



**Joint Testimony of Unionized Legal Services Workers on the NYC Office of Civil Justice's Programs to Provide Universal Access to Legal Services for Tenants Facing Eviction**

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*November 15, 2018*

We are a coalition of unionized workers who represent and support tenants under the Universal Access Law. The Association of Legal Aid Attorneys (ALAA), Local 2325 of the United Auto Workers (UAW), is comprised of staff attorneys from The Legal Aid Society and all non-management staff at CAMBA Legal Services, among others. 1199 SEIU represents support staff and paralegals at The Legal Aid Society. Legal Services Staff Association (LSSA) represents all non-management staff at Legal Services NYC (LSNYC) and at Mobilization for Justice (MFJ) and is a part of the National Organization of Legal Services Workers, Local 2320 of the UAW.

Our organizations have supported the right to counsel and universal access in housing court since the very beginning, recognizing that high-quality eviction defense is central to protecting affordable housing and preventing displacement and homelessness in gentrifying neighborhoods. We submit our testimony today in hope that NYC Office of Civil Justice will work with those of us on front lines to ensure the success of this ground-breaking law.

While there have been many triumphs in the first year of Universal Access, our organizations are concerned that due to a lack of resources allocated at OCA and insufficient funding to the legal service providers, the Universal Access system as it stands, is unsustainable. We have identified three interrelated areas for which improvement must be made before Universal Access can work as intended: (1) client services; (2) court infrastructure and administration; and (3) provider funding and support.

As zipcodes are added to the rollout of Universal Access, we are continuously forced to turn away tenants with strong cases in rent-regulated and subsidized housing in order to

accommodate the mandatory zip code cases. By the time Universal Access reaches all zip codes, it will be too late for these tenants and their affordable units. Furthermore, our offices have had to turn away long standing clients—those who knew they could always rely on us in the face of their unscrupulous landlord's tactics to force them from their homes. We ask that you work with us to secure a stream of funding during the rollout of Universal Access or grant us the discretion to set aside a certain portion of our grants that allows our organizations to protect the rent-regulated and affordable housing stock in zip codes not currently covered.

Housing courts in every borough are still struggling to properly and efficiently administer Universal Access. Particularly concerning to all of our members is the lack of confidential interview space to conduct intake on our referral days. In Staten Island, intakes take place in a back area with open cubicles and landlord attorneys roaming around. In the Bronx, we are forced to conduct cursory intakes in the hallways and we must schedule each person for a private intake at a later date in our office. On countless occasions, tenants have disclosed sensitive information within earshot of their landlord's attorneys. Without confidential interview space, tenants are denied their fundamental attorney-client privilege. On intake days, providers see between up to fifty people and are expected to appear right away for special zip code clients - with no investigation and little information on the background of the case itself. With a first appearance we are able to adjourn for investigation but for clients who have previously turned down services, we are often forced to make decisions on the spot without the proper background checks.

The resolution parts administering Universal Access are constantly overburdened. Even after return dates on orders to show cause were moved to the afternoon calendar, many resolution parts still have between sixty and ninety cases on for the morning calendar. Our members have reported that it can take upwards of two hours to make an application or argue a motion. Some boroughs have assigned additional court attorneys to the Universal Access resolution parts but cases are still constantly bottlenecked because there are not enough judges handling the selected zip codes. We believe that zipcodes need to be spread amongst more judges in each borough and the courts should implement a basic cap on calendared cases that does not exceed fifty cases per session. In Manhattan, the judge in the UAC part frowns upon litigation and leans heavily on parties to either settle quickly or go to trial. Attorneys and non attorneys have to fight with HRA and APS to get clients much needed services -which attorneys can not provide- but because these agencies have not grown as quickly as free legal services, the process for outside help takes significantly longer. We are dealing with clients who suffer from mental illness and other ailments that constrain their ability to keep up with the fast paced nature of the practice. But rather than the City putting more money into much needed non-legal services to meet the non-legal needs of UAC clients, we are just expanding into more zip codes without examining the issues with the system as is.

