

Statewide Right to Counsel (A1493/S2721)

A campaign to guarantee Right to Counsel to every tenant in New York State

What is Statewide Right to Counsel?

Statewide Right to Counsel (A1493/S2721), introduced by Assembly Member Latoya Joyner and Senator Rachel May, guarantees all tenants across New York State the right to a lawyer when facing an eviction. The legislation would establish Right to Counsel as a right and:

- Cover every tenant across the state, regardless of income.
- Cover any legal proceeding that could result in a tenant losing their home.
- Require that tenants be represented throughout their entire case, not just when they show up in court. This includes legal advice, advocacy, and assistance.
- Require 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.

Why do we need it?

The COVID-19 pandemic has only worsened New York State's eviction crisis. Our communities need long-term solutions that will keep them safe and securely housed.

- New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness.¹
- Landlords are actively trying to evict more than 170,000 tenants statewide.²
- Across NYS, an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. In Albany, between 2016-2021, fewer than 3% of Albany renters had counsel, compared to 90% of property owners.³
- Right to Counsel has proven to be immensely successful at stopping evictions and protecting tenants' rights, which is especially important now, given the social and economic devastation caused by the pandemic.⁴
- Eviction proceedings are complex and violent processes that are nearly impossible to navigate alone.
- Evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences.
- Right to counsel is also about racial justice. Evictions disproportionately impact Black and brown tenants, with women facing the greatest burdens.
- The State spends billions of dollars on shelters and homeless services and studies have shown that Right to Counsel saves public money that would be otherwise spent on shelter and emergency room costs, homelessness services, and more.⁵

We already know Right to Counsel works!

- In 2017, New York City became the first city in the country to pass Right to Counsel. Since then, landlords are suing tenants less and 86 percent of tenants who had a right to counsel lawyer won their case and were able to remain in their homes.⁶
- Across the country, movements for statewide Right to Counsel are gaining traction! As of 2023, over 20 cities, states and counties around the country had passed Right to Counsel legislation.
- Data from across the country demonstrates that Right to Counsel keeps people in their homes, and deters landlords from suing for eviction. After San Francisco passed Right to Counsel, the city's eviction filing rate dropped 10% in the first year, and in Cleveland, 93% of clients with an RTC attorney avoided eviction. In Connecticut, of the 80% of people that sought to avoid an eviction on their record, 76% achieved that goal. The estimated cost savings to the state were \$5.8 - \$6.3 million.⁵
- Right to Counsel enforces and upholds tenants rights, giving tenants the power to organize and fight back, making it harder for landlords to skirt tenant protections.

¹ U.S. Department of Housing and Urban Development, The 2020 Annual Homeless Assessment Report (AHAR) to Congress

² RTC's Eviction Crisis Monitor.

³ Research conducted by the City of Albany.

⁴ NYS Court System Eviction Dashboard.

⁵ National Coalition for a Civil Right to Counsel, The Right to Counsel For Tenants Facing Eviction: Enacted Legislation

⁶ NYC Office of Civil Justice, 2020 Annual Report



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How would it work?

Statewide Right to Counsel would create a New York State Office of Civil Representation that would administer and manage the implementation of Right to Counsel statewide, which includes:

- Contracting with non-profit legal services organizations to provide counsel to tenants.
- Contracting with non-profit community based organizations to provide tenants' rights education and tenant organizing, such as hosting Know Your Rights Trainings, supporting tenant associations, and referring tenants to legal services.
- Holding public hearings and producing annual reports on implementation and financial auditing.

Statewide Right to Counsel will require that:

- Courts notify tenants of their Right to Counsel by mail upon the filing of a petition and give tenants information (e.g. 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 is able to retain and consult with their lawyer.
- Failure of the court to comply with the tenant's Right to Counsel results in vacating any eviction judgements and warrants.

Who We Are

The Statewide Right to Counsel legislation is a part of the **Housing Courts Must Change! (HCMC) Campaign**, a statewide campaign launched in 2020 to transform the courts from an "eviction machine" to a place that holds landlords accountable, upholds tenants' rights, and enables tenants to remain in their homes. Our demands, during the COVID-19 pandemic and beyond, include slowing down eviction cases and expanding Right to Counsel across the state, so ALL tenants have and know about their rights and are emboldened to organize and fight to stop evictions.

The **Right to Counsel NYC Coalition (RTCNYC)** is a tenant-led coalition that formed in 2014 to change Housing Courts, prevent displacement, and stop the eviction crisis that threatens our families, our homes, and our neighborhoods. RTCNYC is made up of tenants, organizers, advocates, legal services organizations and more! In 2017, after a three-year grassroots campaign, the Coalition won the Right to Counsel, making New York the first city in the country to establish a Right to Counsel for low-income tenants facing eviction. Now, in coalition with our partners across New York, the Coalition is fighting to pass Statewide Right to Counsel and build towards an eviction free New York!

