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THE COUNCIL
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SUB-COMMITTEE
ZONING AND FRANCHISES

February 13, 2023

Dear Mayor Adams:

We are proud of NYC's groundbreaking Right to Counsel legislation and our place in history, making NYC the first city in the nation with this right. On the heels of our success, 15 other cities and 3 states have passed RTC, and it has sparked a national movement. The law has had tremendous impact in just the first few years since it passed: 84% percent of tenants who had Right to Counsel won their case and stayed in their homes, landlords are suing people less, and community groups are actively using the Right to Counsel as a powerful tool to protect and advance tenant rights. Right to Counsel has also helped develop a body of more just case law, lower tenant rents, re-stabilize apartments, and force landlords to make repairs.

As we have seen, during the COVID-19 pandemic, Right to Counsel is more important than ever before. We know that evictions and housing instability have a disproportionate impact on people of color, especially women and children of color. Evictions and housing instability affect not only housing, but on people's education, employment, family relationships, physical and mental health, and so much more. NYC's Right to Counsel moves us closer towards achieving economic, gender, and racial justice.

Given all of this, we are deeply disheartened to know that [tens of thousands of NYC tenants](#) are being denied Right to Counsel. We are all well aware of the capacity challenges the legal services organizations face, the backlog of cases due to COVID that the court started moving forward last year, and the pressure from the landlords to move cases forward. While we appreciate the pressure on the courts, we cannot accept a process that denies tenants their right to counsel, under any circumstances. Given that this is NYC's law, we urge you to defend and uphold Right to Counsel and to call on the courts to ensure this critical right is respected.

Legal services organizations are not immune from the unprecedented labor shortage facing the nation, and Right to Counsel attorneys are managing a massive accumulation of eviction cases due to the pandemic. Cases are being assigned at rates that far exceed the capacity of the legal services organizations, with some attorneys taking on unprecedented caseloads. This is not only unsustainable for the attorneys and an additional driver of attorney attrition, but it is incredibly unjust for tenants facing eviction, who deserve attorneys with sufficient time and resources to defend themselves and their homes. Unfortunately, while judges clearly have discretion to give longer adjournments to create the time needed for organizations to provide adequate representation, this is not happening.

The Right to Counsel NYC Coalition has been urging the courts to take action for over a year. They are calling on the courts to:

- Issue an administrative order to mandate that all eviction cases where a tenant is eligible for Right to Counsel shall be administratively stayed until the tenant has had an opportunity to meaningfully meet with and retain an attorney.
- Calendar new eviction cases *only after* all eligible tenants with currently pending cases have retained counsel for full representation.
- Reduce the volume of eviction cases on court calendars so that the number of new cases each day matches legal service provider capacity to provide full representation to all eligible tenants.
- Provide sufficient time between court dates to allow time for lawyers to complete essential work on each case, keeping in mind the current staffing shortages and work overload.

Unfortunately the courts have refused and are moving thousands of cases forward without allowing tenants to exercise their rights. **Moving cases forward without an attorney subverts the intent and purpose of the Right to Counsel law and represents a retraction of the ground gained by tenants in securing this hard-won right. No case should move forward without an attorney, [yet more than 13,000 are](#).**

It's critical that the Office of Civil Justice and the city administration as a whole commit to upholding the law as it is, rather than pursuing any attempts to water it down. Doing so would accept the court's logic that cases must move fast at all costs--COVID showed us that is not true--and permanently weaken a powerful law in the face of a temporary challenge.

We are urging you to publicly call on and work with OCA to make the necessary changes to respect this groundbreaking and powerful NYC law. The courts can and must fix this now.

We look forward to working with you to make sure NYC tenants' rights are protected and that Right to Counsel is upheld and strengthened.

Sincerely,



Council Member Shaun Abreu
New York City Council, District 7



Deputy Speaker Diana Ayala
New York City Council, District 8