Through the efforts of our respective unions to recruit and the efforts of the organizations for which we work, we have hired a vibrant, diverse staff who believe in Universal Access. We are saddened and dismayed to report that our members are repeatedly subject to discrimination and micro-aggressions by court staff. For example, members who identify as people of color have been asked directly by judges if they were our clients. We urge that all court staff, including employees of the Human Resources Administration, attend mandatory anti-bias training to make housing court a more professional and welcoming environment to people of color.

Finally, our organizations are facing substantial attrition of both new and experienced attorneys. While there has been an unprecedented expansion in funding for civil legal services, none of the grants held by our respective employers allows them to fund our work in a way that would allow us to provide consistent, high-quality representation to our clients. This forces providers to cut corners: making the tough decision not to hire social workers and hiring fewer process servers, secretaries, and paralegals than we really need. As a result, our support staff are overloaded and attorneys take on overwhelming amounts of peripheral administrative work, leading to widespread frustration and inefficient delivery of services. The practice of housing law is now driven by quantity and not quality. Attorneys mandated to take cases are expected to reach a quick resolution in a very short time frame which, frankly, does not allow attorneys to grow and develop in the practice. Rather, attorneys learn just enough to get by and resolve cases so that they can quickly move onto the next. Since organizations cannot maintain attrition of staff, offices are hiring law graduates who are on intake and in court within a week of beginning employment - with zero training. Our low income tenants deserve better than that.

Without sufficient funding for paralegals, attorneys are forced to engage in extended and time-consuming benefits advocacy in between researching and writing motions, appearing for court, conducting home visits, and preparing for trial. This means that cases last longer and advocates' caseloads balloon. Our members are justifiably concerned about the quality of their representation. They are working longer and longer hours just to stay afloat and it is not sustainable.

Without social workers, our case handlers must frequently choose between trying to find resources for clients in crisis and meeting litigation deadlines. They cannot afford to lose the time it would take to assist clients with applying for identification cards, obtaining certified documents and medical records, or finding child care services. They lack the foundational education and training of social workers to assist clients facing domestic violence and those contemplating suicide. Many of our members struggle with secondary trauma and seek counseling of their own to process these situations.

We ask that case caps and sufficient funding for support staff, including funding for social workers, be incorporated into the Universal Access grants to protect our shared goal of high-quality representation and meaningful access to justice for New York City tenants.

**Oral Testimony of Amber Marshall, Staff Attorney, Legal Aid Society, Bronx,  
Association of Legal Aid Attorneys, UAW Local 2325**

Good evening. My name is Amber Marshall. I am a Civil Vice President of The Association of Legal Aid Attorneys, Local 2325 of the United Auto Workers and have worked as a housing staff attorney in the Bronx since January of 2015. I represent a diverse group of compassionate, driven, and remarkably intelligent attorneys at The Legal Aid Society that believe in safeguarding affordable housing for low-income New Yorkers. I thank the Office of Civil Justice for allowing ALAA to testify about our experience on the front lines of implementing the Universal Access Law. (~30 seconds)

In addition to the joint written remarks submitted to this body on behalf of our coalition of unionized workers, I testify today to specifically detail the impact the rollout has had on my members and consequently those that we serve.

A common theme you will hear today is that we lack adequate funding to properly do this work. Our organizations are unable to hire social workers, paralegals, and administrative staff to support our work. Without social workers, our members must choose between trying to help our clients navigate complicated systems within government, at non-profits, and at hospitals for which they lack experience or say that we simply cannot help them. My members struggle to provide adequate resources to clients facing domestic violence and those who call us contemplating suicide. On at least two occasions this year, attorneys in my union were unable to identify suicide prevention resources while they were speaking to a client on the phone who expressed specific plans to commit suicide. As a result of instances like these, secondary trauma among legal service providers is pervasive. I have personally assisted multiple members with accessing mental health services since the rollout of Universal Access began.

Furthermore, without paralegals, attorneys are forced to engage in extended and time consuming benefits advocacy in between researching and writing motions, appearing for court, conducting home visits, and preparing for trial. This means that cases last longer and our caseloads are ballooning. In one borough, my members have reported that their average experienced attorney had handled fourteen more cases by the end of October than all of 2017. They are justifiably concerned about the quality of their representation. They are working longer and longer hours just to stay afloat and it is not sustainable.

