

Flatbush Tenant Coalition

Building Tenant Power in Brooklyn and Beyond!

Joint Legislative Budget Hearing on Housing

March 1, 2023

Flatbush Tenant Coalition's Testimony on Funding for a Statewide Right to Counsel (S2721/A1493)

Flatbush Tenant Coalition is a proud member of the movement for Statewide Right to Counsel. Flatbush Tenant Coalition is a member-led group of more than 100 tenant associations and 500 tenant leaders in Flatbush, East Flatbush, and South Crown Heights working collectively to build tenant power. Acting together, we advocate improving the lives of tenants so families have safe, decent, and affordable housing. We organize and support tenant associations and develop tenant leaders. We educate tenants about their rights and how to organize to make change. We take united action in campaigns to strengthen tenant rights in NYC and across the state. Working together to build tenant power, we help to create a more just and equitable society.

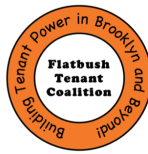
The Flatbush Tenant Coalition is dedicated to community organizing. We provide tenant rights workshops and trainings as well as build strong relationships with tenants across Flatbush, East Flatbush, and South Crown Heights. We not only educate tenants about their legal rights but also support them through their cases in housing court..

All of our work puts us in a unique position to say without a doubt that Statewide Right to Counsel will keep tens of thousands of families in their homes. And it will save New York State hundreds of millions of dollars in shelter costs, mental healthcare costs and the many other costs of homelessness.

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 (S2721/A1493), 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.



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- 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.

This funding would make a tremendous difference in the lives of tenants across New York. Every day we see families in danger of losing their homes because they feel there is no point in fighting their landlord and his lawyer alone, without an attorney of their own. Tenants are not aware of the many defenses and resources available to them that could save their homes. In addition, many tenants live in horrible housing conditions with rats, ceiling leaks, and mold. The Statewide Right to Counsel will allow tenants to effectively pursue repairs through housing court with an attorney by their side.

We've seen the difference that having a lawyer can make to a family facing eviction. With Right to Counsel attorneys by their side, our members have effectively turned eviction cases on their head to pursue repairs and rent abatements. This would not be possible without an attorney. One of our tenant leaders, Ruth, has expressed that tenants are intimidated just being in the court and often do not know their legal rights. Hearings for tenants who face housing court without representation average only a few minutes, it is clear that without legal counsel cases are ruled on without real consideration for the tenant's circumstances. In the past year, more than 16,000 tenants were denied Right to Counsel which has contributed to a rise in evictions. Our tenant leader Fidele says every tenant must have the Right to Counsel because of her personal experience in housing court and the considerable difference having an attorney made in her case. Fidele is certain that had she not had representation she would have been evicted.

Including funding for tenant organizing groups like ours to continue to do the outreach and education work we describe above will also allow us to reach more families, educate more tenants about their rights, and connect them to legal



Flatbush Tenant Coalition

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resources. This funding would also be allocated to hiring and retaining staff who lead the aforementioned trainings, actions, meetings and support our tenant associations.

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 S2721/A1493 in the budget this year, and we count on your leadership to ensure this happens.

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