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*****FOR IMMEDIATE RELEASE*****

Legal Aid, Lowenstein Sandler LLP win Petition in Federal Court to Intervene on Behalf of Homeless New Yorkers Participating in City-Funded Special One-Time Assistance (SOTA) Program

(NEW YORK, NY) - The Legal Aid Society and Lowenstein Sandler LLP announced that a New Jersey Federal judge has [granted](#) a motion to intervene in *City of Newark v. City of New York, et al.* on behalf of individuals who moved or seek to move from a New York City homeless shelter to an apartment in Newark using rent subsidies funded by New York City's Special One-Time Assistance (SOTA) program.

The lawsuit, brought by the City of Newark, seeks to stop New York City from implementing the SOTA program in Newark, arguing that it violates the dormant Commerce Clause and creates a public nuisance. New York City, in turn, asserted counterclaims arguing that the Ordinance violates New Jersey's Law Against Discrimination and the constitutional right to travel.

The SOTA recipients who are directly affected are now parties to the lawsuit, and Legal Aid and Lowenstein Sandler will work on their behalf to ensure that the SOTA program properly inspects housing in Newark and to stop enforcement of the Ordinance so that SOTA recipients who wish to move to Newark may do so.

“We are pleased that Judge Wettre has allowed our clients to intervene to defend homeless New Yorkers’ right to obtain safe, permanent housing in the location of their choosing through the SOTA program,” said **Josh Goldfein, Staff Attorney in the Homeless Rights Project at The Legal Aid Society**. “The ability to choose where to live is a fundamental right, and our clients should not be discriminated against simply because they were homeless at one point in their lives.”

“We are gratified that Judge Wettre saw the merit in our position and the wisdom in allowing those most affected by New York City’s implementation of the SOTA program, and Newark’s opposition to it, to have a voice in this process,” said **Matthew M. Oliver, a partner at Lowenstein Sandler** who is leading the firm’s efforts.

In the [court order](#), U.S. Magistrate Judge Leda Dunn Wettre wrote that permitting intervention will cause no undue delay or prejudice. She further determined that “the Tenants’ participation in this action serves the interests of justice and will provide the ‘helpful, alternative viewpoint’ of the people most directly affected by New York City’s implementation of the SOTA program and Newark’s enforcement of the Ordinance restricting SOTA recipients from its borders.”

Legal Aid and Lowenstein Sandler have intervened on behalf of two putative classes—past tenants and future tenants. The first group—represented by Shakira Jones, who received SOTA grants in 2018 and 2019 and lived in unsafe, uninhabitable apartments in Newark—is comprised of “SOTA-participant tenants who moved into untenable living situations outside of New York due to defects in the SOTA apartment review process that the Ordinance purports to remedy.” The second group—represented by Eugene Samuels, who is eligible for a SOTA grant and would move to Newark but for the Ordinance—is comprised of “SOTA-eligible tenants who wish to move to Newark but cannot because of conflicting terms in SOTA and the Ordinance.”

BACKGROUND:

New York City created the SOTA program in 2017 to assist people living in homeless shelters to obtain more permanent housing; eligible participants can receive a one-time grant of up to one full year of rent, paid directly to the landlord, for use in cities across the United States. Newark alleges that New York City’s representatives failed to inspect prospective housing prior to approving SOTA grants, and, as a result, a number of SOTA recipients moved into illegal or uninhabitable apartments.

In response, Newark amended its Municipal Code to impose certain inspection and reporting requirements on any agency or person that provides rental subsidies to tenants seeking housing in Newark. Unfortunately, the ordinance also seeks to prevent any person from “knowingly bring[ing], or caus[ing] to be brought, a needy person to the City of Newark for the purpose of making him or her a public charge,” and to impose monetary penalties for violations.

Brought by the City of Newark, *City of Newark v. City of New York, et al.* seeks to stop New York City from implementing the SOTA program in Newark, arguing that it violates the dormant Commerce Clause and creates a public nuisance. New York City, in turn, asserted counterclaims

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The Legal Aid Society and Lowenstein Sandler LLP filed a motion to intervene in February 2020, which was denied without prejudice. The renewed motion was granted.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities.

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