



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

**Right to Counsel Coalition Testimony on Funding for a Statewide
Right to Counsel (S2721/A1493)**

Make the Road New York (MRNY) is a non-profit community-based membership organization with over 25,000 members dedicated to building the power of immigrant and working-class communities to achieve dignity and justice through organizing, policy innovation, transformative education, and survival services. We operate five community centers in Brooklyn, Queens, Staten Island, Long Island, and Westchester County. Across all our sites, we provide essential health, legal, education and survival services, while also continuing to organize our communities to innovate policies that will improve their lives.

MRNY has a deep record of fighting for tenants to live in safe, affordable homes and challenging landlords who would attempt to harass or otherwise displace their tenants. We organize around critical housing issues that impact tenants state-wide, and our legal team represents tenants in housing court in both Queens and Kings Counties. Our housing organizers have a long history of standing with tenants to educate them about their rights, connect them to our attorneys, and to work collectively to push critical housing campaign priorities. Our organization's community-based policy advocacy work has led to scores of policy and legislative victories, including passage of key housing related legislation like the New York City Safe Housing Act.

MRNY supports the effort to provide expanded access state-wide to representation in housing matters to low-income families who are fighting to stay in their communities. The 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 importantly, will cover every tenant across the state in any legal proceeding that could result in a tenant losing their home. It will allow tenants to have full representation for the duration of their case, not limited to just advice and counsel. Lastly, and importantly to our membership base, this legislation will require New York to contract with non-profit legal services organizations to provide this representation and with non-profit community-based organizations to provide tenants' rights education and tenant organizing.

We cannot underscore enough the absolute need for a comprehensive approach, which includes engaging community organizers, to reduce displacement for the State's most vulnerable families and individuals. This is especially true for our immigrant communities, who have often been the target of many unscrupulous landlords attempting to capitalize on an environment of fear and immigration enforcement, who often initiate meritless cases in housing court to evict immigrant tenants.

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.

Without an attorney, MRNY clients like Mario¹, who lost his mother to the COVID-19 pandemic, would have missed an opportunity to stay in his affordable apartment. He had succession rights to the apartment he shared with her, and had no idea about this potential relief after the landlord brought a holdover case to evict him because he was not a named tenant on the lease. Without legal representation, this tenant may not have been aware of his succession rights and may have self-evicted.

Additionally, 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.

In order to shift the balance of power, and stabilize our communities state-wide by keeping families in their homes, we must fully fund a 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. New York critically needs this funding because there are many places in the state where tenants are still largely unrepresented, and legal services providers have been historically under resourced to provide the level of representation needed in these types of cases. For example, in the third quarter of 2022, only about 1.3% of tenants in Albany eviction court had an attorney, compared to 92-94% of landlords.

Even in localities where tenants have greater access to representation, we are seeing multiple and overlapping significant issues. Attorney caseloads are so high as to be unmanageable, and are contributing to retention challenges. These caseloads, which could be addressed through greater funding and resources, also mean that providers are not always able to use best practices to represent tenants. We need to fund robust and effective representation, as part of eviction defense, but also beyond formal eviction defense. We know that landlords displace tenants through a variety of legal and extralegal means, and yet, in most places in the state, tenants are completely unable to take their landlords to court, to defend against these tactics.

❖ **\$14M for community organizing in and outside of NYC, to support Right to Counsel's implementation.**

Community organizing is an essential component of ensuring tenants KNOW about their rights, can use their rights effectively to protect against eviction, and are enabled to fight to protect those rights, something that tenants unfortunately must continuously do as they cannot rely on courts or landlords to uphold their rights. For example, MRNY represents a group of tenants in a building that borders on the rapidly gentrifying Brooklyn neighborhoods of Bed-Stuy and Bushwick, but is the long-term home of a diverse group of hardworking immigrant families. Our clients in this building hail from Dominican Republic, China, and Thailand, and were four remaining families in an otherwise vacant nine-unit rent stabilized building. A new owner purchased the property in for 3.5 million dollars and immediately began demanding that long-term rent stabilized tenants vacate the property. Management sent tenants letters claiming that they would have to vacate due to

