

NYS MUST PASS & FUND STATEWIDE RIGHT TO COUNSEL (\$2721)!



\$260 MILLION FOR STATEWIDE RIGHT TO COUNSEL

Our New York communities need long-term solutions that will keep us safe and securely housed. To prevent displacement and keep New Yorkers in their homes, **New York State must pass Statewide Right to Counsel (\$2721-May), and fund its implementation with \$260 million in the fiscal year 2025 budget.**

Statewide Right to Counsel will strengthen New York City's Right to Counsel law and guarantee the right to a free lawyer for ALL tenants facing eviction across New York State. \$260 million in funding for Right to Counsel will cover approximately one fifth of Statewide Right to Counsel's total cost, with the understanding that the legislation will be implemented, and funding scaled up, over time.

BENEFITS OF RIGHT TO COUNSEL

In New York City and the twenty plus other cities, states and counties that have passed Right to Counsel legislation, Right to Counsel has been proven to prevent evictions and keep tenants housed:

- After the historic passage of NYC's Right to Counsel law in 2017, 84% of tenants with a Right to Counsel lawyer have won their case and been able to remain in their homes. Evictions across the city are down by nearly 40%; landlords are suing tenants 30% less, and defaults dropped by more than 30%, which means more tenants are showing up in Housing Court to fight their cases.

Statewide Right to Counsel will protect thousands of tenants across NYS, and could save our government millions. In a 2022 study of RTC's cost outside of NYC, Stout estimated:

- Approximately 46,600 tenant households outside New York City would receive legal representation under a statewide eviction Right to Counsel.
- Right to Counsel makes it harder for landlords to use evictions as a tactic to harass and displace tenants. Implementation of a statewide eviction Right to Counsel could decrease eviction filings outside New York City by at least 19%.
- Statewide Right to Counsel would reduce the number of default evictions outside NYC by 32%, as more tenants are likely to show up to court when they know they have counsel.
- All estimates indicate that Statewide Right to Counsel will save New York state and local governments millions of public dollars (over and above the cost of providing the Right) that would otherwise be spent on shelter, emergency room costs, homelessness services, and more. Like most cities and states with RTC, New York State could see cost savings of \$3 - \$6 per dollar invested in Right to Counsel.



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THE EVICTION CRISIS IS MANAGED BY NEW YORK STATE'S INEQUITABLE COURT SYSTEM

- **As of October 2023, there were nearly 175,000 active eviction cases across NYS, and 100k+ New Yorkers experiencing homelessness.**
- **Across NYS, an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not, creating a severe imbalance of power in the court system.** The city of Albany, for example, documented record low rates of tenant representation in 2022, with only about 1.3% of tenants having an attorney in eviction court, compared to 92-94% of landlords.
- **While housing court operates with public dollars, private actors are often able to use it to increase their profit and power:** landlords rely on tenants not having counsel, often bringing suits that are not supported by the law; tenants' rights often go unrealized in court, if the tenant lacks counsel; and many tenants simply do not show up to court, knowing they will have to navigate a confusing, traumatizing system alone and face intimidation from landlords and their attorneys.
- Since January of 2022, the state court system has failed to uphold NYC's Right to Counsel law, prioritizing clearing the docket over enforcing Right to Counsel. This has resulted in over 36,000 and counting tenants facing eviction alone. **Only state legislation can hold courts accountable and ensure they participate in Right to Counsel's enforcement.**
- Only recently, with the 2022 passage of the Tenant Dignity and Safe Housing Act, have tenants outside of NYC gained the ability to bring affirmative litigation against their landlords, but NYS does not have the legal services work force to bring these suits. **Without funding for RTC, countless tenants will continue to live in dangerous conditions, and experience harassment and illegal lock out without legal recourse.**

TRANSFORMATIVE CHANGES FOR NEW YORK STATE

\$260 million for Statewide Right to Counsel is the first critical step to realizing necessary changes in the lives of NYS tenants, the court system and the housing legal services field. At full implementation and with full funding, Statewide Right to Counsel will enable:

- **An expansion of civil legal services across the state, such that all tenants have guaranteed counsel in all the types of cases that could lead to eviction and displacement.**
- **The adoption, by legal services providers implementing Right to Counsel, of a comprehensive model of litigation,** which holistically encompasses pre- through post-trial advocacy; focuses on ensuring long-term housing stability for tenants; and ensures that tenants' housing is safe, appropriately priced, and that the tenants have the income needed to afford their housing going forward.
- **An expansion of community organizing resources for NYS tenants.** Organizers play a critical role in implementing Right to Counsel, ensuring tenants know about their rights and are equipped to fight for a just recognition of those rights in and outside of courts.
- **A transformation of workplace conditions for NYS's civil legal services providers.** NYS legal providers are contending with a national civil attorney shortage, fueled by under-resourcing and difficult work conditions. Our cost estimate for Right to Counsel accounts for a future where NYS can lead in attracting the next generation of civil legal talent; and where legal services workers have pay parity, manageable caseloads, and staffing levels and ratios that support comprehensive litigation practices.
- **The establishment of a new state agency, the Office of Civil Representation, to oversee Right to Counsel.**



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