January 19, 2022

Honorable Kathy Hochul  
Governor of the State of New York  
Executive Chamber  
New York State Capitol Building  
Albany, NY 12224

RE: Passage of Right to Counsel legislation to guarantee the right to a FREE lawyer for ALL tenants facing eviction in New York State

Dear Governor Hochul,

We are writing to urge you to prioritize our statewide Right to Counsel legislation (A07570A / S06678A) this session and to work with tenants, organizers, advocates, and legal services providers to ensure prompt passage of this legislation into law. As members of the Housing Courts Must Change! Campaign coordinated by the Right to Counsel NYC Coalition, we are working in coalition to build a statewide movement for Right to Counsel and transform the courts from an “eviction machine” to a place that holds landlords accountable, upholds tenants’ rights, and enables tenants to remain in their homes. Collectively, we 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, introduced by Senator Rachel May and Assembly Member Latoya Joyner, 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, not just when they show up in court. This includes 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.

With 1.2 million households behind on rent due to the COVID-19 pandemic and more than 227,000 eviction cases pending across the state, New York tenants need Right to Counsel now more than ever. While many tenants facing eviction in NYC have the right to a lawyer, the NYC Right to Counsel law currently does not cover everyone, such as families with incomes above 200 percent of the federal poverty line and tenants living in public housing. And tenants throughout the rest of the state do not have the Right to Counsel at all. That is unacceptable!

While we are encouraged by your recent recognition of the success of NYC’s Right to Counsel law in your 2022 State of the State and your proposed program to provide funding for free legal assistance to upstate renters facing eviction with incomes at or below 200 percent of the federal poverty line, it does not go far enough to protect tenants. It does not establish the universal Right to Counsel that tenants across New York State need, nor does it help downstate tenants in NYC and the surrounding areas. In contrast, A07570A / S06678A establishes the right to free legal representation for every tenant in court cases where their basic human right to a home is at risk. Passing A07570A / S06678A and immediately signing it into law is the only real way to address our state's long standing eviction crisis.

New York State’s eviction crisis will only get worse if we don’t enact permanent solutions that strengthen tenants’ rights and empower tenants to fight for their homes – Passing statewide Right to Counsel would do just that. As you noted in your State of the State, Right to Counsel is proven to stop evictions – 84 percent of tenants in New York City who had a Right to Counsel lawyer won their case and the seven cities that now have Right to Counsel have seen up to a 77 percent reduction in evictions. Last year, Washington State, Maryland, and Connecticut also passed Right to Counsel statewide. Here in New York, the majority of cases are initiated by landlords and nearly all landlords have lawyers in eviction cases, while most tenants do not. This creates a power imbalance in the courts that favors landlords, many of whom consider evictions essential to their business models: Landlords evict tenants because they have power, and because it increases their profits, not because the law supports them. Right to Counsel disrupts this business model by...
regulating the eviction process, changing the amount of power landlords have over tenants, and helping to stop evictions and displacement.

The housing and eviction crisis ravaged New York communities long before the COVID-19 pandemic began. COVID-19 made the eviction crisis more visible and forced us to contend with it. To meet the needs of tenants across the state, we must pass A07570A / S06678A and establish a Right to Counsel for all New Yorkers.

We ask that you meet with us as soon as possible to discuss this crucial legislation. Please contact Malika Conner (malika@righttocounselnyc.org), Director of Organizing at the Right to Counsel NYC Coalition, with any questions you may have and to schedule a meeting with us. We look forward to your response and are excited to work with you and the State Legislature to get this done.

Sincerely,

Right to Counsel NYC Coalition
Housing Justice for All
CASA-New Settlement
Chinese-American Planning Council (CPC)
Housing Court Answers
Rochester City-Wide Tenant Union
Citizen Action of NY
RENA (Riverside Edgecombe Neighborhood Association)
NYS Tenants & Neighbors
Chhaya CDC
Syracuse Tenant Union
National Coalition for a Civil Right to Counsel
Tenants PAC
Communities Resist
Pratt Center for Community Development
Flatbush Tenant Coalition
For the Many
Urban Justice Center - Safety Net Project
Housing Rights Initiative
AARP New York
Housing Conservation Coordinators
University Settlement Society
Community Service Society of New York
Crown Heights Tenant Union
New Economy Project
Town of Brookhaven NAACP - Economic Development & Housing
The Center for Independence of the Disabled, NY
Neighbors Together
Woodside on the Move
Catholic Migration Services
Association for Neighborhood and Housing Development (ANHD)
Legal Services Staff Association 2320 (LSSA 2320)
Community Resource Center
Westchester Residential Opportunities, Inc.
United Way of Westchester and Putnam
Good Old Lower East Side (GOLES)
Goddard Riverside
Housing Organizers for People Empowerment (HOPE)
Hudson Valley Justice Center (HVJC)
Shaarei Tikvah, The Scarsdale Conservative Congregation
Westchester County Right to Counsel Coalition
Mount Vernon United Tenants (MVUT)
The Bronx Defenders
Program Design and Development, LLC
TakeRoot Justice
Brooklyn Legal Services Corp A
CAMBA, Inc./ CAMBA Legal Services, Inc.
Northwest Bronx Community and Clergy Coalition (NWBCCC)
Churches United for Fair Housing (CUFFH)
Metropolitan Council on Housing
Neighbors Together
CLUSTER Community Services
JustFix.nyc
Community Voices Heard (CVH)