

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

Save63Tiffany & SWBTU's Testimony on Urgent Need to Fund and Pass Statewide Right to Counsel
(S2721)

Save63Tiffany & the Southwest Brooklyn Tenant Union (SWBTU) are proud members 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. Save63Tiffany is a tenant's association, trying to save our homes after an expired LIHTC. We would have never been able to navigate the bureaucracy of the housing court and the complexity of our case without the pro bono lawyers from Take Root Justice and the assistance and support of the Southwest Brooklyn Tenant Union (SWBTU).

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.

I, personally, take part in Right to Counsel's Court Watch where we visit the courts to help tenants navigate the system and I can tell you that the anxiety, panic and desperation they are feeling over the possibility of losing their homes cannot even be explained. I'd like to invite you, or anyone from your staff, to join us at any of our weekly Court Watch visits so you can see for yourself what these tenants are experiencing and how the landlords are weaponizing the courts. Virtually all landlords have lawyers and tenants need the same, it's only fair. For most residents this is the only time they'll visit a courtroom, much less be a defendant. It's not reasonable to expect them, on their own, without legal representation to know how to navigate and make proper decisions in the most consequential proceeding of their lives. Please give Right to Counsel the proper funding to help these residents stay in their homes.

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.

The Right to Counsel law, underfunded as it is, has helped so many residents stay in their homes, all the statistics back this fact. However many tenants, although entitled by law, cannot get an attorney because of this lack of funding. RTC needs the money to fulfill its goal. Just as prudent fiscal policy, RTC makes sense because it saves municipalities money in the long run, If you compare the cost of providing a tenant with an attorney, to keep them in their current home, as opposed to allowing them to become homeless and providing them with assistance, shelter, vouchers, etc. you will plainly see that RTC is beneficial to all, including the taxpayers. Please fully fund RTC for the good of all New Yorkers.

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.

Thank you for your time and consideration.

John Leyva
Save63Tiffany
SWBTU

"The true measure of a man is how he treats someone who can do him absolutely no good"