

RIGHT TO COUNSEL, POWER TO ORGANIZE

A campaign to expand the Right to Counsel law in New York City

Facing an eviction in NYC has historically been a dehumanizing experience, as nearly all tenants could not afford a lawyer (unlike their landlords) and were forced to represent themselves in court. In 2017, the Right to Counsel NYC Coalition won a campaign to guarantee tenants a right to have a lawyer when facing an eviction in housing court. This historic law is beginning to shift the balance of power in housing court. But the law must be expanded to make sure that all New Yorkers have the right to defend their homes.

Right to Counsel Works!

Under the Right to Counsel (RTC) law, in just the 1st year of its 5-year phase in:

- 84% of tenants who had a lawyer under RTC (nearly 22,000 households) were able to remain in their homes
- Evictions across the city are down by nearly 14%
- Zip codes with RTC accounted for 64% of the overall citywide decline in evictions
- Evictions declined more than 5x faster in zip codes where RTC is currently in effect than in similar zip codes where it is not
- 30% of tenants in housing court received legal representation
- Tenants were 3x as likely to receive legal services in RTC zip codes, compared to similar non-RTC zip codes

Expanding the Right to Counsel in NYC

Our "Right to Counsel, Power to Organize" campaign is calling for new legislation to be passed that would expand and strengthen NYC's current RTC law to ensure that nearly all tenants facing an eviction have RTC and know about it. Intro 1104 increases RTC's income eligibility level and expands the types of eviction cases covered by RTC. Intro 1529 requires the city to work with trusted tenant organizing groups to engage and educate tenants about their rights. Here is why we are calling for these essential expansions:

- **Increase the income eligibility level from 200% of the federal poverty level (FPL) to 400%:** While the majority of tenants in housing court have a right to full legal representation, 31% do not because they are considered over income. This includes a single New Yorker working full-time earning the \$15 minimum wage. Yet, more than 1/3 of these tenants with incomes between 200%-400% of the FPL experience housing hardships that indicate they are at-risk of eviction, such as being threatened with eviction, falling behind on rent, or moving in with other people. Doubling the income eligibility level would mean almost everyone who is facing an eviction would be eligible.
- **Expand the law to cover more eviction cases:** While most eviction cases are held in the city's housing courts, several hundred are left to higher courts or administrative hearings, including HPD administrative hearings for Mitchell-Lama residents, Supreme Court ejection cases, and Housing Development Fund Corporation cases. Additionally, though the current law guarantees tenants a lawyer for the entirety of their cases, it does not cover appeals, leaving tenants to defend their victories alone. All low-income tenants facing eviction, regardless of their type of case, should have the right to a lawyer.
- **Support community organizing:** In order for RTC to continue to be effective, everyone needs to know about it, understand it, and use it as a tool to address other housing issues, like needed repairs and landlord harassment. Yet, a recent survey done by volunteers at Bronx Housing Court found that 53% of tenants who had a right to a lawyer didn't know about this right before arriving in court. Trusted tenant organizing groups can create an environment where tenants feel supported by a community that is working together to combat landlord abuse. We must make sure that these groups have the resources to ensure all low-income New Yorkers understand and assert their rights.

To learn more and sign our petition visit: bit.ly/RightToCounselPowerToOrganize

Sources:

NYC Office of Civil Justice 2018 Annual Report
NYC Office of Civil Justice Universal Access 2018 Report
NYC Right to Counsel: First year results and potential for expansion, a report by the Community Service Society of New York



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