the New York City Open Data Evictions Dashboard. The findings are presented below:

*Black households are significantly more likely to be renters.* It is important to note that Black New York residents are more likely to be renters than homeowners. In fact, the Black-white homeownership gap in New York state is larger than the nationwide Black-white homeownership gap.<sup>7</sup> Specifically, two of every three Black households in the state are renters, while two of every three white households are homeowners.<sup>8</sup> As a result, tenant protections are particularly important for the hundreds of thousands of Black renter households in New York.

*Black New Yorkers are significantly more likely to report being threatened with eviction.* Recent Census data shows that 6.2% of Black residents in New York state report that they have felt pressure to move in the last six months because they were threatened with eviction or told to leave by their landlord.<sup>9</sup> By contrast, only 1.4% of white residents in New York state reported the same. Put another way, Black New York residents are 4.6 times as likely to feel pressure to move due to threat of eviction as white New York residents.

*New York counties and neighborhoods with higher Black renter populations face higher rates of total and holdover eviction filings.* The New York State Unified Court System provides statewide data<sup>10</sup> on eviction filings, including holdover eviction filings. We linked this statewide eviction filing

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<sup>6</sup> Sandhya Kajeepeta, *Evictions are a Racial Justice Crisis: The Promise of Good Cause Protection in New York*, NAACP Legal Defense and Educational Fund, Inc. (Dec. 6, 2023), <https://www.naacpldf.org/evictions-racial-justice-good-cause-protection-new-york/>.

<sup>7</sup> New York State Comptroller's Office, *Homeownership Rates in New York* (Oct 2022), <https://www.osc.ny.gov/files/reports/pdf/homeownership-rates-in-ny.pdf>.

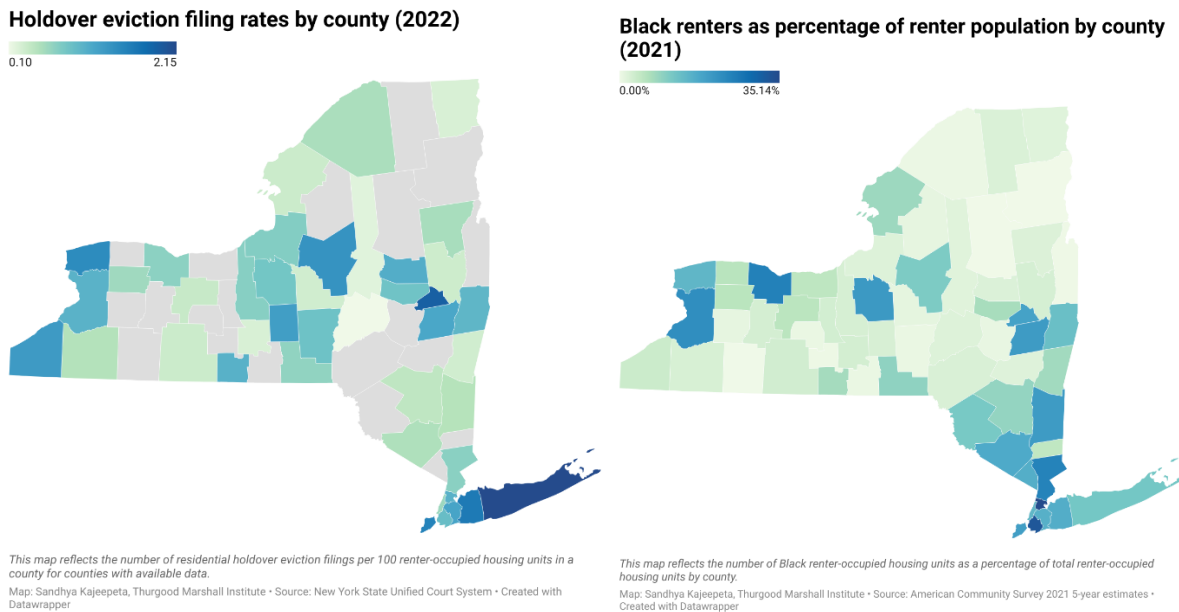
<sup>8</sup> This statistic was calculated using data from the U.S. Census Bureau American Community Survey, Demographic Characteristics for Occupied Housing Units, [https://data.census.gov/table/ACSST1Y2022.S2502?q=S2502&g=040XX00US36.36\\$0500000](https://data.census.gov/table/ACSST1Y2022.S2502?q=S2502&g=040XX00US36.36$0500000).

<sup>9</sup> This statistic is drawn from a question in the U.S. Census Bureau Household Pulse Survey (Week 62: September 20 – October 2) and refers to threat of eviction for any reason, <https://www.census.gov/data/tables/2023/demo/hhp/hhp62.html>.

