

## **Prior to NYC Council Hearing on CM Levine & Gibson Bills to Expand *Right to Counsel* Law, New Report Cites RTC as Driving Force Behind Drop in Evictions in NYC**

*Report finds legal representation in RTC zip codes has grown to **62 percent**, while evictions declined by **29 percent** since 2017*

*Levine & Gibson's Bills would double income eligibility for free legal services for low-income tenants facing eviction*

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**City Hall, NY** -- Following the overwhelming success of New York City's first-in-the-nation "[Right to Counsel](#)" legislation, [Local Law 136](#) passed in 2017, **City Council Members Mark Levine** and **Vanessa Gibson** were joined by scores of New York City tenants and members of the **Right to Counsel NYC Coalition (RTCNYC)** at a rally at City Hall to support new legislation to strengthen and expand the landmark eviction legal defense law .

Following the rally, [the Committee on the Justice System and the Committee on Housing and Buildings held a joint hearing](#) to hear two bills introduced by the original law's lead sponsors **Council Members Levine** and **Gibson** which would amend the current *Right to Counsel* law.

[The current law](#), passed in 2017, made New York the first jurisdiction in the country to guarantee legal representation to low-income tenants facing eviction in housing court. The new law mandated the NYC Office of Civil Justice to provide New Yorkers with incomes below 200% of the federal poverty line (FPL) – or \$50,200 annually for a family of four – with free legal representation when facing an eviction.

Since implementation, the current Right to Counsel law has already had a dramatic impact in protecting tenants from eviction. [A report released this week](#) by Community Service Society of New York, entitled [Right to Counsel and Stronger Rent Laws Helped Reduced Evictions in 2019](#), showed the staggering impact of the law but the need for more action by the City.

The two bills that were heard - [Intro 1104](#) & [Intro 1529](#) - would improve the existing law by doubling the income eligibility threshold from 200% of the FPL to 400%, expand the law outside of the Housing Court system, and would mandate that the city work with community-based organizing groups to do educational outreach related to *Right to Counsel*.

At both the rally and hearing, tenants who are currently not income eligible under the current law spoke about how they would not be able to afford a lawyer on their own if facing eviction. In fact, tenants with incomes between 200%-400% of the federal poverty level (FPL) make up an estimated 31% of tenants in housing court. This includes a New Yorker working full-time and making the \$15 minimum wage.

“The data is irrefutable - the historic Right to Counsel law the City Council fought for and passed in 2017 is a core reason why New Yorkers facing eviction are staying in their homes, off the streets, and out of the shelter system,” said **Council Member Mark Levine**. “Our bill was an tremendous step towards justice in NYC’s housing courts, where for generations the vast majority of tenants faced the threat of eviction without the benefit of a lawyer. But with the skyrocketing cost of living in New York City, more and more people above 200% of the federal line are in fact facing enormous economic struggles. We need to expand the Right to Counsel law to ensure that New Yorkers will no longer lose their homes just because they can’t afford proper and legitimate legal representation.”

“Almost three years since the passage of this historic piece of legislation, I am proud to stand with my colleague Mark Levine and advocates in announcing the expansion of Right to Counsel in New York City,” **Council Member Vanessa Gibson**. “We have been able to guarantee legal representation for thousands of low income New Yorkers in housing court and have served as a model for other cities. With the expansion, we are doubling the income eligibility from 200% below the federal poverty line to 400% so we can continue to ensure that socio-economic status is not a barrier to fair and equal representation in court. I look forward to continuing this great work in the council and once again thank Council Member Levine, the Right to Counsel Coalition and the numerous advocates that helped to push this bill forward.”

Since being introduced, the two bills have received strong support from a broad range of elected officials and advocates and have passed the important two-thirds threshold of Council Members co-sponsoring the bills. The bills have also received important endorsements, including, New York City's largest public service union DC37, the Legal Aid Society, Interfaith Assembly on Homelessness and Housing, The Urban Justice Center, and [AARP](#), among many others.

New York City’s landmark *Right to Counsel* law has also inspired other municipalities, including Newark, [Philadelphia](#), Cleveland, Santa Monica, and San Francisco, to pass similar laws modeled on NYC’s legislation which has [gained national attention](#).

