

Statewide Right to Counsel

A campaign to guarantee Right to Counsel to every tenant in New York State

What is Statewide Right to Counsel?

Statewide Right to Counsel guarantees ALL tenants across New York State the right to a lawyer when facing an eviction. The legislation would establish Right to Counsel as a RIGHT and:

- Cover every tenant across the state, regardless of income.
- Cover any legal proceeding that could result in a tenant losing their home.
- Require that tenants be represented throughout their entire case, not just when they show up in court. This includes legal advice, advocacy, and assistance.
- Require 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.

Why do we need it?

The COVID-19 pandemic has only worsened New York State's eviction crisis. Our communities need long-term solutions that will keep them safe and securely housed.

- New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness.¹
- A staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide.²
- Across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not.
- Right to Counsel has proven to be immensely successful at stopping evictions and protecting tenants' rights, especially now, given the increasingly complicated and ever-changing COVID-19 tenant protection laws. For example, despite having a blanket moratorium on evictions, last year more than 26 tenants throughout upstate New York were evicted.³ That would not be possible if every tenant had Right to Counsel. This number is also likely a gross undercount, due to inadequate tracking of eviction cases upstate, and does not capture the many tenants that landlords pressured to move out.
- Eviction proceedings are complex and violent processes that are nearly impossible to navigate alone.
- Evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences.
- Right to counsel is also about racial justice. Evictions disproportionately impact Black and brown tenants, with women facing the greatest burdens.
- The State spends millions of dollars on shelters and homeless services and studies have shown that Right to Counsel saves public money that would be otherwise spent on shelter and emergency room costs, homelessness services, and more.⁴

We already know Right to Counsel works!

- In 2017, New York City became the first city in the country to pass Right to Counsel. Since then, landlords are suing tenants less and 86 percent of tenants who had a right to counsel lawyer won their case and were able to remain in their homes.⁵
- The seven cities that now have a Right to Counsel have seen up to a 77 percent reduction in evictions.⁴
- Across the country, movements for statewide Right to Counsel are gaining traction! Washington State, Connecticut, and Maryland recently passed Right to Counsel and Minnesota, Nebraska, and Delaware are not far behind.
- Right to Counsel enforces and upholds tenants rights, giving tenants the power to organize and fight back, making it harder for landlords to skirt tenant protections, such as eviction moratoria.

¹ U.S. Department of Housing and Urban Development, [The 2020 Annual Homeless Assessment Report \(AHAR\) to Congress](#)

² Numbers from [Stout's analysis of rental shortfalls](#) and [RTC's Eviction Crisis Monitor](#).

³ Numbers from eviction filings data from the New York State Office of Court Administration (May 2021).

⁴ Stout Risius Ross, Inc., [The Financial Cost and Benefits of Establishing a Right to Counsel in Eviction Proceedings Under Intro 214-A](#)

⁵ NYC Office of Civil Justice, [2020 Annual Report](#)



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How would it work?

Statewide Right to Counsel would create a New York State Office of Civil Justice that would administer and manage the implementation of Right to Counsel statewide, which includes:

- Contracting with non-profit legal services organizations to provide counsel to tenants.
- Contracting with non-profit community based organizations to provide tenants' rights education and tenant organizing, which includes hosting Know Your Rights Trainings, supporting tenant associations, and referring tenants to legal services.
- Hold public hearings and produce annual reports on implementation and financial auditing.

Statewide Right to Counsel will require that:

- Tenants are given written notice of their Right to Counsel before any court filing or proceeding can continue, including before an eviction warrant or default judgement is issued.
- Tenants' Right to Counsel is included in predicate notices, which must be served to the tenant before an eviction case can proceed.
- Tenants are given information (e.g. phone number or website) in order to contact a Right to Counsel lawyer.
- Cases are adjourned until the tenant is able to retain and consult with their lawyer.
- Judges verbally inform tenants of their Right to Counsel if they appear in court without a lawyer.
- Failure of the court, the landlord, or landlord's lawyer to comply with the tenant's Right to Counsel results in vacating any eviction judgements and warrants.

Who We Are

The Statewide Right to Counsel legislation is a part of the **Housing Courts Must Change! (HCMC) Campaign**, a statewide campaign launched in 2020 to 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. Our demands, during the COVID-19 pandemic and beyond, include slowing down eviction cases and expanding Right to Counsel across the state, so ALL tenants have and know about their rights and are emboldened to organize and fight to stop evictions.

The **Right to Counsel NYC Coalition (RTCNYC)** is a tenant-led coalition that formed in 2014 to change Housing Courts, prevent displacement, and stop the eviction crisis that threatens our families, our homes, and our neighborhoods. RTCNYC is made up of tenants, organizers, advocates, legal services organizations and more! In 2017, after a three-year grassroots campaign, the Coalition won the Right to Counsel, making New York the first city in the country to establish a Right to Counsel for low-income tenants facing eviction. Now, in coalition with our upstate partners, the Coalition is excited to fight for Right to Counsel statewide and create an eviction free New York!

