



## Joint Legislative Budget Hearing on Housing January 31, 2022

### Right to Counsel Coalition Testimony on Funding for a Statewide Right to Counsel and the Proposed \$35 million for the Eviction Prevention Legal Assistance Program

Good afternoon, and thank you for the opportunity to testify today. My name is Malika Conner and I'm the Director of Organizing for the Right to Counsel Coalition, which won the campaign to establish a Right to Counsel for tenants facing eviction in New York City and is currently 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. 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 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 [226,000 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 Governor Hochul's recognition of the success of NYC's Right to Counsel law in the 2022 State of the State and her proposed Eviction Prevention Legal Assistance 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. And the \$35 million included in the Governor's Executive Budget proposal for the Eviction Prevention Legal Assistance Program simply doesn't meet the need of tenants throughout Upstate New York and the rest of the state that are still reeling from the economic and public health crisis caused by the pandemic, let alone the housing and eviction crisis that has devastated New York communities for decades.

To be clear: Every tenant facing eviction across New York State needs a lawyer and the support of a community organizer to fight their case. The current proposal will not come close to doing that. We need a TRUE Right to Counsel for tenants facing eviction. That means:

- The right to free legal representation for every tenant in court cases where their basic human right to a home is at risk (as outlined in [A07570A](#) / [S06678A](#)) and the funding to realistically pay for it:
  - While we are working on a more official cost study, our conservative estimate indicates that providing a Right to Counsel for all tenants across New York State would cost at least \$500 million.
  - Between 70,000 and 85,000 tenants outside New York City are expected to face eviction each year and we estimate that between 45,000 and 50,000 would be served annually through an eviction right to counsel.
  - Research around the country has repeatedly demonstrated that investing in an eviction right to counsel is a good fiscal investment – creating more positive economic impact and cost savings than the cost of providing legal representation.

To meet the needs of tenants across the state, we must establish a Right to Counsel for all New Yorkers. The housing and eviction crisis ravaged New York communities long before the COVID-19 pandemic began and the crisis will only get worse if we don't enact permanent solutions that strengthen tenants' rights and empower tenants to fight for their homes – \$35 million is not enough to meet the need of New Yorkers facing eviction. Passing [A07570A](#) / [S06678A](#) and immediately signing it into law is the only real way to address our state's long standing eviction crisis. We need a real Right to Counsel and funding of at least \$500 million to make it a reality.

Thank you again for the opportunity to speak today.