The [report released this week](#) by Community Service Society of New York, entitled [Right to Counsel and Stronger Rent Laws Helped Reduced Evictions in 2019](#) found:

- Legal representation in RTC zip codes has grown to **62 percent**, while evictions declined by **29 percent** since 2017.

- In 2010, only **two percent** of NYC tenants were represented by an attorney in eviction cases; while **62 percent** of tenants in RTC zip codes had legal representation at the end of 2019, compared to **32 percent** city-wide.

- Vulnerabilities still remain: **30 percent** of moderate-income New Yorkers have experienced one or more housing hardship, indicating that doubling RTC's qualification threshold to 400% FPL can have a real impact.

- A combination of evolving landlord tactics and implementation issues in the courthouses, and lack of public awareness of the law continue to make it difficult for tenants to receive the legal representation they are now entitled to.

**Council Members Levine and Gibson**, in partnership with **The Right to Counsel NYC Coalition** leaders, drafted Intro's 1104 and 1529 to address these lingering issues.

If passed, the new legislation would improve the current *Right to Counsel* law by:

#### **Increasing the income threshold to 400% of the federal poverty line**

While the majority of tenants in housing court are eligible for the right to counsel under the current 200 percent threshold, a single New Yorker earning a \$15 an hour minimum wage is not.

#### **Expanding the Right to Counsel Outside of Housing Court**

While most eviction cases occur in City Housing Courts, several thousand are left to higher courts or administrative hearings, including:

- HPD administrative hearings for Mitchell-Lama residents;
- Certain Supreme Court Ejectment cases; and
- Housing Development Fund Corporation (HDFC) cases.

Though the current law guarantees tenants get an attorney for the entirety of their case, it does not cover appeals. With more tenants than ever being represented and winning their cases, landlords are filing more appeals. Without legal representation to defend their victories, tenants will be left alone when the final, most consequential, decision is made. Intro 1529 and would expand the law to include HPD, DHCR, and in Supreme Court Ejectment hearings and appeals.

#### **Connecting tenants to attorneys *before* they arrive at court**

For the current law to be truly universal, every tenant needs to know about it, understand it, and use it. Neighborhood-based groups with histories of tenant organizing and community service are trusted community partners and therefore are best positioned to do the outreach and education work that is critical to the law's success, and is the heart of Intro 15.

“As a tenant organizer and housing advocate for more than two decades, I’ve seen too many people facing eviction who are taken advantage of because they either don’t know their legal rights, or don’t have proper legal aid,” said **Public Advocate Jumaane D. Williams**. “The Right to Counsel bills passed by Council Members Levine and Gibson while I was the Council’s Housing Chair were a landmark victory, and I’m proud to support these efforts to expand on that progress. It’s critical we do all we can to level the playing field for struggling tenants in a city facing an affordable housing and homelessness crisis, and these bills are critical in expanding access to support.”

“Expanding the right to counsel to more New Yorkers is an essential step toward ensuring fairness in our city’s housing system,” said **Manhattan Borough President Gale A. Brewer**. “Too many tenants still lack the necessary legal defense in Housing Court, and I commend Council Members Levine and Gibson for fighting to provide just that.”

“I am proud to have supported the passage of this landmark legislation and am thankful for the thousands of Bronx residents who have been able to stay in their homes due to the assistance that they received under this program. ‘Right to Counsel’ has been a critical tool in our fight to prevent evictions and displacement, and we should expand the law so that more New Yorkers can take advantage of the important protections it offers,” said **Bronx Borough President Ruben Diaz Jr.**

“Making sure New Yorkers have access to legal assistance when they are facing eviction is one of the most important ways we can fight to keep New York safe and affordable for everyone,” said **Council Member Rory I. Lancman**, chair of the [Committee on the Justice System](#). “With these two bills, we will expand the right to counsel to cover approximately half a million more vulnerable New York City households, and we will make sure tenants know they are not alone when they come to court.”