Consequently, we are now losing experienced housing attorneys at alarming rates and cannot attract enough new attorneys to keep expanding our practice. Fewer attorneys are staying long enough to become supervisors. They are forced to choose between doing the work they love and starting a family or paying off debt or their own mental health. The low-income New Yorkers we represent deserve more. They deserve attorneys who have the freedom to comprehensively and creatively litigate their cases, not treat them like stipulation mills. I urge you to build in case caps and fund our organization for sufficient support staff so that Universal Access is more than justice in name only.

**Oral Testimony of Caroline Roe, Staff Attorney, Mobilization for Justice  
Legal Services Staff Association, National Organization of Legal Services Workers UAW  
Local 2320**

My name is Caroline Roe and I am a union member and delegate with the Legal Services Staff Association, NOLSW/UAW 2320, and a staff attorney at Mobilization for Justice, formerly known as MFY. The Legal Services Staff Association is a wall-to-wall union that represents all non-management employees at Mobilization for Justice and Legal Services NYC. Thank you for your time tonight.

I am here today to tell you about a client that my office served through UAC.

Sylvia is a 49 year old woman with a disability. She and her husband live with one adult child and two minor children. She was sued for non-payment of rent in September 2016. Her case was initially settled in November 2016. Her attorneys had to file 3 OSC's for more time to pay the arrears due to delays and mistakes in obtaining a one-shot deal and FEPS. Her case was not resolved until May 2017, eight months after it started. She was sued again for non-payment in late 2017.

Sylvia's case illustrates two problems with UAC:

First, attorneys representing tenants in non-payment cases spend a significant amount of time doing advocacy and follow-up with HRA and HRA contractors (Bronx Works, Help USA, etc). HRA is paying attorneys from outside agencies to turn around and advocate with HRA's own staff to receive the assistance our clients need.

Second, UAC does not provide adequate funding for non-attorney staff. Sylvia's problems could have potentially been resolved sooner if she'd had a social worker or paralegal to help her navigate HRA's bureaucracy. It is an inefficient use of funding for attorneys to spend hours at HRA helping clients apply for OSC's and following up on applications. However, because

Universal Access is not fully funded, recipient organizations like mine have to decide which necessary staff will not get hired, and what we are seeing is that programs are prioritizing hiring attorneys which does not leave enough money to hire necessary non-attorney staff. That leaves attorneys being paid attorney salaries to do tasks that could be done at a lower cost by a social worker or paralegal.

In addition, clients often have underlying issues with benefits or need services that cannot be addressed with current staffing. For example, many clients make very little money, yet still do not qualify for Public Assistance or they were receiving Public Assistance and it has been shut off. Even if a client can come up with the money to cover one month's rent, get a One Shot Deal, and have their case closed, there are still no guarantees that they won't fall back into arrears. In fact, this happens frequently. Unfortunately, housing attorneys don't have the time or resources to assist with the root causes of the client's inability to pay rent and can really only focus on the case at hand. Although Sylvia's 2016 non-payment case was resolved, she has since been sued again.

The intersection of these two issues causes many tenants to be sued for non-payment of rent repeatedly. Many tenants are plagued by the instability and unpredictability of public benefit programs. UAC clients often have suspended, terminated, or inadequate benefits. They are often unable to resolve the problem themselves. Increased efficiency and decreased bureaucracy from HRA and OCA and increased funding for non-attorney UAC staff would improve the long-term housing stability of the New Yorkers we are serving.

On behalf of my union, I ask that you work to fully fund the true cost of Universal Access to Council so that our employer organizations can hire the full set of support staff who are needed for us to provide quality services to tenants.

**Oral Testimony of Jeanette Cepeda, Staff Attorney, Legal Services NYC  
Legal Services Staff Association, National Organization of Legal Services Workers UAW  
Local 2320**

My name is Jeanette Cepeda and I am a union member with the Legal Services Staff Association, NOLSW/UAW 2320, and a housing staff attorney at Brooklyn Legal Services, which is part of Legal Services NYC. The Legal Services Staff Association is a wall-to-wall union that represents all non-management employees at Legal Services NYC and Mobilization for Justice. Thank you for your time tonight.

