

**NEW YORK, NY (April 12, 2023)** – New York City’s Right to Counsel (RTC) Providers today echoed a budget request from the New York City Council on Albany lawmakers to appropriate \$50 Million in New York State’s Fiscal Year 2024 to help ensure that low-income New Yorkers facing eviction in New York City Housing court have access to legal representation.

Specifically, this allotment in the State FY2024 budget would:

- increase providers’ capacity to represent all eligible people who come through New York City Housing Court;
- fund salary increases for staff to address unprecedented attrition and to attract prospective hires;
- bridge the funding shortfall that undercuts providers’ ability to administer essential civil legal services work.

In March 2022, for the first time ever, LSNYC announced that it was unable to staff Housing Court intake in Queens for the remainder of the month due to increasing demand and insufficient capacity. Legal Aid and NYLAG made a similar announcement last April due to the same issues.

Since then, RTC providers have been forced to decline over 10,000 housing court cases, and without increased funding in the City’s Fiscal Year 2024 budget to retain and hire staff, this trend will continue into the indefinite future.

Since the eviction moratorium lifted last January, eviction filings have soared in New York City. According to the Cornell ILR Eviction Filings Dashboard, in 2022 there were 39,699 eviction filings in The Bronx; 30,480 filings in Brooklyn; 20,043 in Queens; 19,549 in Manhattan; and 2,503 in Staten Island.

The number of eviction filings increased significantly in every borough from 2021, underscoring the need for RTC providers to be fully funded in order to meet the rising demand.

Even if fully staffed, providers are only contracted to represent roughly a third of all tenants facing eviction - approximately 32,000 of the 120,000 eviction cases expected to be filed this year.

Currently, Legal Aid has 35 RTC attorney vacancies and an attrition rate of 30 percent due to insufficient compensation and extremely high caseloads, coupled with rising rents, student loan debt and New York’s exorbitant cost of living. LSNYC has 10 RTC attorney vacancies. NYLAG has five RTC attorney vacancies with an attrition rate of 22 percent.

“There is no time to lose. Right now, thousands of tenants across New York City are being pushed through housing court without a lawyer, putting them at high risk of eviction,” said **Rosalind Black, Director of Citywide Housing at Legal Services NYC**. “New York State has a vested interest in making sure the Right to Counsel program stays afloat so that tenants can stay in their homes and out of the shelter system. We stand with the NYC Council in calling on Albany to include additional funding in the final budget to make this vital program work for tenants in need.”

“With eviction filings increasing throughout New York City, we’re calling on Albany lawmakers to stand with their constituents to ensure that any low-income New Yorker facing eviction has unfettered access to legal representation,” said **Adriene Holder, Chief Attorney of the Civil Practice at The Legal Aid Society**. “Right to Counsel has a proven track record of keeping families housed, and we echo the City Council’s demand on Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins and Speaker Carl Heastie to ensure that this critical funding request is adopted into any final budget.”

“Every low-income New York City tenant facing eviction should have a lawyer to fight for their right to stay housed” this is what the City has promised New Yorkers under the Right to Counsel program. Without adequate funding, the Right to Counsel is a right in name only,” said **Lisa Rivera, president and CEO of New York Legal Assistance Group (NYLAG)**. “We support the New York City Council’s request for additional funding in the State budget so that all New York City tenants have a fighting chance to stay in their homes and out of shelters. As evictions and homelessness skyrocket across our city, we call on Albany lawmakers to invest in Right to Counsel and uphold the rights of our neighbors.”

“NMIC wholeheartedly supports the New York City Council’s request for additional funding for Right to Counsel providers,” said **Philip Duncan, Assistant Director for Housing at NMIC**. “The unprecedented challenges faced by these providers have already forced them to turn away thousands of vulnerable tenants in need of legal representation. As eviction filings continue to rise across the city, we must act swiftly to ensure that low-income New Yorkers have access to the legal resources they need to stay in their homes. It is our collective responsibility to address this urgent issue and prevent further harm to families and communities throughout New York City.”

