

Joint Legislative Budget Hearing on Housing

March 1, 2023

Northern Manhattan Improvement Corporation Testimony on Funding for a Statewide Right to Counsel
(S2721/A1493)

Northern Manhattan Improvement Corporation (NMIC) is a proud member of the movement for Statewide Right to Counsel. Our mission is to serve as a catalyst for positive change in the lives of our community members on their paths to a secure and prosperous future. We do this by providing a wide array of holistic services focused on community development. One of these services, our housing practice, provides critical legal advice and representation in eviction prevention that combat predatory landlords and helps keep long-time community residents stably housed. In FY22, our housing legal services prevented eviction in 382 cases, impacting 1,078 people. We proudly support expanding Right to Counsel across New York State.

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.
- 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. We need this funding to prevent further displacement of New York residents at risk of eviction. NMIC has been providing housing legal services since its founding in 1979. Our communities specifically represent some of the highest socioeconomic need in New York City and include 9 of the top 10 (out of 59 total) community districts with the highest percentage of residents living below the federal poverty level. The average income amongst our clients is less than \$19,000.

Our office has witnessed the impact that housing legal services has had in successfully maintaining tenants in their affordable apartments. For instance, our office represented Nicole, an indigent survivor of domestic violence who had been abandoned by her abuser spouse. The abuser was the sole source of income in the home, and he left Nicole and their 6-year-old daughter without the means to pay for their basic needs, including the rent. Nicole came to NMIC's office to seek representation after she had already signed an agreement without legal representation in court to pay an alleged \$8,902.62 in arrears. She was overdue on the pay date by 60 days, and the execution of the warrant to evict was imminent. Nicole had been denied rental assistance for her arrears twice before, was ineligible for a rental subsidy due to high rent and was considering entering the shelter system with her daughter when she arrived at our office. We immediately investigated the matter, and engaged in extensive motion practice where we discovered that the rent was actually in violation of the Rent Stabilization Law. After extensive litigation, Nicole received a new rent stabilized lease, with a proper rent amount, that also made her eligible for a state rental subsidy that would help pay her rent moving forward. Our office also negotiated a reduction of her total arrears so that she could be approved for arrears assistance in addition to the ongoing rental assistance subsidy that would help her stay out of court in the future. Nicole was able to avoid shelter and stay in her affordable apartment with her young daughter, where she currently resides. She is now a tenant leader in her building assisting other clients with their housing matters.

Our office shares these success stories with several legal services offices that have seen the impact of funding Right to Counsel in NYC. It is evident that receiving legal assistance has prevented further destabilization of the communities we serve and overcrowding in shelters. With the passage of our statewide Right to Counsel legislation, tenant rights will not only be properly represented in NYC courts, but statewide, giving your constituents assurance that New York is invested in maintaining housing stability and serving the needs of tenants in all communities regardless of income. The passage of Right to Counsel in NYC highlights that the need for representation, particularly in eviction proceedings, is a necessity. We want to expand this right across the State to grant those most in need access to legal representation when facing eviction and prevent displacement of hundreds of families throughout the State.

For these reasons, 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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