

Joint Legislative Budget Hearing on Housing
March 1, 2023

United Tenants of Albany Testimony on Funding for a Statewide Right to Counsel (A1493/S2721)

United Tenants of Albany (UTA) is a proud member of the movement for Statewide Right to Counsel. For fifty years, UTA has been the primary emergency rental assistance provider in Albany County, assisting low-income tenants prevent eviction and subsequent homelessness via budget and crisis counseling, landlord-tenant mediation, court and tenant advocacy, financial assistance, and the facilitation of tenant association development.

In 2022, more than 4,300 tenants in Albany County faced eviction, with more than 65% taking place in the City of Albany and where 1-in-10 tenant households had eviction processed by the Albany County Sheriff's Department. What's more, on average, 2-4% of tenants had representation in eviction proceedings in Albany civil court, whereas between 90-95% of landlords had counsel present. In recognition of this disparity, and with the expectation that NYS will step up to the plate and provide adequate funding for an expansive program, UTA and community partners secured \$260,000 from the County and City of Albany to provide two attorneys and a court advocate to the Albany civil court as a pilot program. We recognize this is a meager level of support in the grand scheme of things, but it at least establishes the necessary infrastructure to support tenants in proceedings once NYS passes Right to Counsel.

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.

UTA 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 (A1493/S2721), 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, including 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. Since passing Right to Counsel, NYC tenants have been able to remain in their homes 84% of the time, evictions have decreased by 40%, eviction filings have decreased by 30%, and default evictions have dropped by more than 30%. Moreover, 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 is necessary for tenants in Albany because other than the Legal Aid Society of Northeastern New York, there is no available representation for tenants in eviction proceedings. Even those who can afford an attorney rely on word-of-mouth referrals as there are no 'tenant lawyers' in the area. What's more, as the first municipality to pass Good Cause Eviction protections, the defense was never actualized in court, in large part because tenants without representation are easily dismissed by judges or railroaded by professional landlord attorneys. UTA has seen similar issues with other local protections we worked to pass, such as the requirement that a non-payment eviction be filed in a unit that has a valid Residential Occupancy Permit. Despite the Governor signing this local law into action, in January of 2023, the majority of non-payment eviction filings were against tenants living without ROP's and likely in substandard conditions.

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

Canyon Ryan, Executive Director of United Tenants of Albany