The roll out and implementation of the Universal Access law has been both an exciting new change for civil legal services providers and a challenge. Tonight I would like to talk with you

about the challenges I and other Legal Services Staff Association members are experiencing as legal services providers during the rollout and expansion of UAC.

### **Provider Experience & Funding**

One of the important challenges our members face is discrimination by court staff, HRA employees and members of the landlord bar. Discussions about our race, gender, sexual orientation and our bodies are rampant in court. For example, assuming I am the tenant and not an attorney, court staff have asked me to “locate my attorney” when checking in on my client’s cases. In addition, some court staff have attempted to chase me out of designated “attorney” areas. One HRA employee commented on the length of my skirt in contrast with the size of my hips, and even attempted to “fix” it by physically moving it. HRA staff have also inquired if I was pregnant and when I informed them that I was not, went on to comment about my recent weight gain. I have experienced a member of the landlord bar test the elasticity and length of my curl by pulling it with his hands. Finally, I have witnessed court staff give female attorneys, especially those of color inappropriate looks complete with them licking their lips. Court staff, including court officers, have witnessed this behavior and failed to address it.

One result of the discrimination that our members face in court, as well as the increased caseloads and work presented by UAC, is that our members have been quickly burning out and transferring different practice areas or leaving altogether. Although the funding provided has allowed provider organizations to increase in size and hire at an unprecedented rate, additional funding is required to fully fund the work of support staff who provide invaluable service to our clients. More funding is required to hire paralegal, secretary and process server staff as they help ensure the best quality of service to our clients and help assess clients issues and provide assistance with difficulties attorneys and clients experience.

If the program is not adequately funded, our legal services providers will be unable to keep up with the demands of the UAC practice, will burnout quickly and seek opportunities elsewhere. And when advocates leave just as they’ve started to learn the practice, to be replaced by inexperienced new advocates, tenants are the ones to suffer. Low income New Yorkers deserve better than that.

### **Infrastructure**

One of the other issues our members are facing is within the infrastructure of the courthouses and the inability OCA has had in providing private physical space in the courthouse. Part of ensuring adequate representation of clients is building confidence and trust.

For example, while meeting with a client in what is supposed to be a private space, a landlord’s attorney barged in in an attempt to use the same space as a private space for him to make a phone

call. This prompted an abrupt pause to the client meeting, while my supervisor engaged in an argument with him about whether he was allowed to use the space while we were using it. This occurred because the space is not marked private for use of UAC and it is shared with other court personnel and HRA staff.

Private meetings with client is increasingly difficult to do so due to lack of private space in the courthouse. We face challenges in ensuring we do not violate client privilege and often have to request adjournments for the sole purpose of scheduling our clients to meet with us in our office. Oftentimes, because of capacity issues, a private client meeting does not occur until a date closer to the adjournment date, leaving staff without enough time to work out some issues between court dates.

I urge you to implement measures to prevent and redress discrimination, including mandatory anti-bias training for all court staff; to secure private space for client meetings within the courthouses; and to fully fund the work so that our employer organizations can hire the full set of support staff who are needed for us to provide quality services to tenants.

Thank you for your time.

**Oral Testimony of Lino Diaz, Staff Attorney, Legal Services NYC (Queens Legal Services)  
Legal Services Staff Association, National Organization of Legal Services Workers UAW  
Local 2320**

My name is Lino Diaz and I am a union member and delegate with the Legal Services Staff Association, NOLSW/UAW 2320, and a housing staff attorney at Queens Legal Services, which is part of Legal Services NYC. The Legal Services Staff Association is a wall-to-wall union that represents all non-management employees at Legal Services NYC and Mobilization for Justice.

Thank you for your time tonight. I would like to talk with you about three issues we have seen during the roll-out process of UAC.

