



February 24, 2020

Rory I. Lancman
Chair, Comm. on the Justice System
City Hall
New York, NY 10007

Robert E. Cornegy, Jr.
Chair, Comm. on Housing and Buildings
City Hall
New York, NY 10007

**Re: In Support of Int 1104-2018, Expanding the Right to Counsel for Tenants;
and Int 1529-2019 Requiring the Office of the Civil Justice Coordinator to
Collaborate with Community Groups in Engaging and Educating Tenants of
Their Rights in Housing Court.**

Dear Chairs and Members of the Committee on the Justice System and the Committee on Housing and Buildings:

Thank you for the opportunity to submit written testimony in support Int 1104 and Int 1529. The National Coalition for a Civil Right to Counsel (NCCRC) joins the Right to Counsel NYC Coalition in urging the passage of these bills, which together will strengthen and expand the right to counsel in New York City.

The NCCRC is an association of individuals and organizations that works to establish the right to counsel for low-income people in civil cases that involve basic human needs, such as shelter. The NCCRC has over 300 participants and 200 partners in 40 states, including many in New York. Among our efforts, we were instrumental in the American Bar Association's introduction and adoption of [ABA Resolution 112A](#) (2006), which called for jurisdictions to support a right to counsel in civil cases involving basic human needs. In New York City, we supported the work of local advocates who advocated for the successful passage of Int 214-B, which established a right to counsel for tenants in eviction cases who are at or below 200% of the federal poverty level.

New York City led the nation when it passed Int 214-B, as no jurisdiction in the United States had ever recognized a right to counsel in housing court. This monumental legislation sparked a movement across the country: since passing the right to counsel in 2017, four other cities have passed similar legislation, while many other cities and states are moving towards doing the same. New York City has also demonstrated that a right to counsel can deliver results: 84% of those served by a right to counsel have remained in their homes, and the eviction rate in zip codes with the right to counsel has fallen five times faster than the rate in the city as a whole. With the passage of Int 1104 and Int 1529, New York City can further demonstrate its commitment to the right to counsel in the City while maintaining its position as a national leader on this issue.

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The next steps the City takes are vital. The right to counsel in eviction cases helps thousands of tenants stay in their homes, yet it is a meaningless right for tenants

not aware of it. Without a thoughtful, well-funded public awareness campaign, tenants are at risk of making housing decisions based on fear or landlord harassment. New York City must adopt Int 1529, which will fully fund local organizing efforts to raise awareness about the right to counsel in eviction cases as well as monitor the rollout to ensure the law is effectively implemented.

With Int 1104, NYC has an opportunity to elevate the standard for eviction defense across the country by expanding both the income eligibility cutoff and the types of cases to which the right applies. Expanding the right to counsel income eligibility from tenants making less than 200% to less than 400% of the Federal Poverty Guidelines will capture the many tenants who are above the current threshold but well below the income level where they can afford counsel on the private market. A tenant who works full time, earning \$15.00 an hour, falls outside of the current income eligibility guidelines for free representation in an eviction case, yet is highly unlikely to be able to hire a lawyer. Moving the cutoff marker to those making less than 400% of the Federal Poverty Guidelines will not only improve the lives of tenants, but will also transform the national conversation concerning income eligibility cutoffs for a right to counsel. As other localities develop their own right to counsel legislation, New York City will serve as an example of how to ensure justice and fairness for the majority of residents.

Int 1104 also expands the right to counsel to housing matters that fall outside the scope of the eviction cases addressed by Int 214-B. The bill expands the definition of “covered proceeding” to “any [summary] proceeding in [housing] a court or before an administrative agency to evict, eject, terminate the tenancy, seek a certificate of eviction, or terminate an income-based rental subsidy of a covered individual, or any appeal of such a proceeding.”

This broadened definition is particularly important because it includes formal administrative proceedings that occur every day for tenants in a variety of different forums and that form the basis for the eventual eviction case. For instance, a tenant who loses an income-based rental subsidy would be covered under Intro 1104 because that tenant would be unable to stay in their unit if they lose the subsidy and are required to pay the market rate for the unit. Although a landlord will need to file an eviction case in court, there is little a lawyer can do if the subsidy is gone and the tenant cannot afford the market rate. New York City must demonstrate to tenants, landlords, administrative agencies and to the nation that best practice in this context is to ensure that tenants facing eviction, ejectment, or displacement in any judicial or quasi-judicial proceeding are guaranteed representation.

We urge the City Council to pass both Int 1104 and Int 1529 to ensure that the right to counsel in New York City is well-known, understood and effective and to assure that the right to counsel law covers all tenants who face legal matters that could lead to their eviction. We thank you again for the opportunity to provide testimony and would be happy to answer any questions your Committees have on the efforts and activities in other jurisdictions.

Sincerely,

John Pollock
Coordinator, National Coalition for a Civil Right to Counsel