
SECURE THE RIGHT TO COUNSEL WHEN NEW YORKERS FACE EVICTION

BACKGROUND

Housing is a civil right and we are in a housing crisis.

Stable housing provides a foundation for employment, civic participation, health, education, and childhood well-being. Keeping families in their homes is good for families and their communities. One proven way to do this is to level the playing field between tenants and landlords in eviction proceedings. We can do this by providing tenants facing eviction with the right to have a lawyer at their side. We need a statewide right to counsel now.

THE PROBLEM

We are in a housing crisis in New York State. We've seen soaring rents, mass evictions, increased homelessness, and an all-out assault on tenants' rights by landlords. Since the eviction moratorium ended in New York State on January 15, 2022, housing courts from Syracuse to Long Island have moved swiftly to complete eviction proceedings. Landlords are actively attempting to evict close to [300,000+ tenants](#) throughout New York State – and landlords nearly always have legal representation. This gives them a massive advantage over tenants who often must navigate the complex legal process on their own. No tenant should step into housing court without a lawyer as they fight for their right to stay in their home.

In 2017, New York City passed the first “right to counsel” law of its kind in the country, and

it was initially very effective in keeping tenants in their homes. Unfortunately, since the eviction moratorium was lifted, the City's law has not lived up to its promise of the right to counsel for all. Tenants are not being notified of their right to legal representation and judges are permitting these cases to continue. As a result, far too many New York families remain at risk of eviction without lawyers at their side – which will continue to deepen our housing crisis and push more families into homelessness. We need a state law that not only gives people the right to counsel on paper, but ensures that vulnerable tenants actually receive the legal support they're entitled to in court.

NYCLU

ACLU of New York
www.nyclu.org

THE SOLUTION

A1493 (Joyner)/S2721 (May) guarantees all tenants across New York State the right to a lawyer when facing an eviction. This legislation would establish the New York State Office of Civil Representation that would administer and manage the implementation of right to counsel statewide. Statewide right to counsel legislation requires that:

- Courts notify tenants of their right to counsel by mail upon the filing of a petition.
- Tenants are given information (e.g. a phone number or website) in order to contact a right to counsel lawyer.
- Judges verbally inform tenants of their right to counsel if they appear in court without a lawyer.
- Cases are adjourned until the tenant can retain and consult with their lawyer.
- Failure of the court to comply with the tenant's right to counsel results in the vacating of any eviction judgments and warrants.

The newly created Office of Civil Representation will provide critical funding to non-profit legal services organizations to provide counsel to tenants. The office will also contract with non-profit community-based organizations to provide renters with tenants' rights education and information on tenant organizing, including hosting Know Your Rights Trainings, supporting tenant associations, and referring tenants to legal services. Lastly, the office will hold public hearings and produce annual reports on how statewide right to counsel is being implemented.

It is critical that the right to counsel is fully funded in the 2024 state budget. This small investment to ensure that New Yorkers can remain in their homes will pay dividends in both stable housing and reduced eviction filings.

The early results from New York City's right to counsel law prove that providing tenants with lawyers is a crucial way to keep people in their homes.

Between July 2020 and July 2021, a whopping 84 percent

of households facing eviction who were represented by a city-funded right to counsel lawyer were able to remain in their homes².

Every New Yorker deserves to have a champion at their side when they're faced with losing their home. This statewide legislation will protect the right to stable housing and help stop New York's eviction crisis.

ENDNOTES

1 RTC New York State Eviction Crisis Monitor (righttocounselnyc.org)

2 Universal Access to Legal Services: A Report on Year Four of Implementation in New York City