

Coalition Rallies to Highlight Injustices in Albany Civil Court and Demand Passage of Statewide Right to Counsel Legislation!

Tenants, clergy, and supporters from around the state will march and rally in downtown Albany today to highlight multiple injustices in Albany's civil court system, and demand New York State leadership pass and fully fund Statewide Right to Counsel legislation!

For release on Monday, November 21

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Albany, NY - Today, tenants, clergy, and members of the Right to Counsel coalition from across New York State will march and rally at Albany civil court, to demand the passage and full funding of Statewide Right to Counsel legislation (A7570/S6678) in next year's state budget.

Statewide Right to Counsel would guarantee the right to a free lawyer for ALL tenants facing eviction and displacement across New York State. With nearly 270,000 active eviction cases across New York State, tens of thousands of New Yorkers experiencing homelessness, and our communities still recovering from the pandemic, New Yorkers need this essential right to prevent mass eviction and displacement. Today's rally marks the launch of the statewide Right to Counsel Coalition's campaign to pass and fully fund this legislation in the FY2024 state budget. The coalition demands that New York State leadership allocate \$172 million for robust legal representation of all New Yorkers facing displacement, community organizing, and a new state office to oversee Right to Counsel's administration. This crucial legislation will pay for itself over time, saving the state millions of dollars, and keeping New Yorkers in their homes.

Coalition members rallying today have traveled from across the state to stand in solidarity with Albany tenants and advocates, who are highlighting the need for Statewide Right to Counsel in Albany civil court. Organizations in Albany are working around the clock to mitigate the devastating effects of multiple, overlapping injustices in the Albany court system:

- The city of Albany has documented record low rates of tenant representation in the third quarter of 2022, with **only about 1.3% of tenants having an attorney in eviction court, compared to 92-94% of landlords.**
- In 2021, the City of Albany passed Local Law F, which prohibits evictions in rental units that do not have a valid Residential Occupancy Permit (ROP) on file with the City's Department of Buildings & Regulatory Compliance. Many tenants have been unable to raise the "no ROP" defense on their property despite having documentation to show this is true. Not only is the court allowing cases to be filed without this documentation being provided, Albany City Court judges are blatantly disregarding this information when raised by tenants. According to data from the City of Albany, it is estimated that **upwards of 30% of recent judgments occurred in properties without a valid ROP.**
- Each Albany Housing Authority court proceedings day, tenants are ushered into a 'negotiations' room filled with Housing Authority staff before speaking in front of the judge. Here, low-income, majority Black tenants are pressured into scaled 'repayment agreements' of an additional rent per month until the full back-rent is collected. Tenants are entitled to request a 14-day adjournment to retain counsel or prepare a defense, yet the Housing Authority tells tenants during negotiations that this is not an option. By being quickly ushered into these 'repayment agreements,' each tenant household waives their

right to further legal defenses that they are otherwise entitled to. They may have legitimate counterclaims due to habitability violations or retaliatory eviction concerns, pending Emergency Rental Assistance Program applications that should hold evictions in abeyance, or protections under the Tenant Safe Harbor Act. If a tenant defaults on their agreement, they are subject to an eviction warrant once the Housing Authority notifies the court of the tenants' inability to pay. **Given that tenants rarely have access to counsel, these proposals are predatory and coercive in nature.**

These issues and more amount to a crisis in Albany courts: courts are not upholding tenants' rights, and tenants are facing devastating eviction and displacement without an attorney. Albany tenants need the right to a free attorney who can zealously represent them, raise defenses, help them assert their rights, and stay in their homes.

In addition to the passage of Statewide Right to Counsel, Albany tenants are also demanding:

- **Funding for Albany city attorneys in the Albany city FY23 budget, to support "EPIC," the Eviction Prevention and Intervention Collaborative.** The program would sponsor two Legal Aid Society of Northeastern NY attorneys, one Albany Law School staff member to train pro bono court advocates and take on unique appellate/affirmative cases, and one Court Intervention staff member at United Tenants of Albany to connect tenants to rental assistance and other necessary resources. Albany tenants are demanding \$320,000 for EPIC, across city, CARES NY, and County funding streams.

Albany city and county must work together with state leadership to build out the infrastructure to implement Statewide Right to Counsel in Albany. At the march and rally, tenants from around the state will unite to make these demands, and highlight the injustices endemic to Albany civil court, and courts around the state.

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