<sup>10</sup> New York State Unified Court System, Division of Technology & Court Research, *Statewide Landlord Tenant Eviction Dashboard*, <https://app.powerbigov.us/view?r=eyJrIjoiZGE3NzljYmItYTBMZCooOGI2LTliYTgtYzY5ZjIoN2UoMWYxIiwidCI6IjMoNTZmZTkyLWNIzDEtNDA2ZC1iNWZzLTUzNjRiZWwYUzYzMyJQ>.

data with demographic and housing data from the Census and conducted a regression analysis, which showed that New York counties with a higher percentage of Black renters faced a higher rate of total residential eviction filings and holdover eviction filings, as seen in Figure 1 below. Specifically, a 10-percentage point increase<sup>11</sup> in the percent of Black renters in a county was associated with a 55% increase in the rate of total residential eviction filings and a 33% increase in the rate of residential holdover eviction filings. In other words, counties with a higher percentage of Black renters face a higher rate of eviction filings for reasons unrelated to whether the tenant is keeping up with rent payments.

Figure 1



At the ZIP code level, we observed the same pattern. For ZIP codes in New York State with available data, those with a higher percentage of Black renters faced a greater rate of total residential eviction filings and holdover eviction filings. More specifically, a 10-percentage point increase in the percent of Black renters in a ZIP code was associated with a 19% increase in the rate of total residential eviction filings and an 11% increase in the rate of residential holdover eviction filings.

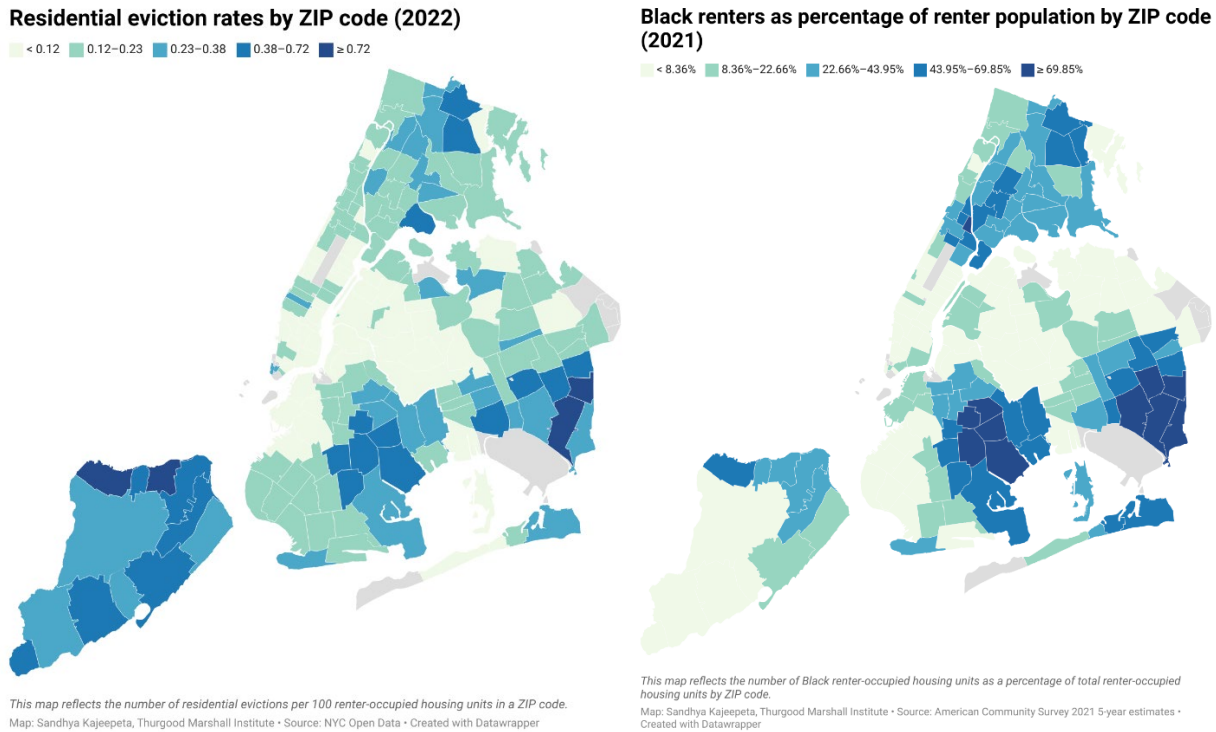
*NYC neighborhoods with higher Black renter populations face higher rates of executed evictions.* In addition to data on eviction filings, New York City has data on executed evictions.<sup>12</sup> ZIP codes with a higher percentage of Black renters also faced a higher rate of residential evictions, as

<sup>11</sup> A 10-percentage point increase reflects comparing a county where 5% of renters are Black to a county where 15% of renters are Black, for example.