First and foremost, we lack the court structures required to talk to people with a semblance of confidentiality. In Queens, we only have access to one room in the courthouse in which to do intake for UAC. As a result, we are forced to resort to talking to people about their issues in crowded hallways. This creates two types of confidentiality issues. The first is that as legal services providers, we are required to collect a large amount of sensitive data from clients, and doing so in public spaces creates safety concerns for that information. Anyone could overhear, putting the client at risk of identity theft or worse. Second, we are potentially asking people to discuss their cases -- including possible defenses, or lack thereof -- in front of numerous people



who are either unrelated to the proceeding or could have an adverse relationship with our clients. This is a terrible situation in which to create a client-attorney relationship.

Secondly, the UAC roll-out has forced us, as legal service providers, to turn away potentially meritorious cases for the sake of meeting the demand of UAC cases. We are supposed to be preventing evictions, but in forcing us to prioritize certain zip codes instead of giving us the discretion of denying service to unmeritorious cases, we are being forced to let preventable evictions slip through the cracks. If the UAC roll-out occurred more rapidly, thus increasing the number of zip codes available to us, we would be able to step in on these cases that we are currently forced to decline representation.

Finally, we are watching UAC create a two-tiered system for client services. UAC cases can only be adjourned at 3-week intervals, while cases being represented by private attorneys have no requirements as to when an adjournment can be dated. We cannot allow people who are already underserved and underrepresented to receive second-tier representation for the alleged sake of judicial economy -- especially when the lack of time creates more reasons for OSC's down the line, thus cutting against the efficiency argument.

On intake days, providers see between 20-30 people and are expected to appear right away for special zip code clients - with no investigation and little information on the background of the case itself. With a first appearance we are able to adjourn for investigation, but for clients who have previously turned down services, we are often forced to make decisions on the spot without the proper background checks. Many staff attorneys have questioned whether the terms we are required to practice under are grounds for malpractice.

UAC is a tremendous step forward for New York City's low income tenants. For its vision to truly be realized, I ask that you work to provide private space in the courthouses and eliminate procedures that contribute to UAC recipients receiving a lesser version of representation.

**Oral Testimony of Katherine Groot, Staff Attorney, CAMBA Legal Services, Brooklyn, Association of Legal Aid Attorneys, UAW Local 2325**

Good evening. My name is Katherine Groot, I am a member of the Association of Legal Aid Attorneys, local 2325 of the United Auto Workers and a staff attorney at CAMBA Legal Services' Housing Unit in Brooklyn. I thank the Office of Civil Justice for allowing myself, and my fellow legal services providers, to testify regarding our experiences with working under Right to Counsel.

We recognize Right to Counsel as a monumental piece of legislation. We are proud to be part of this effort and hope it is the first step toward bringing Civil Gideon to New York City. We believe that the continued success of Right to Counsel requires that the program evolve in response to lessons learned in the trenches and we hope you heed our concerns and suggestions.

As legal services providers, we endeavor to provide each client with high quality legal services. We are concerned, however, that the lack of discretion afforded to attorneys, and the client quotas imposed by the Right to Counsel contract, require us to make compromises that we are not comfortable with.

First, I echo my colleagues concerns regarding the roll-out of Right to Counsel by zip codes. Currently, Right to Counsel requires legal services providers to represent tenants who reside in the specified Right to Counsel zip codes over those who do not.

One of the best ways to preserve affordable housing in this city is to stop landlords from illegally deregulating the rent stabilized housing stock. Unfortunately, we are forced to turn down tenants who do not live within Right-to-Counsel zip codes, even those who reside in rent stabilized apartments. This practice jeopardizes affordable housing in zip codes not currently included in the program. By the time Right to Counsel adds those zip codes, it will be too late. This concern extends to tenants residing within NYCHA and HUD project-based apartments as well as tenants with vouchers and other housing subsidies.

Second, we believe the quotas imposed by the Right to Counsel contract are unrealistic and unattainable. Our caseloads have increased to a degree that negatively impacts our client-centered practice.

Finally, we believe that the housing court buildings - which are the initial point of contact between legal services providers and tenants - must be upgraded to both meet tenants' needs and to accommodate Right to Counsel.

The physical infrastructure of housing court alienates tenants, particularly those with disabilities and other limitations because of the long lines to enter the building, lack of seating in the court parts, long waits to see a judge, and complete lack of private spaces to preserve client confidentiality.