¹ Name changed to protect his identity.

the bogus claim that the City was “condemning the property.” We also learned tenants were pressured to accept lowball buyout offers and told if they did not accept they would be evicted “by the City.” Our housing organizer learned of the situation several months later and visited the building to knock on doors. During the site visit our organizer heard more about the blatant harassment on the part of the new management and observed the serious disrepair of the building. He also learned that several prior tenants in the building had vacated due to the landlord’s tactics.

He subsequently organized a group meeting, building on the relationships where an attorney informed all tenants of their rights as rent stabilized tenants. After hearing about their legal options in the face of such harassment, the group of tenants together decided to initiate a group HP action in Brooklyn Housing Court. After reviewing the tenants’ rent histories, we also discovered that the rents had not been registered for over 10 years for each apartment. Accordingly, we filed DHCR rent overcharge complaints for each apartment and such proceedings are currently pending. Organizing was critical to the success of this case.

Right to Counsel has been proven to stop evictions in NYC, but many tenants who are eligible for Right to Counsel don’t know about it or are too afraid to use it. When tenants don’t know or use their rights, they are more easily harassed in their homes, disenfranchised in the court system, and evicted and displaced. Tenants might decide not to appear in court, decline representation, sign agreements with their landlord’s lawyer prior, decide not to ask for repairs in fear of being evicted, or face a variety of other serious consequences.

As noted, the legislation will fund new, critical tenant organizing. This funding would have a transformative effect on areas outside of NYC, which often have little to no tenant organizing. Consider the success of funding for NYC organizers: In 1 year, just 4 tenant organizers who were supported by the Right to Counsel NYC Coalition - 1 in the Bronx, Brooklyn, Queens, and Manhattan:

- Distributed information about RTC to nearly 8,000 people.
- Conducted outreach to approximately 200 buildings.
- Conducted 75 Know Your Rights Workshops reaching more than 1,100 tenants.
- Formed 26 new tenants associations, in which over 700 tenants are active.
- Stopped harassment in more than 500 households.
- Helped more than 400 households get repairs.
- Helped more than 350 tenants apply for a rent reduction
- Developed approximately 150 tenant leaders

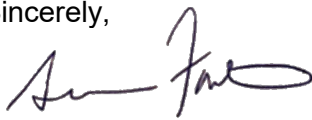
MRNY organizers know first-hand the impact they can have on empowering tenants and building their power to fight displacement. Working in collaboration with our attorneys, over a year we reach thousands of community members with up-to-the-minute information about the constantly changing landscape of housing court and housing policy. We hold multiple tenants’ rights webinars, with topics that have included programs such as the Emergency Rental Assistance Program (ERAP), how ERAP applications impact eviction proceedings, and past changes to the law such as the Housing Stability and Tenant Protection Act. Community organizers are often the most trusted sources of up to date information on rent assistance programs, housing court procedures, and more in geographies with few institutional resources.

❖ **\$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. The agency would collect and publicize data that we don't currently have but that we need, in order to understand the breadth of the housing crisis and respond effectively—such as representation and eviction rates in Town and Village Courts.

For these reasons, we ask that this important legislation be adopted, which we know will do so much to stabilize vulnerable communities, realize cost savings where homeless services are implicated, and strengthen tenants' power as they fight back against the pressures of harassment and displacement. We look forward to continuing to work with our community of advocates across the state to provide tenants with the knowledge and tools to prevent homelessness and uphold their rights.

Sincerely,

A handwritten signature in black ink, appearing to read "Sienna Fontaine". The signature is fluid and cursive, with a large, stylized initial "S" and a long, sweeping underline.

Sienna Fontaine
Legal Director / General Counsel
Make the Road New York