

# The Journal News



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## Bill would ensure tenants' right to an attorney

### Advocates view proposal as key for eviction proceedings

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Hickland/Westchester Journal News  
USA TODAY NETWORK

On a cold Friday morning in Yonkers, a steady flow of tenants waited in court pews for their eviction cases to be heard. Few had legal representation. Nearly every landlord present sat alongside an attorney.

Inside the third-floor courtroom, some tenants appeared confused hearing Judge Ada Medina's orders on the motions from landlords' counsels.

A bill being considered in advance of New York's upcoming budget deadline aims to disrupt this imbalance by guaranteeing tenants' right to counsel in eviction proceedings across the state.

About a dozen people gathered in a circle in the hallway outside the courtroom. The group was there to see eviction cases.

"They have to be advocates for themselves just to get basic due process," said Katy Lasell, an organizer with the New York City Right-to-Counsel Coalition, which supports legal representation for tenants in eviction cases.

"It becomes a full-time job," Dennis Hanratty, wearing a Yankees cap and a gold cross, replied. As the executive director of the nonprofit Mount Vernon United Tenants, Hanratty has worked on eviction cases for more than four decades.

#### How would right-to-counsel work in New York?

The right-to-counsel bill under consideration would establish a state Office of Civil Representation to provide tenants with attorneys in eviction cases.

Along with requiring information on tenants' rights including written notice of the right to counsel before any court filing or proceeding – the office could connect organizations to represent people in court. Failing to comply with the law could result in vacating any eviction warrants, the bill said.

"Eviction is a complex legal procedure, and you



"We see the numbers, and we also know that there's a story behind every single number," says Angel Gray, program and policy manager at the Westchester Children's Association.

TANIA SAVAYAN/THE JOURNAL NEWS

shouldn't expect any layperson to be able to navigate it," said Sen. Rachel May, D-Syracuse, who authored the bill. "Landlords virtually always have a lawyer.

"If the tenant doesn't have a lawyer, then that's an imbalance in the process."

Gov. Kathy Hochul aims to build more housing for New Yorkers amid negotiations with Senate and Assembly leadership to pass a budget due April 1. Meanwhile, legislators have pushed for policies like "Good Cause Eviction" to limit filings that proponents say already inundate courts and shelter systems by forcing people from their homes.

The Assembly one-house budget resolution included language to provide legal representation for tenants in eviction proceedings. But advocates said it fell short on funding, as compared with the funding amount that May's right-to-counsel bill allocates.

It's estimated to cost \$500 million once implemented, a Senate memorandum said. Costs are expected to decrease, and proponents said it would save public dollars with fewer people homeless or in shelters, or families being bused because students now live further from school.

"We see the numbers, and we also know that there's a story behind every single number," Angel Gray, the program and policy manager at the nonprofit Westchester Children's Association, told gatherers outside Yonkers City Court.

#### Less than 10% of Westchester tenants have legal aid

In January, attorneys from two legal aid nonprofits – Legal Services of the Hudson Valley and the Hudson Valley Justice Center – represented tenants in about 12% of appearances for eviction cases in Yonkers, the organizations tallied. Some tenants sought private counsel.

But less than 10% of tenants across Westchester County have legal representation in eviction cases, compared with more than 90% of landlords, according

to analysis of state court system filings from the local right-to-counsel coalition. Those numbers reflect statewide trends.

Former Yonkers Councilwoman Lorraine Lopez, 57, recently experienced an eviction proceeding.

"I didn't think something like this would happen to me," Lopez said.

In January 2022, she broke her leg on ice outside her third-floor walkup. Lopez's landlord worried she would sue, Lopez said. She was served an eviction notice, for what she described as not having a lease and renting month-to-month. She put it off, but she received a notice to appear in court this past Valentine's Day.

In court, her attorney, from the nonprofit Legal Services of the Hudson Valley, resolved the matter with the landlord's attorney for her to move out in May, Lopez said. She's found a new apartment.

#### What other localities have increased legal aid for tenants?

In 2017, New York City passed right-to-counsel for low-income tenants. A 2018 city Office of Civil Justice report found 84% of tenants represented by lawyers in eviction cases were able to remain in their homes.

Since then, renters who have attorneys under New York City's law have reportedly dropped, partly due to the sheer number of pending cases clogging courts since pandemic-era eviction moratoria expired. There are also too few attorneys to represent tenants, and judges are moving ahead with cases.

In 2021, Westchester legislators moved to study right-to-counsel in the county. County Executive George Latimer told the USA TODAY Network New York he didn't need a study to support the measure. In May 2022, he proposed an Office of Housing Counsel to give legal counsel to low-income tenants in eviction proceedings. The bill has remained in committee.

"What we're asking here is for a level playing field," legislator Chris Johnson, D-Yonkers, said. "You have an attorney, I have an attorney. And let's come to the facts."

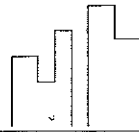
A state measure could be the best option amid case increases returning to pre-pandemic levels, advocates said. A county law could only do so much, Johnson added.

Walking to parhandle, Bryan Leonardo, 50, saw people gathered in front of Yonkers City Court. He joined their tour, entering the courthouse that he said evicted him from his home in 2018.

"I'm homeless," he told the group. "Now that I know about advocating for yourself and seeking counsel ... I don't think I would have been evicted."

As the group readied to sit in the courtroom pews, one man emerged from the clerk's office across the hall. He stood outside the circle of people. He had questions about his case, too.

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