“I can’t think of a single piece of legislation with the same kind of proven success of Right to Counsel” said **Council Member Andrew Cohen**. “The results speak for themselves; evictions are down all over the city and more New Yorkers are staying in their homes. This is why I wholeheartedly support the bills proposed by Council Member Levine and Council Member Gibson to expand and strengthen the law to ensure these protections reach even more people in need. The Bronx continues to experience the highest eviction rates citywide and evictions in our borough has displaced tens of thousands of residents. New York was the first city in the country to act to disrupt the cycle of homelessness by adopting the Right to Counsel law and we

cannot let New Yorkers down now when it comes to safeguarding tenants who fall through the cracks because they're unable to receive the help they need under the limits of the current law.”

“Despite the enormous progress made by Right to Counsel, many New York City tenants still don't have legal representation when facing eviction, and residents continue to experience harassment and displacement across the five boroughs. Expanding Right to Counsel is critical in the effort to protect New York City tenants, safeguard them from unjust and unreasonable evictions, and take on one of the leading causes of homelessness in our city. I salute Council Members Levine and Gibson for leading the next charge on this critical issue,” said **Council Member Helen Rosenthal** (Manhattan, District 6).

Right to Counsel is a landmark law that demonstrates New York City's commitment to supporting tenants – a commitment that we should extend to more New Yorkers,” said **Council Member Keith Powers**. “With this new legislation, individuals who are under threat throughout the city will have the resources and community support to fight eviction. I commend Council Members Levine and Gibson for their continued work to provide legal aid for those in need.”

“While we applaud the City Council for enacting Right to Counsel legislation, more must be done and it must be done now,” said **Bill Whalen, DC 37's Municipal Employees Legal Services Director and Chief Counsel**. “The current Right to Counsel law leaves too many working New Yorkers out in the cold. These New Yorkers earn too much for Right to Counsel but too little to pay out of pocket for an attorney. As a union that has provided their members facing eviction with lawyers for 43 years, we know that giving our members a right to counsel has kept thousands of municipal workers out of the shelter system and saved apartment after apartment from being removed from rent protections.”

“There's overwhelming [proof](#) that the city's existing Right to Counsel law works, but with the housing and homelessness crises unabated and gentrification threatening neighborhoods of color in particular, we need to expand the law to include the many low-income New Yorkers who remain ineligible – such as a single adult working full-time at minimum wage.

Although we should be proud that New York was the first city in the nation to enact Right to Counsel, other cities including Newark and San Francisco have already gone beyond us. Older low-income New Yorkers are at high risk, and AARP will do all we can to ensure the needed expansions proposed by Council Members Levine and Gibson and the RTC Coalition become law,” said **AARP New York State Director Beth Finkel**.

“The Legal Aid Society supports extending the Right to Counsel to all low and middle income New Yorkers who face eviction from their homes and displacement from their communities,” said **Adriene Holder, Attorney-in-Charge at the Legal Aid Society**. “Landlords' aggressive practices target tenants from a range of income levels, and no one should be left without legal representation. It is also critical that tenants in need are able to seamlessly connect with organizations that inform them of their rights and help them collectively address building wide issues. We urge passage of Intros 1104 and 1529.”

“Through NYC’s Right to Counsel initiative, thousands of tenants have already received free lawyers to fight evictions and stay in their homes,” said **Raun Rasmussen, Executive Director of Legal Services NYC**. “Yet there are still many low-income tenants who do not qualify for Right to Counsel because of the income cap, preventing them from getting the help they need to defend their homes; many others do not know about their right to a lawyer until after they arrive at housing court. Intros 1104 and 1529 would address these issues, making NYC’s right to counsel an even more powerful protection for tenants and their communities.”

"Although record homelessness persists, the crisis would likely be far worse if the City had not taken proactive steps to stem the tide of residential evictions through enacting the right to counsel and issuing rent arrears grants. In recent years, we have seen a notable decline in the number of people entering shelters following an eviction. New York City should build upon the initial success of the right to counsel by passing Intro. 1529 and Intro. 1104," said **Coalition for the Homeless Policy Director Giselle Routhier**.

