

NEW YORK, NY (April 5, 2022) - Legal Services NYC, The Legal Aid Society, and New York Legal Assistance Group (NYLAG) call on the New York State Office of Court Administration (OCA) to slow the calendaring of housing court cases to ensure that low-income New Yorkers facing eviction have legal representation, as intended by New York City's Right To Counsel (RTC) program.

Due to overwhelming demand, Legal Aid and NYLAG announced today that attorneys will be unable to take new cases in Queens for the month of April starting on April 5, 2022, potentially leaving tenants to appear without representation, a problem created by OCA's refusal to address this post-pandemic reality. Legal Services NYC announced they are limiting their intake to 60 cases in Queens for the month of April.

According to recent reporting, there are currently more than 200,000 eviction cases pending in New York City Housing court, with an additional 7,000 new cases filed each month. Last month, Legal Services NYC had to reduce its intake in the Bronx, yet the OCA moved tenants' eviction cases forward anyway without legal representation.

This past November, RTC providers notified stakeholders, including OCA, about these looming issues.

During the pandemic, the City abandoned RTC's staggered rollout by zip code, instead opening up RTC citywide, including those households earning more than 200 percent of the federal poverty line to keep New Yorkers safely housed during the pandemic. 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. Now providers are at capacity, and OCA's unwillingness to cap the calendaring of cases to provider capacity is compromising RTC's ability to provide competent, client-centered representation.

Through discussion with the New York City Human Resources Administration's Office of Civil Justice, RTC providers have requested that OCA calendar cases according to capacity to ensure universal representation for low-income tenants.

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.

According to an annual progress report on RTC released last November, 100 percent of tenants with calendared eviction cases had access to legal services, and 71 percent of tenants who appeared in Housing Court had full representation by attorneys – an exponential increase over the one percent of tenants who had lawyers in 2013.

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 which revealed 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.

“We are disappointed that OCA will not engage with all stakeholders to address the post-pandemic surge in demand, and instead is calendaring cases in such a way to deny tenants legal representation. Simply put, this will gut New York's historic Right To Counsel initiative,” said **Adriene Holder, Attorney-in-Charge of the Civil Practice at The Legal Aid Society**. “Our clients need OCA to both immediately slow down and cap the calendaring of cases to ensure that pending and future cases receive the highest quality of representation and due process, as required by the Right To Counsel legislation. Our clients, low-income Black and Latinx New Yorkers, will continue to suffer should OCA fail to act.”

“We are facing a crisis in our housing courts right now with tenants facing eviction without representation,” said **Raun Rasmussen, executive director of Legal Services NYC**. “Now more than ever, we need the Court's and the City's help to find solutions that ensure as many tenants as possible get the legal help they need to stay in their homes, by slowing the calendaring of cases in housing court and capping the number of cases according to our capacity. We all fought hard to make the Right to Counsel a reality and we must all work together now to make sure we continue to make good on our promise of free legal representation for all tenants who need our help.”

“As legal service providers dedicated to ensuring access to justice for people experiencing poverty, we believe strongly in tenants' rights and the Right to Counsel program,” said **Beth Goldman, president and attorney-in-charge at New York Legal Assistance Group**. “The current overwhelming demand for attorneys to represent clients facing eviction in housing court far exceeds our capacity to provide clients with the representation they need and deserve. Calendaring cases to meet the right to counsel providers' capacity will help us navigate this problem together for the sake of our clients. We look forward to collaborating on system-wide, systemic solutions to this issue.”

“As we enter year three of the pandemic, 685,000 renter households in the metro New York area now owe an estimated

\$3.3 billion in back rent, and low-income Black and Latinx renters carry a disproportionate share of it," said **David R. Jones, President and CEO of the Community Service Society of New York**, a member of the New York City Bar Association Right to Counsel Task Force. "Right to Counsel means very little if tenants don't actually get counsel when they face eviction in New York City's Housing Court. It is unconscionable that OCA is forcing tenants to litigate their right to remain in their homes without an attorney to represent them. OCA is effectively turning the clock back to Five Minute Justice, or worse. Tenants need Right to Counsel now more than ever. We ask that OCA respond to the call to calendar cases according to provider capacity, so that Right to Counsel is real and that more tenants are ultimately able to stay in their homes."