“In a city of renters, Right to Counsel provides invaluable support to the most marginalized and historically oppressed populations,” said **Elise Brown, Director of Housing Litigation at Mobilization for Justice**. “Prepandemic, due to RTC’s unprecedented success, 84% of tenants receiving representation avoided eviction and remained housed. The NYC Council has rightly called on Albany to participate in funding NYC’s Right to Counsel program, which is now in crisis.”

“Right now, Right to Counsel is in crisis. Thousands of tenants are facing eviction alone who shouldn't be. We know Right to Counsel works. In NYC and across the country it's proven to keep people in their homes, change landlord behavior, preserve affordable housing, and win safe living conditions. Across the city tenants have been taking action to Defend RTC and calling on the courts to slow down cases and uphold this important law,” said **Randy Dillard, Steering Committee Member and Tenant Leader with the Right to Counsel NYC Coalition**. “At the bare minimum, the state must act this year to ensure courts uphold NYC's law, and to supplement the city's funding for NYC's Right to Counsel with \$50M requested by NYC's legal services providers. To fully defend NYC's RTC law and comprehensively protect ALL New Yorkers facing eviction and displacement, the state must pass Statewide Right to Counsel (A7570/S6678) and fund it with \$172M in the fiscal year 2024 budget.”

“Eviction proceedings, by law, move swiftly through the NYS court system. Without adequate funding for legal services, tenants are forced to proceed without legal representation unsure why they were denied those resources while a neighbor might have been afforded access to them. These same tenants often give up valuable rights and defenses, which the Right to Counsel was designed to prevent,” said **Lynn Horowitz, Managing Attorney of the Housing Practice at Housing Conservation Coordinators**. “Tenant attorneys who have fought for years for the right to counsel have no choice but to turn away eligible tenants, contributing to unprecedented levels of burnout and attrition amongst RTC staff. While the City Council has recognized the critical need for the right to counsel in housing court, the funding must match the reality of the volume of cases, lest we leave tenants questioning why only some deserve the right.”

### **Background:**

During the pandemic, in response to the urgent need, the de Blasio Administration opened up RTC citywide, including those households earning more than 200 percent of the federal poverty line to keep New Yorkers safely housed.

RTC providers met the challenge, representing all tenants who needed help in response to the extraordinary circumstances created by the COVID-19 pandemic, even with constant changes in the law.

Prior to RTC's implementation, only one percent of tenants were represented by an attorney in eviction cases, which contributed to a massive power imbalance between landlords and tenants.

New York's Right To Counsel law has been highly effective at keeping tenants in their homes. Over the last four years, 84 percent of tenants who received representation under Right To Counsel won their cases and stayed in their homes.

Moreover, the Community Service Society released a recent report revealing that, since implementation of RTC in 2017, the program has led to a decline in eviction filings by about 30 percent, keeping families housed and protected against homelessness.

When tenants do not have an attorney, they often do not know their rights and defenses or how to assert them, resulting in otherwise preventable evictions, which are destabilizing and traumatic for vulnerable families with long-term collateral consequences that affect employment, education, and health outcomes as well.

However, when a tenant has counsel, all stakeholders benefit. Housing is a fundamental human right and having tenants, who are usually people of color, proceed through a judicial process where their homes could be taken away from them without the assistance of an attorney is inherently unjust.

Often, attorneys are able to identify and secure resources for the tenant to address rental arrears; proceedings are more efficient for the court when attorneys for the parties are involved; and there is a return on investment for the City when tenants can remain in their homes and do not have to contribute to the City's already burgeoning homeless shelter population.

New York City is in the midst of the worst affordability crises and the Right to Counsel is an invaluable tool in addressing this crisis head on. Fully funding this program will not only prevent evictions but in many instances serve as a lifeline for New York City families.

Earlier this week, RTC providers launched their City funding campaign, requesting an increase of \$351 million in the City's Fiscal Year 2024 budget to ensure that this critical program is able to meet increasing demand. ###

###