<sup>12</sup> NYC Open Data, *Evictions*, [https://data.cityofnewyork.us/City-Government/Evictions/6z8x-wfk4/about\\_data](https://data.cityofnewyork.us/City-Government/Evictions/6z8x-wfk4/about_data).

depicted in Figure 2. A 10-percentage point increase in Black renters in a given ZIP code was associated with a 17% increase in the rate of residential evictions.

Figure 2



Together, the findings from our analysis demonstrate that New York counties and neighborhoods with higher Black renter populations face a disproportionate risk of eviction, including holdover evictions. This is consistent with national research demonstrating that Black people face a higher risk of eviction.

This constitutes a racial justice and equality crisis in the state that requires urgent action.

### Limitations of Current Tenant Protections

New York is experiencing a housing crisis that is hitting renters in the state particularly hard, yet current law does little to protect renters’ ability to remain in their homes. New York landlords filed nearly 200,000 eviction petitions in 2022, almost double the number of eviction filings in 2020 and

almost triple the number in 2021.<sup>13</sup> Most of these eviction filings are due to tenants being unable to afford rent. Still, about 20% of eviction filings in New York state are for holdover evictions.<sup>14</sup> Black women tenants have even faced the threat of eviction as a form of sexual harassment.<sup>15</sup> The concerning reality is that many New York renters live in their homes at the whim of their landlords. And any time their lease is up, or their landlord wants them out, they face possible eviction, even if they are keeping up with rent payments.

Holdover evictions, focused on retaking possession of property versus financial recovery, are complex proceedings. Tenants often do not have the resources to continue to fight these types of proceedings, and currently have few legal protections from them. This is particularly so in areas of the state where there is insufficient access to counsel for tenants. As a result, many tenants are at risk of losing their home simply because their landlord does not wish to renew their lease.

### Passing Good Cause Will Protect Black Renters

Enacting Good Cause in New York has the potential to protect renters from no-fault evictions, help renters stay in their homes, and limit the negative impacts of housing instability. Similar laws have been enacted in other states like New Jersey, California, New Hampshire, Oregon, and Washington. A Princeton University study of Good Cause in four California cities demonstrated that the implementation of Good Cause was associated with a reduction in eviction filings and executed evictions.<sup>16</sup>

The bills strike an appropriate balance between ensuring that landlords' interests are protected and protecting tenants who are paying rent and complying with the terms of their lease from evictions. Significantly, the bills expressly preserve landlords' ability to evict tenants when justified by non-payment of rent, violations of the lease, or damage to the unit itself. They also allow landlords to evict tenants if the landlord wishes to move into the unit themselves. Because the bills only cover pre-

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<sup>13</sup> This statistic was calculated using data from New York State Unified Court System, Division of Technology & Court Research, *Statewide Landlord Tenant Eviction Dashboard*, <https://app.powerbigov.us/view?r=eyJrIjoizGE3NzljYmItYTBMZCooOGI2LTliYTgtYzY5ZjIoN2UoMWYxIiwidCI6IjMoNTZmZTkYLNWniZDEtNDA2ZC1iNWZLTUzNjRiZWwYTGzMyJ9>.

<sup>14</sup> This statistic was calculated using data from New York State Unified Court System, Division of Technology & Court Research, *Statewide Landlord Tenant Eviction Dashboard*, <https://app.powerbigov.us/view?r=eyJrIjoizGE3NzljYmItYTBMZCooOGI2LTliYTgtYzY5ZjIoN2UoMWYxIiwidCI6IjMoNTZmZTkYLNWniZDEtNDA2ZC1iNWZLTUzNjRiZWwYTGzMyJ9>.

<sup>15</sup> Ryan Schwach, *Queens resident faces eviction after allegedly denying landlord's advances*, *Queens Daily Eagle* (Feb. 17, 2023), <https://queenseagle.com/all/2023/2/17/queens-resident-faces-eviction-after-allegedly-denying-landlords-advances>.

<sup>16</sup> Julieta Cuellar, *Effect of "Just Cause" Eviction Ordinances on Eviction in Four California Cities*, *Journal of Public & International Affairs* (2019), <https://jpia.princeton.edu/news/effect-just-cause-eviction-ordinances-eviction-four-california-cities>.

existing housing, they allow landlords to set the initial rent of any new construction. And landlords can still justify rent increases based on rising costs, as measured by the Consumer Price Index.

Most importantly, we anticipate that Good Cause will significantly benefit New York renters in predominantly Black neighborhoods that currently face a disproportionate risk of total evictions and holdover evictions, specifically. Given the results of our analysis, we believe that good cause eviction protection will further racial equality in housing in New York.

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LDF fully supports the Good Cause bills. Thank you for the opportunity to testify. Please feel free to contact Dr. Sandhya Kajeepeta, Senior Researcher, Thurgood Marshall Institute at LDF by phone at 929-502-4277 or by email at [skajeepeta@naacpldf.org](mailto:skajeepeta@naacpldf.org) with any questions or to discuss these issues in more detail.

Respectfully Submitted,

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