Court facilities must be upgraded to ensure that tenants are treated with dignity and respect from the moment they enter the court house as well as to preserve confidentiality between tenants and their attorneys.



HARVEY EPSTEIN  
Assemblymember 74<sup>th</sup> District

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

**Testimony on the Implementation of the Universal Access Law  
Office of Assemblymember Harvey Epstein  
November 15<sup>th</sup>, 2018**

My name is Harvey Epstein and I am the Assemblymember representing New York's 74<sup>th</sup> Assembly District, which includes the neighborhoods of the Lower East Side, East Village, Stuyvesant Town/Peter Cooper Village, Murray Hill, Tudor City and the United Nations. Thank you for the opportunity to testify.

The Office of Civil Justice's Fall report shows a remarkable increase in the provision of legal services to tenants who are faced with eviction since the Universal Access Law went into effect. I am thrilled to see how many tenants have had access to legal representation or been given advice to help them stay in their homes. The data in the Fall report demonstrates that the OCJ has developed a successful model that has contributed to a decline in evictions over the past year. Expanding the program to additional zip codes will be a vital way to reduce homelessness in our city by stopping it before it starts and helping tenants maintain a stable family life.

New Yorkers in all parts of the state face the same struggles that New York City residents face when it comes to evictions. While it's difficult to accurately report the number of evictions statewide due to the nature of record-keeping in the state and the high number of smaller town and village courts, in the last year of available data in 2016 it's estimated that as many as 126,657 eviction filings were made, with the actual number likely even higher. We must replicate the success of the Universal Access Law at the state level so all New Yorkers can have access to the human right of justice.

We need to focus on expanding the right to counsel in eviction proceedings and beyond. There is a critical need for legal representation in a variety of civil proceedings, including deportation defense. As a city and state of immigrants, this is essential as we face up to a president bent on attacking immigrant New Yorkers. Access to counsel in these instances can be the difference between maintaining a stable family life and tearing a family apart.

I applaud the Mayor, Councilmembers, and the Office of Civil for making positive step in the right direction. I look forward to opportunities to work with you to fill in the gaps that exist in our justice system both at the city and state levels so we can create a more equitable New York for all. Thank you once again for the opportunity to testimony.



RICHARD N. GOTTFRIED  
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### **EXPAND AND STRENGTHEN RIGHT TO COUNSEL**

Testimony by Assembly Member Richard N. Gottfried  
Before the NYC Human Resources Administration  
Office of Civil Justice

Public Hearing on the Universal Access to Legal Services Program  
for Tenants Facing Eviction  
Thursday, November 15, 2018

My name is Richard N. Gottfried. I represent the 75th Assembly District in Manhattan, which includes the neighborhoods of Chelsea, Hell's Kitchen, Midtown, and part of the Upper West Side and Murray Hill. Thank you for this opportunity to testify about the Right to Counsel program.

Right to Counsel (RTC) or Universal Access to Legal Counsel (UATC) in Housing Court became a New York City law in 2017. With this law, some, but not all, low-income tenants have the right to have a lawyer provided to them if they are sued in Housing Court by their landlord. Before Right to Counsel was enacted, landlords tried to evict over 230,000 tenants a year. Most of those tenants were low-income people, and predominantly people of color and immigrants.

The program has quickly made a real difference in the lives of many people. Since the implementation of Right to Counsel, evictions are down 24 percent from 2014; filings are down 10% from 2014; and shelter entries from evictions are down. The program contributes to preserving affordable housing and stable communities by keeping people out of court and out of homeless shelters. But there are too many people who cannot access the program because of the income level requirement. The next step is to expand and strengthen the successful Right to Counsel program.

City Council Members Mark Levine, Vanessa Gibson and Diana Ayala have introduced legislation, Intro 1104-2018, to increase the income threshold of 200% of the federal poverty level to 400% and to expand the types of cases covered by RTC to include administrative hearings such as those in HPD, and the NYS HCR (Homes and Community Renewal) agency, as well as for cases that are appealed and a portion that land in state Supreme Court. These would be important steps ahead.

