

How does the Right to Counsel work in New York City?

Why is the Right to Counsel so important?

Evictions are about power.

At least half of all tenants who are evicted, wouldn't be if they had an attorney. That means landlords evict tenants because they have power, not because the law supports them.

About 97% of cases in housing court are initiated by landlords and almost all landlords have representation while the vast majority of tenants don't.

Landlords sue tenants they shouldn't because they can get away with it. When landlords tell tenants that the case is a simple issue of paying rent, they deny them access to the power of the complex and vast housing law to defend their homes! Right to counsel changes that.

The power of eviction isn't just felt by tenants in housing court. It's felt every time someone thinks about calling 311 to report unsafe conditions, or going to a tenant association meeting. Tenants know that being behind in rent makes them vulnerable, especially if they fight for their rights. Having a right to live in safe housing doesn't mean very much if landlords have so much power. RTC says tenants are worthy to be represented, to know their rights and to advocate that they be respected and that our city will guarantee their defense. RTC should strengthen tenant organizing!

Many tenants don't fight their case but move out when they get court papers. Many pay rent they don't owe. Right to Counsel can and should change that.

Evictions are about race and class.

Every year landlords try to evict over 230,000 mostly low income, Black and Brown New Yorkers. Many are immigrants and most are women. RTC doesn't just stop evictions, it helps stem the tide of the mass displacement of poor people of color.

The tenant movement won this right!

After a three year campaign led by a large coalition, grounded in tenant organizing, we won this! Tenants testified, rallied, marched, signed petitions and much more in order to win this new right. WE ARE POWERFUL WHEN WE ARE ORGANIZED. RTC isn't just about fighting to stay, it's about fighting to stay and win back the the city we need and deserve.



The implementation of Right to Counsel is constantly evolving, please check our website for the most current information.

righttocounselnyc.org

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Find legal representation and tenant organizing
evictionfreenyc.org

Right to Counsel Zip Codes

Bronx	Manhattan	Staten Island
10457	10025	10302
10462	10026	10303
10467	10027	10310
10468	10031	10314
Brooklyn	Queens	
11216	11433	
11221	11434	
11225	11373	
11226	11385	

Call to find out if you are eligible.

718-557-1379

What is Right to Counsel?

Right to counsel is a bill that was signed into law in August 2017. It means that tenants who are sued for eviction in housing court, and who are income eligible, have a right to an attorney to defend their case. It doesn't matter what kind of eviction case they have or what kind of tenant they are (section 8, live in a house, rent stabilized, NYCHA, etc). If a tenant is over income, they have the right to a legal consultation or advice session.

Can all tenants get a lawyer right now?

Changing the way our courts work is a big job and the city, the courts and the legal services providers need time. The courts need to find space, train staff and develop procedures that honor tenants' integrity. Legal services providers need to hire and train more staff.

it is not possible to go from where we are today to everyone having an attorney tomorrow. Therefore, RTC is being phased in by zip codes over 5 years.

Every year, until 2022, the city picks zip codes based on factors including the number of evictions, shelter entries and rent stabilized units. If you live in these zip codes, and are income eligible, tenant attorneys have to take your case—you have the RIGHT to an attorney. Attorneys are free.

Remember, the zip code model is TEMPORARY. By 2022, zip codes will be irrelevant, and everyone who is income eligible will have the right to an attorney.

How do I find out if I'm income eligible?

You have a right to an attorney if your income is at or below 200% of the poverty line. This is about \$23,000 for a single person and about \$49,000 for a family of 4. There are many factors that go into determining income eligibility—talk to an attorney to find out if you are eligible.

If you are over income, you may be able to get an attorney from a legal services program with different eligibility requirements.

Right to Counsel applies to me—how do I get an attorney!?

The right to an attorney starts when the case is filed. If you are being sued for nonpayment, you have to go to court and file an answer. If you are being sued in a holdover proceeding, the first time you go to court is your first court date. Every court is a little bit different. In general, once you have a court date, it will be scheduled on a special RTC day and/or in a special RTC courtroom. On that day, tenant attorneys from non profit legal service providers that the city hired to do this work, will call out your name and talk to you to see if you want an attorney. Make sure the attorney you are talking to is a tenant attorney and not a landlord one!

Depending on the courthouse, they may talk to you in an office or in the hallway. They will ask you basic questions about your case and household income. Then if you want them to represent you, the attorney will file an official notice with the court saying they represent you. They will schedule a future date to meet with you so they can learn about your case and build your defense.

I'm over-income, how does my advice session work?

This hasn't started yet. We don't yet know how it will work.

I'm a NYCHA tenant but my case is at 803 Atlantic Avenue instead of housing court—how will it work for me?

Right to Counsel covers NYCHA administrative hearings! Right now, if you or the head of your household is 62 years or older, you have the right to an attorney. RTC Legal Services providers will be at 803 Atlantic Ave to take your case.

If you are not a senior, that doesn't mean you can't get an attorney, however you are not yet guaranteed one. We don't yet know what the next phase in of Right to Counsel for NYCHA administrative hearings will look like, but as soon as we know, we will update all of our resources. RTC for NYCHA administrative hearings will be fully phased in by 2022.

How can I get a lawyer before going to court? I want a lawyer as soon as I know I'm being sued!

We want that too! The legal services tenant attorneys are still hiring and training. They don't yet have capacity to take cases through a referral system. Right now, the best way to get an attorney before going to court is to get involved with a local tenant organizing group. Eventually we hope you can call 311 or go online to make an appointment with an attorney.

Does my immigration status impact my ability to access an attorney?

NO, it doesn't. NOT AT ALL. The law does not discriminate based on immigration status—the law applies equally to people of all immigration and citizenship statuses.

What about me? I don't live in the current RTC zip codes!

We didn't forget about you! During this 5 year phase in, RTC isn't the only way that tenants can access attorneys. There are free legal services programs outside of these zips, so you may still be able to get a free attorney.

For the next few years, only tenants in the covered zip codes are *guaranteed* an attorney.

What will the rest of the phase in look like?

We don't know what the zip codes are for the coming years. We are advocating that the city prioritize neighborhoods with the highest number of evictions and the highest amount of rent stabilized housing. We also want seniors and people with disabilities everywhere to have this right during the phase in, regardless of zip codes.

I'm not in court for an eviction but I want to sue my landlord for repairs, do I have the right to an attorney?

You don't. You still may be able to get an attorney but this law isn't about affirmative cases. There are A LOT of things you can do to get repairs. There are a lot of things you can do to demand repairs without going to court or in addition to having a court case.

- form a tenants' association
- write a letter to your landlord
- engage the media
- go on rent strike
- file for a rent reduction

There are so many things you can do! Don't limit your action to court. Contact your local tenant organizing group to find out more!