

March 11, 2024

**RE: Passage of Right to Counsel legislation to guarantee the right to a free lawyer for all tenants facing eviction in New York State**

Dear Governor Hochul, Senate Majority Leader Stewart-Cousins and Speaker Heastie:

We write to you as providers of free legal services to low-income New Yorkers, to urge you to prioritize Statewide Right to Counsel legislation ([May-S2721](#)) and funding of \$260 million in the FY 2025 budget. We legal services providers see first-hand the profound difference that legal representation makes for low-income tenants. Collectively, we represent tens of thousands of tenants in eviction proceedings in Landlord Tenant courts across New York State and we are committed to creating permanent and transformative solutions to New York's eviction crisis. The legal services community has been pursuing Right to Counsel for over a decade and we believe now is the time for New York to join Minnesota, Connecticut, Washington and Maryland in nationwide leadership by creating a statewide right to counsel.

The statewide Right to Counsel legislation, introduced by Senator Rachel May would ensure that every tenant in New York State has the right to a lawyer when facing an eviction and:

- Covers every tenant in need across the state;
- Covers any legal proceeding that could result in a tenant losing their home;
- Requires that tenants be represented throughout their entire case; and
- Requires 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.

We agree with Governor Hochul -- "Housing is a human right." We are encouraged by Governor Hochul's continued support for \$35 million in funding for upstate legal eviction defense, but it does not go far enough to protect tenants. It does not provide nearly enough funding to establish the universal Right to Counsel that tenants across New York State need, and does not address the needs of so many tenants in NYC who do not currently qualify for Right to Counsel but who cannot afford an attorney. In contrast, ***S2721 establishes the right to free and full legal representation for all New Yorkers in any kind of court case where their basic human right to a home is at risk.*** We are confident that this law will not only ensure tenants the right to representation and increase tenants' ability to stay in safe and stable housing now, it will change the behavior of landlords and the practices of courts, and thereby have a substantial impact in stabilizing our communities.

We ask that Statewide Right to Counsel be included in each one house budget and ultimately be included in the fiscal year 2025 budget at the level requested by the Right to Counsel campaign -- \$260 million. This funding will provide critically needed resources to begin implementing Right to Counsel outside of New York City, will shore up funding for Right to Counsel inside of New York City, and will fund tenant organizers to educate tenants and connect them to resources needed to avoid eviction. Importantly, this funding also includes

several components to ensure long-term success in implementing and scaling up such an important program including:

- 1) Law school pipeline: a workforce development component to ensure that law schools are producing lawyers who are passionate about ensuring housing as a human right and who have practical experience fighting to keep families stable in their homes;
- 2) Pay Parity: a workforce recruitment and retention component ensuring that legal services attorneys are paid the same salaries as their public service/government counterparts who do similar work (currently legal services attorneys are paid 25% to 45% lower than their counterparts); and
- 3) Manageable Case Loads and Staffing: critical to workforce retention, the budget ensures that the caseloads that attorneys have will be manageable and that attorneys will have support staff to ensure holistic representation for all tenants.

Statewide Right to Counsel will stabilize our communities and keep tenants in their homes, which will ensure that the housing we have now remains safe and affordable. Right to Counsel is proven to stop evictions – [84 percent of tenants in New York City who had a Right to Counsel lawyer](#) were able to stay in their homes. Evictions across New York City also declined more than five times faster in neighborhoods where tenants had the Right to Counsel than in areas that did not. As a result of Right to Counsel, evictions have also decreased by nearly 40% and landlords are suing tenants less overall, with eviction filings dropping by 30%. Defaults also dropped by more than 30%, which means more tenants (by way of their counsel) are showing up in Housing Court to fight their cases. [Analysis](#) from Stout shows that a Right to Counsel outside New York City will benefit at least 46,000 tenant households per year at full implementation, and that we could see a 32% decline in default rates.

The NYS legislature has passed important and meaningful tenant protections in recent years. The Housing Stability and Tenant Protection Act of 2019 extended notice periods for no-cause evictions, limited security deposits, imposed financial penalties for illegal evictions, terminated vacancy increases and locked in preferential rents in regulated apartments, and excluded non-rent charges from eviction proceedings, among other things. The Tenant Dignity and Safe Housing Act, passed last session, provides a mechanism for tenants to assert their right to safe and habitable housing in nearly all parts of the state.

Unfortunately, many of these defenses will not protect tenants without attorneys. Landlord-tenant law is a complex and fast-paced area of practice. These recent tenant protections offer numerous affirmative defenses and counterclaims that, if properly asserted, can prevent evictions. Here in New York, nearly all landlords have lawyers in eviction cases, but most tenants do not. ***Tenants need attorneys to present their defenses in order to stop evictions and displacement and ensure that housing is safe.***

We must act swiftly and boldly now as a society to enact permanent solutions to our systemic housing crisis, and to ensure our communities can protect their right to housing. Homelessness has increased across NY State has nearly doubled since 2007. This is felt throughout the state – in Syracuse 1 in 10 school age students are experiencing homelessness right now. ***Over 176,000***

***New Yorkers are at risk of eviction right now. We urge you to pass and fund S2721 this year, to establish the Right to Counsel for all New Yorkers.***

Sincerely,

Access Justice Brooklyn  
Albany Law School Tenants' Rights Pro Bono Project  
Brooklyn Legal Services Corporation A  
CAMBA/CAMBA Legal Services  
Catholic Migration Services  
Center for Elder Law & Justice  
City Bar Justice Center  
Community Service Society of New York  
Cornell Law School Tenants Advocacy Practicum  
Empire Justice Center  
Erie County Bar Association Volunteer Lawyers Project  
Frank H. Hiscock Legal Aid Society  
Goddard Riverside Law Project  
HerJustice  
Housing Conservation Coordinators (HCC)  
Hudson Valley Justice Center  
JASA Legal Services for Elder Justice  
JustCause  
Legal Aid Bureau of Buffalo, Inc.  
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Legal Services NYC  
Legal Services of Central New York  
Legal Services Staff Association 2320 (LSSA 2320)  
Make the Road NY  
Mobilization for Justice  
Neighborhood Defender Service of Harlem  
New York Legal Assistance Group (NYLAG)  
New York Legal Services Coalition  
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UAW Local 2325 - Assoc. of Legal Aid Attorneys (AFL-CIO)

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Volunteer Lawyers Project of CNY, Inc.

Volunteers of Legal Service

Western New York Law Center

Youth Represent

**2023 Sponsors to Draw from:**

New York Legal Services Coalition  
Access Justice Brooklyn  
Albany Law School Landlord Tenant Pro Bono Society  
Association of Legal Aid Attorneys -- UAW Local 2325  
The Bronx Defenders  
Brooklyn Legal Services Corporation A  
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Western New York Law Center (WNYLC)