

**Joint Legislative Budget Hearing on Housing
February 14, 2024**

CD DSA Testimony on Urgent Need to Fund and Pass Statewide Right to Counsel (S2721)

Capital District Democratic Socialists of America is a proud member of [the Right to Counsel Coalition](#), which unites tenants, organizers, legal services providers, unions, faith communities and many others who are working to ensure that all New Yorkers across the state have a Right to Counsel when facing eviction. We and members of our [Housing Courts Must Change! Campaign](#) collectively represent tens of thousands of tenants across New York State and are honored to work on permanent and transformative solutions to New York's eviction crisis.

The historic passage in 2017 of New York City's Right to Counsel law made NYC the first place in the nation to establish a Right to Counsel for tenants facing eviction, and inspired a movement across the country, which has now seen [over 20 cities, states and counties win a Right to Counsel](#), including Westchester County in 2023. The statistics speak for themselves: 84% of NYC tenants with a Right to Counsel lawyer have won their case and been able to remain in their homes; and default evictions as well as eviction filings have dropped dramatically. San Francisco saw a 10% drop in eviction filing rates in just one year after passing a universal RTC, and two-thirds of all represented tenants were able to remain in their homes. Cleveland found that within the first six months of having Right to Counsel, 93% of tenants with a Right to Counsel lawyer avoided eviction or an involuntary move.

Right to Counsel works. It's a solution with a proven track record of success everywhere it's passed. Yet while New York City led this charge, the majority of New Yorkers still lack this fundamental right. And with landlords suing over [175,000 New Yorkers for eviction](#), New York State needs Right to Counsel now more than ever. In many localities across the state, only a fraction of tenants facing eviction are represented. In Albany, for example, in 2022, less than 2% of tenants had an attorney, while the vast majority of landlords were represented. This rate of representation is even lower when it comes to affirmative cases to protect against neglect of repairs, harassment or illegal lock out. Most tenants outside of New York City experience housing court as a place that *only exists to facilitate eviction*—a place where they have little to no recourse to assert their own rights, in particular, their right to a safe, habitable home.

That's why we are now fighting, with over 100 statewide partners, for a Statewide Right to Counsel. S2721, our Right to Counsel for ALL legislation introduced by Senator Rachel May, guarantees the right to a free attorney for all New Yorkers facing displacement across the state. **This year we are also requesting \$260 million in funding to begin Right to Counsel's implementation.** \$260 million is the necessary first step in empowering a wholesale change in our court system. It's going to allow for tens of thousands more tenants to be represented. It will equip attorneys to fully litigate their cases and help ensure long-term housing stability for tenants. It will transform workplace conditions for legal providers and help us to compete nationally, attracting the next generation of civil legal talent to New York State. It will support organizers whose work is essential to ensuring tenants know what their rights are and how to use them. And it will establish a new state agency, the Office of Civil Representation, to oversee the Right to Counsel.

Our members have observed eviction hearings in several local courts. We have seen first hand the dramatic underrepresentation of tenants. We have witnessed a concerning number of elderly and disabled tenants brought to court for eviction for issues that could easily be resolved by a case manager. When tenants have lawyers- which they seldom do- they are typically not evicted. In one recent case, an elderly gentleman was summoned to court by a landlord because his rent increased but this was not communicated to section eight. He owed less than \$100.00 in back rent, yet was forced to appear before a judge. Other eviction cases seem retaliatory in nature, such as a single mother who was brought before the court because she withheld rent in an escrow account when her landlord refused to reply to her texts. Her home, which had numerous maintenance issues including a sagging floor and exterior door that does not close completely, was in need of urgent repairs.

Our members were able to help her acquire a lawyer. When her case was called, the landlord's lawyer withdrew the case immediately as they failed to properly provide notice. This combined with the numerous maintenance issues would have given the tenant grounds for a counter claim. Clearly, it appeared the landlord did not expect his tenant to have a lawyer as he did not bother to serve proper notice according to the law.

Our court observers find this to be a frequent violation. Yet tenants often don't realize the significance of illegal lockouts and failure to serve proper notice in the eviction process. Once they are aware of their rights, they try to stand up for their families. But without attorneys, they are often unable to fully exercise their rights in court.

Such was the case for a young couple evicted from their home. In their initial hearing, the Judge informed them they had a counter claim because of violations on the part of the landlord. But when this issue was raised at their second hearing, the Judge repeatedly cited legal jargon the couple did not appear to understand and used this as reasons to deny their attempt at a counter claim before evicting them.

We urge you to support the 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 and traumatizing court system without counsel by their side, and as a result, face devastating consequences that could've been avoided. 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 in the long-term. New York has every reason to pass and fund S2721 in the budget this year, and we count on your leadership to ensure this happens.

Sincerely,

Capital District Democratic Socialists of America

*Diogenes Kaufman
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