



## RTCNYC Tool 6.2

### Checklist of Key Components in Right to Counsel Legislation

*This is a checklist of key components to consider when drafting legislation for right to counsel. Legislation for the right is going to look different depending on where you are in the country, whether this is a local or state initiative, and depending on existing housing laws in your jurisdiction. However, we have put together some core elements that you will want to include and questions to explore as you put your bill together. You can see our Right to Counsel bill, which eventually became Local Law 136 [here](#).*

### Checklist for Right to Counsel Legislation

- Establishes access to an attorney as a **right**:
  - What we mean by establishing a **right** is that we don't want the bill to establish a program for tenant representation that is subject to budget appropriations, but rather a universal right to representation such as in criminal court.
- Coverage for all tenants:
  - Review the types of rental housing in your area:
    - Does your municipality/state have public housing, rent-stabilization or rent-control programs? Try to get all of these tenants covered, along with market-rate tenants.
    - Are there tenants in supportive housing or social service providers who lease units to tenants?
- Coverage for all evictions and eviction-related cases:
  - If you have a public housing program, make sure administrative hearings are also covered.
- Level of representation:
  - This should be full representation for all, and appeals if possible.
- Eligibility criteria:
  - These should be clear such as income limits, if needed.
- Attorneys:
  - Who you don't want representing tenants:
    - Landlord attorneys
    - Attorneys from the government
  - If possible: not-for-profit legal service providers with expertise in housing law.
- Evaluation/Tracking:
  - Include standards for what advocacy for tenants entails.

### Funding Considerations

*Below are some items to consider including when thinking about what funding for RTC should include:*

- Support for quality attorneys:
  - This includes supervision, support and infrastructure at legal service providers.
- Support for organizing:



- Funding tenant organizing/advocacy/tenant leadership development at the grassroots level.
- Funding affirmative litigation to enforce tenant rights, ie. suing landlords for repairs, neglect, harassment, etc.

### **Supporting Implementation**

*If possible, legislation should also include plans for supporting implementation of Right to Counsel:*

- Are courts doing their part?
  - Courts should have: confidential meeting spaces, adjournments for assigned counsel to prepare, getting copies of court documents to tenant attorneys when they are assigned.
  - Are courts connecting tenants to representation?
- Is there a phase-in plan?
  - By zip code? Population group?
- Cost evaluation:
  - A cost evaluation to help legal service providers assess how much the work is actually costing in order to adjust funding levels as RTC rolls out.