

March 14, 2023

**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, Senate Majority Leader Stewart-Cousins, Speaker Heastie, and teams:

We write to urge you to prioritize Statewide Right to Counsel legislation (Joyner-[A1493](#)/[May-S2721](#)) and to work with tenants, legal services providers, advocates, unions and faith leaders in the Right to Counsel Coalition to ensure passage of this bill into law in the FY 2024 budget. As providers of free legal services to low-income New Yorkers, we see first-hand the profound difference that legal representation has for low-income tenants. Collectively, we represent tens of thousands of tenants in eviction proceedings in Landlord Tenant courts across New York State and we are committed to creating permanent and transformative solutions to New York's eviction crisis. The legal services community has been pursuing Right to Counsel for over a decade and we believe now is the time for New York to join Connecticut, Washington and Maryland in nationwide leadership by creating a statewide right to counsel.

The 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; and
- 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.

We agree with Governor Hochul -- "Housing is a human right." We are encouraged by Governor Hochul's continued support for \$35 million in funding for upstate legal eviction defense, but it does not go far enough to protect tenants. It does not provide nearly enough funding to establish the universal Right to Counsel that tenants across New York State need, and does not address the needs of so many tenants in NYC who do not currently qualify for Right to Counsel but who cannot afford an attorney. In contrast, ***A1493/S2721 establishes the right to free and full legal representation for all tenants in all Landlord Tenant and Housing court cases where their basic human right to a home is at risk.*** We are confident that this law will not only ensure tenants the right to representation and increase tenants ability to stay in safe and stable housing now, it will change the behavior of landlords and the practices of courts, and thereby have a substantial impact in stabilizing our communities.

We ask that statewide Right to Counsel be included in each one house budget and ultimately be included in the fiscal year 2024 budget at the level requested by the Right to Counsel campaign -- \$172 million. This funding will provide critically needed resources to begin implementing right to counsel outside of New York City, will shore up funding for right to counsel inside of New York City, and will fund tenant organizers to educate tenants and connect them to resources needed

to avoid eviction. Importantly, this funding also includes a workforce development component to ensure that law schools are producing lawyers who are passionate about ensuring housing as a human right who have practical experience fighting to keep families stable in their homes.

Statewide Right to Counsel will stabilize our communities and keep tenants in their homes, which will ensure that the housing we have now remains safe and affordable. Right to Counsel 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 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. [Analysis](#) from Stout shows that a Right to Counsel outside New York City will benefit over 46,000 tenant households per year at full implementation, and that we could see a 32% decline in default rates.

The NYS legislature has passed important and meaningful tenant protections in recent years. The Housing Stability and Tenant Protection Act of 2019 extended notice periods for no-cause evictions, limited security deposits, imposed financial penalties for illegal evictions, terminated vacancy increases and locked in preferential rents in regulated apartments, and excluded non-rent charges from eviction proceedings, among other things. The Tenant Safe Harbor Act prevented landlords from evicting tenants who were unable to pay rent during the pandemic months. The Tenant Dignity and Safe Housing Act, passed last session, will provide a mechanism for tenants to assert their right to safe and habitable housing in nearly all parts of the state.

Unfortunately, many of these defenses will not protect tenants without attorneys. Landlord-tenant law is a complex and fast-paced area of practice. These recent tenant protections offer numerous affirmative defenses that, if properly asserted, can prevent evictions. Here in New York, nearly all landlords have lawyers in eviction cases, but most tenants do not. ***Tenants need attorneys to present their defenses in order 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. We must act swiftly and boldly now as a society to enact permanent solutions to our systemic housing crisis, and to ensure our communities can protect their right to housing. ***We urge you to pass and fund A1493/S2721 this year, to establish the Right to Counsel for all New Yorkers at risk of displacement.***

Sincerely,

New York Legal Services Coalition  
Access Justice Brooklyn

Albany Law School Landlord Tenant Pro Bono Society  
Association of Legal Aid Attorneys -- UAW Local 2325  
The Bronx Defenders  
Brooklyn Legal Services Corporation A  
CAMBA/CAMBA Legal Services  
Catholic Migration Services  
Center for Elder Law & Justice  
City Bar Justice Center  
Community Service Society of New York  
Empire Justice Center  
Erie County Bar Association Volunteer Lawyers Project  
Frank H. Hiscock Legal Aid Society  
Goddard Riverside Law Project  
Her Justice  
Housing Conservation Coordinators (HCC)  
Hudson Valley Justice Center  
JustCause  
Legal Aid Bureau of Buffalo, Inc.  
The Legal Aid Society  
Legal Aid Society of Rochester  
The Legal Project  
Legal Services NYC  
Legal Services of Central New York  
Make the Road New York  
Mobilization for Justice, Inc. (MFJ)  
Neighborhood Defender Service of Harlem  
New York Legal Assistance Group (NYLAG)  
Northern Manhattan Improvement Corporation (NMIC)  
ProBono Net  
Queens Defenders  
Queens Volunteer Lawyers Project, Inc.  
Rural Law Center of New York  
TakeRoot Justice  
Urban Justice Center  
Volunteer Lawyers Project of CNY, Inc.  
Volunteers of Legal Service  
Western New York Law Center (WNYLC)