"Tenants across New York City are facing an eviction crisis of devastating scale and impact. The Governor's decision to end the moratorium without passing Good Cause has left cases backlogged and attorneys overwhelmed. The courts must adapt to ensure that each tenant has access to representation, as the law mandates, and the Right to Counsel needs to be backed up with the resources to support that right," said **New York City Public Advocate Jumaane Williams**.

"We are outraged at OCA's response to attack our rights as tenants and deny us legal representation, a fundamental right the Right to Counsel NYC Coalition organized and won in 2017. Under the direction of Chief Judge DiFiore, state courts are rushing to clear their dockets demonstrating a clear disregard for the city's RTC law. We know OCA has the power to slow down cases and we demand they put a cap on eviction cases. We call on OCA, specifically Judge DiFiore, to adopt the simple solution of lowering the volume of cases to match legal services provider capacity in order to remain in compliance with the RTC law. All New Yorkers deserve quality representation and the Right to Counsel to ensure they stay in their homes," said **Randy Dillard, Right To Counsel NYC Steering Committee Member and CASA Leader**.

"The Right To Counsel for tenants in NYC housing court is more essential than ever. Our members are fighting every day on behalf of NYC's tenants, but their unmanageable caseloads cannot ensure the kind of quality representation tenants deserve," said **Lisa Ohta, President of the Association of Legal Aid Attorneys, UAW Local 2325**. "OCA's refusal to calendar cases in a manner that is reflective of the necessary work each case requires is directly undermining tenants' right to counsel. To truly combat the gross inequities that exist between tenants and landlords, OCA must not prioritize expediting cases over people."

"Families continue to struggle to meet their basic needs because of the continuing economic fallout of the COVID-19 pandemic - it makes no sense to put tenants on an eviction fast-track without representation," said **Juanita O. Lewis, Executive Director of Community Voices Heard**. "The Office of Court Administration is responsible for upholding the rights of litigants and must ensure tenants have a right to counsel."

"For years, legal services staff have never hesitated to give their all for their clients under the toughest conditions. Now they are saying loud and clear that they cannot keep up with this post-moratorium avalanche of eviction cases," said **Michael Grinthal, Director of Housing Rights at TakeRoot Justice, a member of the Leap Coalition**. "The right to counsel is meaningless if tenants' lawyers are so overburdened that they can no longer provide meaningful representation."

"It is deeply troubling that OCA fails to acknowledge the importance of slowing down housing court cases and allowing tenants to get representation. Tenants fought for Right to Counsel to ensure tenants, many of whom are below the poverty line, get effective counsel to remain in their homes. In addition, the pandemic has created economic issues for many, thereby increasing the need for representation in court cases. Yet, rather than slowing cases down, OCA allows housing court cases to proceed without counsel, almost certainly leading to increased homelessness. It is clear that OCA has the tools to do what is right but refuses to do so. Our members continue to represent tenants throughout the five boroughs, but it has become increasingly impossible to fulfill representation demands," said **Corinthia A. Carter, President of the Legal Services Staff Association (LSSA 2320)**.

Jennie Stephens-Romero, Supervising Attorney at Make the Road New York, said, "Tenants in NYC deserve a Right to Counsel program that is effective and sustainable. As an organization that provides wrap-around support to tenants, including tenant representation in housing court, we have witnessed the overwhelming housing instability this pandemic has exacerbated, and we see the system at a precipice. We urge OCA to work with the advocates to devise a plan to slow the pace of cases being calendared, and ensure that tenants have the meaningful assistance they need to remain in their homes and communities."

###