

Joint Legislative Budget Hearing on Housing March 1, 2023

Testimony from Lower Hudson Valley Democratic Socialists of America on S2721/A1493 Statewide Right to Counsel Bill

Housing is a need that affects every aspect of life

Our district includes Westchester, Putnam and Rockland Counties where housing became a priority for our organization in 2021 in response to the heavy burden of the housing crisis locally. Because housing is an inescapable human need, the lack of affordable, properly maintained rental housing affects every other area of life. It affects children's schooling, family physical and mental health, and the ability to pay for other essentials such as transportation, food, medical bills, clothing and school supplies. The Covid years showed us that this housing crisis is severely affecting people working essential jobs. In the past few years we have spoken with dozens of tenants struggling with unfair evictions or unlivable conditions that will force them to leave, who cannot find legal help.

Tenants' lack of access to legal counsel has exacerbated the housing crisis in our district

What we have heard over and over again from tenants is that their precarious and unhealthy housing situations become critical because they are unable to access the legal rights they are entitled to. The following is the reality in our district:

- Court calendars with hundreds of cases in which the landlord has a lawyer and the tenant does not.
- Tenants get only a few minutes on average in court to explain their case; without an attorney they have no chance of appealing to the correct legislation and presenting the required documentation to win their case.
- Many tenants don't even show up at court because they feel they have no chance. If threatened with eviction they just move their household out to temporary housing with friends or relatives. Some eventually need support for homelessness.
- Legal and community services completely overwhelmed and forced to take only a small fraction of cases.
- Tenants afraid to press for needed repairs under the Warrant of Habitability which guarantees safe living conditions for tenants, because they are afraid of retaliatory evictions that without legal representation they will be unable to contest.
- Tenants living with mold and vermin, leaks, faulty heating and other dangerous conditions trying unsuccessfully by themselves over years to fix these building-wide problems because they are afraid to complain.
- Landlords threatening tenants who make complaints to city building inspectors.
- The health and educational impacts of substandard housing and unfair evictions put a burden on local schools and other services.

How Right To Counsel would benefit tenants, our district as a whole and the State Budget!

- When tenants have access to RTC attorneys they win their cases 84% of the time.
- This means that homelessness and the other downstream costs of precarious housing are reduced and will reduce the need for displaced families to fall back on social services for help.
- With housing security, families can build a better life, will have better mental and physical health, achieve better educational outcomes and build thriving communities that make our district a better place to live.

In Summary:

- In our district, which includes some of the wealthiest areas in the US, tenants are forced to suffer unfair evictions or live in substandard and illegal conditions because of their lack of access to their legal rights.
- Our justice system depends on the belief that everyone can equally make their case in a court of law. In NYS housing courts today, the fact that most cases go ahead without an attorney for the tenant, means tenants are effectively denied that right.
- Statewide Right to Counsel Legislation would guarantee that every tenant facing eviction would have access to an attorney to make their case effectively. Cases would not be allowed to be rushed through without an attorney for the tenant.
- Homelessness and the other downstream costs of precarious and unhealthy housing would be reduced. With housing security, families in our district can build a better life, achieve better educational outcomes and build thriving communities.
- The proposed Right to Counsel Legislation will provide funds to make sure enough attorneys are available and that tenants are informed about their rights. There is ample evidence from areas where RTC has been even partially implemented, that the costs of this bill will be easily recouped (likely several times over) by the reduction in social services needed due to homelessness and other costs of precarious housing. The RTC legislation will have an economic as well as social and humanitarian benefit on our State.

We urge you to support the full funding and passage of Right to Counsel in the budget this year. No household 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 long-lasting damage to our families and communities, and ultimately save our state money. We count on your leadership to ensure that S2721/A1493 is passed and funded in the budget this year.