



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

### Lower Hudson Valley Democratic Socialists of America Testimony on Urgent Need to Fund and Pass Statewide Right to Counsel (S2721)

Lower Hudson Valley Democratic Socialists of America (DSA) 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. DSA is a member-run political organization with over 90,000 members across the country. The Lower Hudson Valley DSA chapter covers Westchester, Rockland, and Putnam counties.

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.

As tenants and tenant organizers, we have seen firsthand the effects that fear of arbitrary eviction has on tenants and on our whole community. Tenants are afraid to press for necessary repairs because the response is often harassment or an eviction notice. Without access to counsel they have no realistic chance to beat this in court so they back off and struggle to make repairs themselves. Rental housing in our communities becomes increasingly dilapidated, unsanitary and unsafe. In Westchester and Rockland counties, we see rates as high as one in six tenant households facing eviction each year, of which 40% of those tenants are children. Tenant families are getting shuffled from place to place with periods of homelessness by landlords who are chasing additional profits, which come at a huge cost and stress to our communities. Children need stability and continuity to thrive in school. If they are instead forced by an eviction to move from school to school, between accommodations for the homeless and their next rental units, they will need psychological and educational support and will likely never catch up. Families, who are often forced to leave behind friends, jobs, pets and possessions, to find a new place, struggle for years to recover.

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.

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.