

## Joint Legislative Budget Hearing on Housing March 1, 2023

### Capital District DSA Testimony on Funding for a Statewide Right to Counsel (A1493/S2721)

Capital District DSA is a proud member of the movement for Statewide Right to Counsel. As an organization of 292 members committed to finding democratic and socialist ways to transform society and improve quality of life by creating equality and fair distribution of power and wealth in the hands of the many and not the few, Right to Counsel legislation is aligned with our desire to create a level playing field for tenants in New York.

In 2017, the [Right to Counsel NYC Coalition](#) won the campaign to establish a Right to Counsel for tenants facing eviction in New York City. The coalition is now working with over 100 statewide partners to pass a Right to Counsel for ALL New Yorkers and transform housing court from an “eviction machine” to a place that holds landlords accountable, upholds tenants’ rights, and enables tenants to remain in their homes.

We and other members of the Housing Courts Must Change! campaign collectively represent tens of thousands of tenants across New York State and are honored to be working on permanent and transformative solutions to New York’s eviction crisis. Our statewide Right to Counsel legislation (A1493/S2721), introduced by Assembly Member Latoya Joyner and Senator Rachel May, would ensure that every tenant in New York State has the right to a lawyer when facing an eviction and:

- Covers every tenant across the state, regardless of income.
- Covers any legal proceeding that could result in a tenant losing their home.
- Requires that tenants be represented throughout their entire case, not just when they show up in court. This includes legal advice, advocacy, and assistance.
- Requires the State to contract with non-profit legal services organizations to provide Right to Counsel and with non-profit community based organizations to provide tenants’ rights education and tenant organizing.

New York State’s eviction crisis will only get worse if we don’t enact solutions that strengthen tenants’ rights and empower tenants to fight for their homes. Passing and funding statewide Right to Counsel would do just that. Right to Counsel is proven to prevent displacement – 84 percent of tenants in New York City who had a Right to Counsel lawyer won their case and the seven U.S. cities that passed Right to Counsel as of 2021 have seen up to a 77 percent reduction in evictions. Right to Counsel is critical to upholding ALL tenants’ rights: without an attorney, it’s much harder for tenants to raise available defenses, and ensure all their rights are respected in their homes and in the courts. Finally, we know that keeping people in their homes is vastly less expensive than the state having to pick up care for people who become homeless. In fact, Statewide Right to Counsel will save our state an estimated \$3-6 for every dollar invested!

To comprehensively transform our court system and keep New York tenants in their homes and in New York, we need a fully funded Statewide Right to Counsel. Our [budget proposal](#) lays out the need, in the FY 2024 budget, for \$172 million that will enable the first year of Statewide Right to Counsel’s implementation. We need this funding because we have seen firsthand the devastating impact of the eviction and housing crisis.

Many of our members are struggling with housing insecurity and have experienced eviction. We played an instrumental role in supporting tenants organizing in the Capital District, including tenants in an apartment complex whose organizing efforts were met with retaliation in the form of armed guards on Juneteenth/Father’s Day weekend, and providing eviction support to tenants at Saratoga Lakeview Mobile Home Park facing a retaliatory eviction for speaking out about landlord harassment in their community.

In these and many more cases, we have witnessed and experienced firsthand how brazenly local landlords violate the rights of tenants when they believe there is no recourse. We have witnessed eviction trials in which a landlord’s illegal activities were called out by the landlord’s own witness, who admitted under oath that he and other tenants were pressured to assist the landlord in a retaliatory eviction. This is just one of many examples of lengths some landlords have gone to, destabilizing communities and using their power and money to abuse and harass tenants who do not have access to counsel.

We urge you to support the full funding and passage of Right to Counsel in the budget this year. As a society, we cannot stand by any longer while New Yorkers are forced into a confusing, overwhelming and traumatizing court system without counsel by their side. No one should have to face something as devastating as eviction without even the most basic right to representation. We know that establishing this right will keep New Yorkers in their homes, prevent an array of

long-lasting harms to our families and communities, and save our state money. Our state has every reason to pass and fund A1493/S2721 in the budget this year, and we count on your leadership to ensure this happens.

**Capital District DSA - local chapter of Democratic Socialists of America**

Dio Kaufman - CDDSA member, Tenant Organizer, Eviction Survivor

Peter Warren - CDDSA member and co-chair, longtime tenant

Natalya Lakhtakia - CDDSA member, SSCSD school board trustee

Allie Dentinger - CDDSA member, Housing committee co-chair, lifelong tenant

Hannah Hurley - CDDSA member, Housing committee co-chair, tenant