



## RTCNYC Tool 12.3.1

### Case Study: RTC 2.0: The Work to Come

*As part of our ongoing organizing efforts and plan, we are focused not just on monitoring RTC's implementation, but also on expanding the legislation itself. We seized the opportunity to go public with this latter stage of our campaign, which we call "RTC 2.0," after we had garnered significant press around the first bill and after San Francisco's historic vote to make their city the second in the country to recognize tenants' right to a lawyer. Below are some of the ways in which we are planning to strengthen and expand the current Right to Counsel bill and some of the lessons learned from the first time around. We also issued a press release about this new campaign, which you can read [here](#).*

#### **What the First Bill Already Accomplished:**

- A 24 percent decrease in the number of evictions since 2014;
- An increase in the number of non-profit legal aid attorneys working with tenants city-wide from 200 to 500 has yielded a corresponding rise in the number of tenants with legal representation from just 10 to over 27 percent; and
- Reflecting a paradigm shift in the tenant-landlord relationship, the number of eviction cases filed in NYC's housing courts has already started to drop--down almost 10 percent since 2014--proving that even just having an attorney reduces the number of frivolous cases landlords bring to housing court.

#### **How We Plan to Strengthen & Expand Right to Counsel:**

- **Increasing the income threshold to 400% of the federal poverty line:** Currently, while the majority of tenants in housing court are eligible for the right to counsel under the current 200 percent threshold, a single New Yorker earning a \$15 an hour minimum wage is not.
- **Expanding the Right to Counsel Outside of Housing Court:** While most eviction cases occur in City Housing Courts, several thousand are left to higher courts or administrative hearings, including:
  - HPD administrative hearings for Mitchell-Lama residents;
    - *Mitchell-Lama homes are affordable housing developments in New York City.*
  - Certain Supreme Court Ejectment cases; and
  - Housing Development Fund Corporation (HDFC) cases.
- **Covering Appeals:** Though the current law guarantees tenants get an attorney for the entirety of their case, it does not cover appeals. With more tenants than ever being represented and winning their cases, landlords are filing more appeals. Without legal representation to defend their victories, tenants will be left alone when the final, most consequential, decision is made.
- **Connecting tenants to attorneys *before* they arrive at court by funding community based organizations** to conduct outreach and engagement to inform tenants of their right to an attorney. Neighborhood based groups with histories of tenant organizing and community service are trusted community partners and therefore are best positioned to do the outreach and education work that is critical to the law's success.

#### **Lessons Learned from the First Bill/Why Now?**

- A long term legislative strategy is important. Winning Right to Counsel is a huge victory, but it is likely that the first legislation that passes will be more limited than your ultimate goals. It is important to keep in mind that there will be subsequent stages of legislative organizing, and to look for key political moments to exert public pressure to move those forward.
- For us, an opportune moment to push for RTC 2.0 was on the heels of [San Francisco's historic RTC win](#).