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**Testimony in Support of Right to Counsel in Eviction Proceedings, Good Cause Eviction,  
the Housing Access Voucher Program, and Increasing the Shelter Allowance**

**Submitted by Volunteer Lawyers Project of CNY, Inc.**

**February 14, 2024**

VLPCNY is a non-profit legal services provider whose mission is to provide access to justice through engaging the legal community in volunteer service to those in need. Each year our team of staff and volunteers provides free legal assistance relating to the essentials of life to over 3,000 community members in Central New York. VLPCNY is acutely aware of the dire situation faced by tenants in Central New York – every year our program represents over 1,000 tenants from eviction in Syracuse City Court. Eviction is one of the most frequent causes of homelessness. CNY has widespread problems with dilapidated rental properties that are barely fit for human habitation. In Syracuse, where 32% of the population lives below the poverty line, 61% of the population rents. In households that rent, 42% have one or more severe housing problems including but by no means limited to, no kitchen, extreme overcrowding, and/or significant housing cost burden. Rents are increasing at an incredible rate as well, with more than a 20% increase one year to the next. In a normal year, over 4,000 landlord-tenant eviction cases are filed in Syracuse City Court, and thousands more in all of the city, town and village courts throughout CNY. Nearly 4,000 people experience homelessness in CNY every year. In this backdrop, it is critical that New York State step up to include several important protections and access to housing in the One House Budget. The protections that I will speak to are Right to Counsel in Eviction Proceedings and Good Cause Eviction. The access to funding for housing are the Housing Access Voucher Program and increasing the Shelter Allowance.

**Right to Counsel legislation (S2721)**

First regarding Right to Counsel, VLPCNY urges you to prioritize Right to Counsel legislation (S2721) this session and include the \$260 million requested by Senate Sponsor Rachel May for first year implementation in the budget. When we provide free legal services to low-income tenants in Central New York, we see first-hand the profound difference that legal representation has for low-income tenants. With our advocacy, tenants avoid eviction, avoid monetary judgments, and assert their right to safe housing in the face of housing quality issues, code violations and lack of essential services. We

also, importantly, connect tenants to resources that can help them to pay their rent, avoid eviction and prevent homelessness.

For example, we represented Briana R. She, her partner, and 4 children were brought for a nonpayment eviction in April of 2022. They had suffered job loss and severe financial setbacks directly related to Covid-19. We advised them about the Covid Emergency Rental Assistance Program and how to apply. They did, and we succeeded in securing multiple court adjournments due to the pending application. Finally, 6 months later, a payment came through for them. The case was dismissed, and the family was able to remain safely housed. We were so gratified to be able to help them during this stressful time.

Another client, Patricia and her daughter were facing homelessness until our attorneys helped them assert their rights at court. We determined the landlord had not properly registered the rental property, and it was not up to codes habitability standards. We were able to successfully assert at court that the eviction should not proceed, and we got the case dismissed. The extra time allowed Patricia to pursue help from with the Emergency Rental Assistance Program, and we've received notification that her application is approved. We also advised Patricia how to report code violations to ensure habitability of her home. We're so happy we were able to help them remain in their home. Both of these clients, and countless more, benefited from protections that they would not have known how to assert without legal counsel. Tenants need legal counsel to assert their legal rights created by the New York State legislature.

The statewide Right to Counsel legislation, introduced by Senator Rachel May would ensure that every tenant in New York State has the right to a lawyer when facing any legal proceeding that could result in a tenant losing their home. Ensuring that tenants have a right to a lawyer is proven to stop evictions – [84 percent of tenants in New York City who had a Right to Counsel lawyer](#) were able to stay in their homes and the seven cities throughout the country that now have Right to Counsel have seen up to a 77 percent reduction in evictions. Evictions across New York City also declined more than five times faster in neighborhoods where tenants had the Right to Counsel than in areas that did not. As a result of Right to Counsel, evictions have also decreased by nearly 40% and landlords are suing tenants less overall, with eviction filings dropping by 30%. Defaults also dropped by more than 30%, which means more tenants (by way of their counsel) are showing up in Housing Court to fight their cases. Two years ago, [Washington State, Maryland, and Connecticut also passed Right to Counsel statewide](#). But in New York State, nearly all landlords have lawyers in eviction cases, while most tenants do not. While investments in affordable housing are critical for long term housing sustainability, immediate action to protect tenants' rights is needed across the state; we must pass S2721 and establish a Right to Counsel for all New Yorkers.

## **Good Cause Eviction (A4454/S305)**

The next legislation that will substantially reduce evictions and promote housing stability is Good Cause Eviction. One tenant, John, came to VLPCNY for advice – he had been a tenant in his current apartment for over 10 years, he had always been current on his rent and never had any complaints against him. But, in the past year, his apartment building was sold and shortly after he received a 90 day notice from the new landlord informing him that his rent would be increased over 180% (from \$500 per month to over \$900 per month). John’s only source of income is SSI – the new rent would be more than his entire income per month. Under current law, John has no recourse against increase – proper notice was given, the increase was not retaliatory, and there are no limits to how much rent can be increased. John lost his housing.

Good Cause eviction would prevent landlord from trying to evict tenants unless the tenants violated the lease agreement. It would prevent unreasonably high rent hikes, thereby keeping the housing that we currently have affordable to tenants. The failure to pay rent, substantial lease violations, committing or permitting a nuisance, and apartment use for illegal purposes all qualify as “good causes” for eviction. This is a common sense law.

## **Housing Access Voucher Program and Increasing the Shelter Allowance**

Finally, the number one thing that is needed to ensure housing stability and prevent evictions and homelessness is more financial assistance for those in need to help pay for rent. In a regular year, 85% to 90% of all eviction matters in Syracuse are for nonpayment of rent. This is not surprising, given that 60% of all tenants that we serve have incomes that are equal to or below the federal poverty guideline. HUD Fair Market Rent levels (FMR) represent what low-income New Yorkers actually need to pay for an affordable rental around the state. The Assembly and Senate have already recognized this when they passed legislation ultimately signed into law by Governor Hochul in December 2021 that set the HUD FMR as the appropriate measure of housing costs for the FHEPS rental assistance program for certain families experiencing or at imminent risk of homelessness who receive cash assistance in New York City.

Now it is time for the legislature to address years of neglect and extend this common-sense notion to all cash assistance recipients and raise the cash assistance shelter allowance to 100 percent of the Fair Market Rent to be adjusted annually in line with the relevant FMRs. See S.2982 (re-introduced this session)/A.8900 (last session) would increase the shelter allowance up to HUD FMR. The cash assistance shelter allowance has not been updated for households with children since 2003, and for adult-only households since 1988. The current cash assistance shelter amounts are so low that, aside from federally subsidized housing units with rents set at 30% of tenant income, there are literally zero habitable rental units priced at the level of the shelter allowance anywhere in New York State.

Now is also the time for the legislature to create the Housing Access Voucher Program (S0568A), which provides rental subsidies to people who are homeless or at risk of homelessness, to ensure all New Yorkers have access to housing they can afford.

Safe, affordable housing is critical for all – it should be a basic human right. Housing is the backbone that supports a community and allows children to attend school and succeed, adults to maintain employment, and families to maintain health. The NYS Legislature is positioned to become a national leader to ensure the rights of all to safe, affordable housing. We hope you will take these steps this year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sally Curran', with a long horizontal flourish extending to the right.

Sally Fisher Curran, Esq.

Executive Director

Volunteer Lawyers Project of CNY, Inc.