

# Intro 2050: Right to Counsel NOW!

Right to Counsel (RTC), or Local Law 136, is currently being phased in over five years to allow the City, courts, and legal services organizations enough time to hire and train personnel, adjust court procedures, and meet the demand for legal service workers needed to transform NYC into a place where almost every tenant has the right to a lawyer when facing eviction in housing court.

The City's Office of Civil Justice (OCJ) oversees this phase-in plan, which was baselined in the Mayor's budget and prioritizes neighborhoods with the most evictions, rent stabilized housing, and other factors. Today, given the public health and economic crises that COVID-19 has wrought, this phase-in plan no longer makes sense and we must act now to keep New Yorkers in their homes.

## What is Intro 2050 and what would it do?

Introduced by City Council Members Vanessa Gibson and Mark Levine, Intro 2050 would amend Local Law 136 and require **immediate implementation** of Right to Counsel with no zip code rollout. This would:

- Change the implementation date of RTC from July 31, 2022 to immediately, making it a right for all eligible tenants across NYC to have an attorney, right now!
- Enable the City to phase in RTC by lawyer capacity instead of by neighborhood.
- Require no additional funding (phase-in plan for RTC was baselined into the Mayor's budget) and will save the City millions of dollars in shelter, healthcare, and other costs that would otherwise be accrued when families are evicted.

## Why should no case move forward without an attorney?

- RTC works! In the first three years of RTC in NYC, 86% of tenants who had a RTC lawyer won their case and stayed in their homes.
- Courts are complicated and hard to navigate. It will be even more challenging to navigate during and after the crisis. Tenants should not do this alone.
- Prior to COVID-19, there was overwhelming support to expand RTC and fund tenant organizing through passing Intro 1104 and Intro 1529. More than two-thirds of City Council Members were in support of these bills to expand and strengthen RTC.

## How can we make sure all tenants have RTC?

1. **Change the Implementation Model:** While the capacity of the legal services organizations has grown tremendously, from less than 200 housing attorneys to over 600 since RTC was passed, there still aren't enough attorneys for all tenants in NYC who need one. We therefore still need to phase in RTC, but we can no longer do it by neighborhoods. Instead, with passing Intro 2050, making it a right, right now, for all eligible tenants to have an attorney, the City can phase in RTC by lawyer capacity instead of by neighborhoods.
2. **Coordinate with the Courts to Adjourn Cases:** Thanks to the Housing Stability Tenant Protection Act, judges have much greater ability to adjourn cases. If all tenants have RTC now, but there aren't enough attorneys for all tenants, judges can adjourn cases until new capacity arises.

## Wouldn't this slow down cases?

Yes! During a pandemic, we think that's the only moral response. Also, the reality is that the courts no longer have the capacity to hear the pre-pandemic volume of cases. Pre-pandemic, judges would see 60-80 families a day. In a virtual setting, they are maybe hearing 10 cases. So courts will already have to move more slowly. What we're saying is, the way to manage this new pace, is to only move forward with cases that have attorneys.

## Is this feasible?

The City is ALREADY doing this. Once the pandemic hit, while eviction cases were suspended, there were emergency repairs and illegal lockout cases. All of these tenants were assigned Right to Counsel regardless of income or zip code. So the City has already adapted to the needs of tenants facing eviction, and we're asking that this model be made permanent.

