

Housing Court Answers Testimony on Funding for a Statewide Right to Counsel (S2721/A1493)

Housing Court Answers participated in the campaign, as part of the Right to Counsel NYC Coalition, to enact a right to counsel for tenants facing eviction in New York City. The law was enacted in 2017 and began a rollout that was supposed to last five years. The roll out was disrupted by the COVID pandemic in 2020, and since then, the changes in the labor market and the speeding up of eviction cases have combined to create a crisis for the NYC right to counsel coverage.

Housing Court Answers supports the passage of the Statewide Right to Counsel legislation (S2721/A1493), introduced by Senator Rachel May and Assembly Member Latoya Joyner.

This statewide legislation would both expand to other parts of New York State the rights that tenants in NYC have and it would also fix many of the gaps in New York City's right to counsel. The legislation:

- 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.

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!

The statewide legislation would strengthen the New York City right to counsel in several ways including:

- Expanding coverage to people over the current 200% of FPL so that families who cannot afford private attorneys are protected.
- Expanding coverage to all types of cases that might result in an eviction or displacement
- Expanding the power of the right to counsel by ensuring that the state court system honor each tenant's right to counsel. Currently, the city law only controls actions by the city government and has no power over the city's Housing Court.

Housing Court Answers

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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. The [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 includes:

- **~\$152 million for New York's civil legal services.** The bulk of this funding would cover a significant expansion of representation both within and outside of NYC, as well as a critical expansion of resources to support affirmative, or tenant-initiated cases, outside of NYC.
- **~\$14M for community organizing in and outside of NYC, to support Right to Counsel's implementation.**
- **~\$6.4M for the Office of Civil Representation.** This new state agency, which the Statewide Right to Counsel bill would create, is critically needed to oversee New York's civil legal services, and implement a Right to Counsel.

At full implementation, the statewide Right to Counsel will cost around \$500 million per year. Research around the country has repeatedly demonstrated that investing in an eviction right to counsel is a good fiscal investment – creating more positive economic impact and cost savings by keeping people. The Right to Counsel in NYC has lowered eviction filings in NYC by 30%, and it is anticipated that filings will drop outside the city by 19% with Right to Counsel's implementation, saving further public dollars. The coalition estimates that [between 45,000 and 50,000 tenants outside of New York City would be served annually through an eviction Right to Counsel.](#)

We urge you to support the full funding and passage of Right to Counsel in the budget this year. The arguments for a right to counsel for tenants facing eviction have been laid out by tenant activists statewide, by former chief judge Jonathan Lippman, by organizers and advocates working on eviction prevention and on social justice. Evictions cause irreparable harm to the families evicted, evictions cause lasting disruption to the local housing market, and going to court without a lawyer to face a landlord with a lawyer with your home at stake violates our rules of equal access to justice. A fully funded, statewide Right to Counsel gets us closer to a right to housing. A tenant was recently evicted from her apartment in Brooklyn when the judge ordered her to go get an attorney. She could not obtain one. She writes in her final, desperate order to show cause: "I believe there was no cause to evict me. There was a violation of my rights as a senior citizen and human being." The arguments or facts supporting her case were never heard because the court allowed her case to proceed despite her lack of counsel. Housing Court Answers urges support for S2721/A1493 in the budget this year – for housing justice and for human rights.