“New York City’s Right to Counsel Law in eviction matters is unquestionably a game-changer, but only for the people who are covered by and aware of the law. Intro 1104 will assure that the law covers all people who face eviction and cannot afford counsel. And Intro 1529 will assure that the people who have the right to counsel are able to actually benefit from that right,” said **Andrew Scherer, Professor, New York Law School and author, Residential Landlord-Tenant Law in New York**.

“Intros 1104 and 1529, together, will expand the reach and impact of New York City’s groundbreaking Right to Counsel Law and further help to make New York City a more just and equitable city,” said **Hon. Jonathan Lippman, Of Counsel to Latham and Watkins and Former Chief Judge, NYS Court of Appeals**.

“I was happy when I heard about the Right to Counsel law being passed, but was upset to learn that I don’t qualify because I am considered over-income,” said **Liz Thompson, tenant leader with the Northwest Bronx Community and Clergy Coalition**. “It’s not fair that people who make minimum wage or receive Social Security benefits don’t qualify for the Right to Counsel. I have been in and out of housing court since 2009, and because I can’t afford an attorney, I have had to represent myself in court. I recently found help to get a lawyer because I advocated for myself. It helped having a lawyer with me in court. I would have been evicted and in a shelter if I didn’t have a lawyer.”

“The New York Legal Assistance Group (NYLAG) strongly supports the passage of Intro 1104 and Intro 1529, which together will ensure that more New Yorkers will be able to exercise their right to counsel when faced with the loss of their homes, and that tenants will be better informed of their rights,” said **Jonathan Fox, Director of the Tenants’ Rights Unit at NYLAG**.

“Access to a lawyer in Housing Court is critical to preventing eviction, ending homelessness, and stabilizing communities. The impact of this access is strengthened when tenants are knowledgeable about anti-eviction programs and their rights as tenants. NYLAG is grateful to Council Members Levine and Gibson for their leadership, to all of the Council sponsors of these bills, and the Right to Counsel Coalition for its tireless organizing efforts that will dramatically improve the legal landscape for New York City tenants.

"CIDNY assisted over 24,000 people with disabilities last year with housing-related concerns," said **Lourdes I. Rosa-Carrasquillo, Director of Advocacy at the Center for Independence of the Disabled, New York**. "Very often the people who come to us are living under 400% of the federal poverty level and find themselves unable to pay the rent. They need representation in housing court for another very important reason as well. People with disabilities are entitled to reasonable accommodations or modifications from landlords. However, requesting them will often trigger landlords to start the eviction process. Resources for our 'know your rights' education work is essential to preventing homelessness for people with disabilities."

“Our union members at Legal Services NYC and Mobilization for Justice are fighting for tenants every day in housing court, and see intimately how Right to Counsel has changed the landscape, allowing more tenants to have a lawyer and keep their home, discouraging frivolous filings, and helping to stem the tide of gentrification and displacement in our City,” said **Sonja Shield, President, Legal Services Staff Association, LSSA 2320**. “Increasing the income eligibility cap to allow working class New Yorkers to access attorneys, funding organizers, and fully funding the true cost of providing Right to Counsel services are crucial and necessary elements that will move New York City closer to achieving the core vision of Right to Counsel.”

“With more zip codes having the Right to Counsel, we need more organizers than ever to let tenants know about and help them use this right,” said **Randy Dillard, tenant leader with Community Action for Safe Apartments in the Bronx**. “Organizers from neighborhood groups need to do this work because that is who our communities trust. If people don’t know they have this right, some of them won’t make it to housing court. Some people will just move out. If they knew they had this right, we wouldn’t lose them to the system or to the shelters.”

“If tenants don’t know they have a Right to Counsel when facing eviction, they are more likely to not show up to housing court or make a deal with their landlord’s lawyer before learning that they have this right, which has happened,” said **Lauren Springer, tenant leader with Catholic Migration Services in Queens**. “And even before facing an eviction, we need tenants to know they have this right because this makes them more confident in fighting for repairs, fair treatment, and their other rights as tenants. When they know that they’ll have a lawyer if their landlord tries to retaliate and bring them to court, they are more likely to fight for the homes they deserve.”

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