



RTCNYC Coalition Testimony, Hearing of the Committee of General Welfare
February 28, 2022

Good morning and thank you for the opportunity to testify today. Please accept our testimony on behalf of the Right to Counsel NYC Coalition, which led and won the campaign to establish a Right to Counsel for tenants facing eviction. We are proud of NYC's groundbreaking Right to Counsel legislation and applaud the City Council, the Mayor, and the Office of Civil Justice for its dedication to making the Right to Counsel available to all New Yorkers during this pandemic. The law had tremendous impact in just the first few years since it passed: 84% percent of tenants who had RTC 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 tenants' rights. Right to Counsel has also helped develop a body of more just case law, lower tenants' rents, re-stabilize apartments, and has forced 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 also have significant impacts not just on people's 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.

We are here today to urge this committee to immediately and fully implement Local Law 53 and to work with the courts to ensure that no case move forward without an RTC attorney.

Immediately and Fully Implement Local Law 53:

The expansion of RTC to work with and fund community organizing groups to do the necessary education and outreach work of RTC, [Local Law 53](#), is so incredibly critical. While we applauded the city for passing legislation in May of last year, with an effective date of November 2021, we are deeply disappointed that it has not yet been implemented. With 1.2 million households behind on rent due to the COVID-19 pandemic and more than 220,000 eviction cases pending across the city, New York tenants need this law now more than ever. We were told the city allocated \$3.6 million towards this bill, had drafted the RFP and was going to release it in November of last year. To date, we haven't seen it. We know the mayoral and city council administrations take time to transition but **with the expiration of the eviction protections and cases moving forward, we can't wait.** The city is now out of compliance with its own law and it needs to implement it now.

Why is this law important?

- Right to Counsel has been proven to stop evictions in NYC, but many tenants who are eligible for Right to Counsel don't know about it or are too afraid to use it. When tenants don't know or use



their rights, they are more easily harassed out of their apartments. This leads to the displacement of mostly poor Black and brown New Yorkers.

- A survey done by volunteers at Bronx Housing Court found that **53%** of tenants who had Right to Counsel did not know about this right before arriving in court.
- When tenants don't know they have a Right to Counsel, they might decide not to appear in court, decline representation, sign agreements with their landlord's lawyer prior, decide not to ask for repairs in fear of being evicted, or face a variety of other serious consequences.
- Local Law 53 requires the city to support organizers who would work to ensure that tenants know about their Right to Counsel and feel supported using it. More tenants will be prepared to defend their homes against eviction and fight for their right to a safe, affordable home.
- Tenant organizing is the most effective means of ensuring tenants know about their rights. Tenant organizing groups create an environment where tenants feel supported by a community that is working together to combat landlord abuse, ensuring that a landlord cannot target an individual tenant for standing up for their rights.
- We need to stop informal evictions! 54% of forced moves that take place in NYC are the result of informal evictions, such as a tenant leaving due being told to leave, landlord harassment, a lack of repairs, etc. When tenants know they have the right to a lawyer and are organized, they can fight back when landlords try to push them out.

To meet the needs of tenants across the city, this law must be implemented now. **We urge this committee to work with the necessary offices to release the RFP so that tenant organizing groups can do their work to educate and organize tenants across NYC during this incredibly scary time.**

Ensure that no case move forward without an RTC attorney:

We are deeply concerned about the pace with which cases are moving forward in NYC's Housing Courts and we are calling on the city, specifically the Office of the Civil Justice to work with the courts to ensure that no eviction case moves forward without an RTC attorney.

Legal services organizations are not immune from the unprecedented labor shortage facing the nation and RTC attorneys have a massive accumulation of eviction cases due to the pandemic. With the expiration of the eviction protections and cases moving forward at faster rates, this creates a significant problem. In the Bronx, for example, judges used to hear one case every 30 minutes in the RTC intake part; now it's two cases every 15 minutes. This means that cases are being assigned at rates that far exceed the capacity of the legal services organizations, which will ultimately lead to tenants not getting the quality representation needed to effectively litigate their cases. Across organizations, attorneys are taking on unprecedented caseloads; some attorneys have upwards of 60-80 cases. This is not only unsustainable for the attorneys and an additional driver of the labor shortage and RTC 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 create the necessary capacity, they are doing the opposite and giving very short adjournments, in some cases as little as one to two weeks. [The legal arguments](#) for multiple and prolonged adjournments for the purposes of Right to Counsel assignment, both in terms of NYC's Right to Counsel law and also as a matter of due process, are clear.



We have heard from our partners that Judge Schneider (NYC Housing Court Citywide Supervising Judge) has said that if providers don't have capacity to accept cases in the intake parts, the courts plan is to move them forward in resolution parts regardless without RTC, just like the court would if someone is over income. It's also our understanding from our partners that she has refused to adjust court calendars or adjourn cases as we've proposed, to meet provider capacity. **That plan is simply untenable. Moving cases forward without an attorney subverts the intent and purpose of the RTC law and represents a retraction of the ground gained by tenants in securing this hard-won right. To be clear, no case should move forward without an attorney.**

We urge this committee to work with all necessary bodies, specifically the Office of the Civil Justice, to work with the courts to ensure that no eviction case moves forward without an RTC attorney.

As our [eviction crisis monitor](#) shows, the neighborhoods hit hardest by COVID-19 are also being targeted for eviction. It would be unconscionable if these mostly Black and brown tenants could not get the representation they deserve. In addition, cases have already slowed down during the pandemic, and there was no great collapse. There is no reason to return to the fast-paced, high-volume courts of the past. They were unjust then, and they would be a death sentence now, especially as new COVID-19 cases surge across NYC due to the Omicron variant.

As we have done over the past two years, slowing down the court system is the only moral response. The courts can do this by moving ***only the cases where tenants are represented forward and adjourn all the rest until the legal services organizations have capacity to take more cases.*** These adjournments happen in other courts, like family court, where there is a Right to Counsel. There is a legal basis for judges to grant repeat adjournments for the assignment of counsel and due process requires it, plus judges have a broad discretion to adjourn cases as they see fit. Thanks to the Housing Stability Tenant Protection Act, housing court judges have much greater ability to adjourn cases. We are calling on this committee to work with the courts and OCJ to make this a reality.

We look forward to working with you on this. Thank you for the opportunity to testify today.