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Joint Legislative Budget Hearing on Housing March 1, 2023

Center for Independence of the Disabled, New York (CIDNY)
Testimony on Funding for a Statewide Right to Counsel (A1493/S2721)

Good afternoon,

My name is Elizabeth Gradinger, and I am the Associate General Counsel of the Center for Independence of the Disabled, New York (CIDNY). This testimony is submitted on behalf of the executive leadership at CIDNY. CIDNY's mission is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. CIDNY is a proud member of the movement for Statewide Right to Counsel.

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



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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 CIDNY works with individuals with disabilities throughout the five boroughs of New York City, and many of CIDNY's consumers contact our offices specifically because they are experiencing issues related to their housing and are at risk of being evicted from their homes.

CIDNY does not currently provide direct legal service representation in matters related to housing to our consumers because CIDNY does not have the funding to do so. As such, a large part of CIDNY's role when consumers contact us for a housing issue is to refer them to a legal service provider where they can get an attorney to provide them with legal advice and direct representation. CIDNY is extremely grateful for the implementation of the Right to Counsel (RTC) law, since we know that the RTC program has been very successful in reducing evictions. The existence of this program has also made it possible for CIDNY to better advise our consumers about their right to get an attorney to assist them when they are facing the threat of eviction. However, CIDNY is extremely concerned by the feedback we have received from Consumers, who often report back to CIDNY that they are unable to get the assistance they require, despite the existence of the RTC program. It has become clear that legal service organizations in NYC who have been tasked with implementing this program are becoming increasingly unable to sustain the program and are unable provide the level of services the program requires to meet the needs of our consumers.

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.

Thank you for the opportunity to testify on this important matter for our consumers, and for your consideration of our testimony.

Elizabeth Gradinger
Associate General Counsel
Center for Independence of the Disabled, NY (CIDNY)