



HOUSING JUSTICE:

New Yorkers Should Have a Right to Counsel in Eviction Proceedings

New Yorkers do not now have a right to an attorney in eviction cases in housing court.

- More than 90% of landlords who bring eviction cases are represented by lawyers.
- Most tenants don't.
- When people get evicted, they often go into the shelter system
- Eviction cases are complicated, move fast and are highly technical; it is very difficult, if not impossible, to defend an eviction case without a lawyer.

A Right to Counsel in eviction cases will legislate justice!

- Landlords are aware of the unbalanced nature of the housing court. They often initiate legal proceedings knowing that low-income tenants will most likely not be able to afford counsel.
- Studies show that when tenants are represented by counsel, they are better able to protect their homes and effectively assert their rights around housing conditions, rent, and discrimination.
- The constitution guarantees *due process of law* (fair access to the legal system) to protect individual liberty and property interests. This means that a tenant should not have to defend a legal proceeding that could result in the loss of his or her home without a right to counsel.
- The constitution also guarantees *equal protection of the law*, which requires states to apply the law equally and not discriminate against people or groups of people. Low-income people who face eviction, most of whom are people of color in New York City, are denied equal protection when they are denied a right to counsel in eviction cases.

Evictions are devastating for low-income tenants.

- In 2015, nearly 22,000 families, including older adults, were evicted in New York City.
- Surveys of homeless families have identified eviction as an immediate, triggering cause of homelessness for more than a quarter of those admitted to the New York City shelter system.
- Homelessness in New York City has recently reached the highest rates since the Great Depression of the 1930s.
- In September 2016, there were an all-time record 61,931 homeless people, including 15,691 homeless families with 24,148 homeless children, sleeping in the New York City municipal shelter system each night. There are approximately 2,000 seniors in shelter every night.
- At least 3,200 homeless individuals, including seniors, also sleep on the streets and subways each night.
- The current number of homeless New Yorkers is 99% higher than it was in January 2002, when former Mayor Bloomberg took office.
- Even if tenants don't become homeless after an eviction, they face higher rents, disruption in their children's education, displacement from their communities and other traumatic consequences.

A right to counsel in eviction proceedings will save the city money.

- A report by a private financial firm shows that Right to Counsel *will not only pay for itself but in addition, it will save the city more than \$320 million per year!*
- Keeping families and older adults in their homes and avoiding homelessness will also avert long term costs associated with homelessness in health, education, employment and other areas.
- **The price of full legal representation in Housing Court is estimated at \$1,600- \$3,200 per case.**
- If we don't invest in lawyers for tenants, *it will cost us much more* to find housing for tenants who have been evicted: each bed in a New York City municipal shelter costs more than \$34,000 per year; developing a single affordable housing unit costs over **\$250,000.**
- When households are evicted from rent-regulated units, landlords often exploit loopholes in the system to permanently raise the rent to market-rate for future tenants, thereby diminishing the number of affordable housing units and exacerbating the shortage of affordable housing.

Why now?

- With homelessness rates steadily rising, this is a critical issue in New York City right now.
- The Mayor has made affordable housing and economic equity central themes of his administration.
- Every Community Board in Manhattan, Brooklyn and the Bronx have passed resolutions in support of Right to Counsel!
- Elected officials, community activists, academics, legal service providers, bar associations, public policy experts and others have all come together to advocate for the establishment of this important right.
- Let's make history! With your help, New York City will become the first City in the country to establish this critical right to counsel.

The Right to Counsel Coalition of NYC is made up of tenant organizing groups, tenant advocates, law schools and legal services organizations.

Coalition Members Include: New Settlement's Community Action for Safe Apartments, Housing Court Answers, NYC Central Labor Council, The Community Development Project at The Urban Justice Center, LiveOn NY, Coalition for the Homeless IMPAACT Brooklyn, New York Legal Assistance Group, Legal Services-NYC, The Legal Aid Society, MFY Legal Services, Lenox Hill Neighborhood House, Goddard Riverside Law Project, Housing Conservation Coordinators, West Side Neighborhood Alliance, South Brooklyn Legal Services, Brooklyn Legal Services Corporation A, Brooklyn Defender Services, DC 37, Cooper Square Committee, CAMBA Legal Services, University Settlement, South Side United HDFC--Los Sures, Bronx Defenders, Interfaith Assembly on Homelessness and Housing, Banana Kelly CIA, Catholic Migration Services, Neighborhood Defender Service of Harlem, AARP.

Supporters Include: Impact Center for Public Interest Law at New York Law School, , Fifth Avenue Committee, Community Service Society, Met Council on Housing, MinKwon Center for Community Action, Tenants & Neighbors, CAAAV, Brooklyn Tenants United, National Center for Access to Justice, VOCAL-NY, National Coalition for a Civil Right to Counsel, Touro Law Center, Human Rights Institute at the Columbia Law School, Chhaya CDC, The Bronx Jewish Community Council, Flatbush Tenant Coalition, Homeless Services United, Inc., Hudson Guild, UAW Local 2325 - Assoc. of Legal Aid Attorneys (AFL-CIO), New York Immigration Coalition, Ebbets Field Tenants Organization, Urban Homesteading Assistance Board (UHAB), Center for Independence of the Disabled, New York, The Borough Board of Manhattan, The Borough Board of Brooklyn, The Borough Board of the Bronx, The NYC City Bar Association, Association of Neighborhood and Housing Development (ANHD), Housing Works, The West Side Commons, City Meals on Wheels, JASA/Legal Services for the Elderly in Queens.

www.righttocounselnyc.org #RTCNYC