More must be done to increase outreach and tenant awareness. The City needs to finance efforts by various community organizations to educate tenants about when they are

entitled to legal representation.

It continues to be a challenge to get the word out to tenants that the right to counsel in Housing Court exists and how to find out if they are eligible and where to go. As part of the RTC implementation, New York City's Tenant Support Unit knocks on doors to advise tenants at risk of eviction that they are entitled to a lawyer. More tenant outreach and education is needed and can best be provided by neighborhood-based groups with a history of tenant organizing, as well as the Tenant Support Unit. Increased funding to neighborhood-based groups already doing education and outreach would contribute to the effectiveness of the right to counsel program.

Several public awareness efforts, if funded by the City, would help tenants learn of the new right. Efforts such as subway ads, tele-town halls, mass mailings, email and social media, and a hotline are all possible ways to increase access to the program

After only a year, Right to Counsel has proven its effectiveness. It should be expanded and strengthened.

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**CAMBA**  
Legal Services

**TESTIMONY**

**On**

**NEW YORK CITY'S  
UNIVERSAL ACCESS TO LEGAL SERVICES  
FOR TENANTS FACING EVICTION**

**Presented before:**

**THE HUMAN RESOURCE ADMINISTRATION'S  
OFFICE OF CIVIL JUSTICE (OCJ)**

**Presented by:**

**ALFRED TOUSSAINT**  
Program Manager, CAMBA Legal Services

**November 15, 2018**

Thank you for the opportunity to testify today. My name is Alfred Toussaint and I am a Program Manager at CAMBA Legal Services. CAMBA Legal Services is very proud to be one of the legal service providers of the Universal Access to Legal Services for Tenants Facing Eviction in Brooklyn and Staten Island. CAMBA Legal Services is also a member of Leap, a coalition of seventeen New York City civil legal services providers that includes Bronx Defender Services, Brooklyn Defender Services, Brooklyn Legal Services Corporation A, CAMBA Legal Services, Catholic Migration Services, The Door, Goddard Riverside Law Project, Housing Conservation Coordinators, JASA/ Legal Services for the Elderly, Lenox Hill Neighborhood House, Make the Road New York, MFJ Legal Services, Neighborhood Defender Services of Harlem, New York Lawyers for the Public Interest, Northern Manhattan Improvement Corporation Legal Services, the Urban Justice Center/ Community Development Project, and Volunteers of Legal Services. The LEAP organizations came together to form a coalition in 2004 to enhance the breadth and depth of legal services provided to indigent, near indigent, and working poor persons throughout New York City. Many Leap members are also Universal Access providers.

CAMBA Legal Services congratulates the City Council and Mayor for adopting the Universal Access to Legal Services for Tenants Facing Eviction; the Administration for implementing the law; and our partners for working with us to make Right to Counsel a reality for New York City tenants. We also would like to congratulate, and thank the Right to Counsel Coalition, the Community Based Organizations, tenants, and tenant organizers across the City whose hard work, diligence and persistence made this legislation possible.

Right to Counsel is already making a huge difference in the lives of tenants, and we see that every day in our work.

Congratulations to the Office of the Civil Justice on releasing the Year One Implementation Report on Universal Access to Legal Services. This is a really nice opportunity to take a step back and take note of our collective accomplishments. These accomplishments include but are not limited to the huge increase in legal services to tenants in housing court – in 2013 just 1% of tenants in housing court were represented, while this past year more than 30% of tenants had an attorney representing them in their housing court case. This enormous increase in tenant representation has helped to level the playing field for New York City tenants in Housing Court. This tremendous accomplishment would not have happened if not for the hard work, dedication and collaboration of all the stakeholders – the elected officials, the City, the Courts, the Tenants, Tenant Organizers, Legal Service Providers, and Community Organizations, among others.

While it is important to celebrate our shared accomplishments, it is also important to learn from the growing pains and bumps in implementation so that we can continue to move forward effectively. There is still so much left to be done. While 30% of tenants are represented, still 70% are not. As a community based legal service provider, CAMBA Legal Services, and our Leap partners, feel very strongly that a community based approach to implementation of Right to Counsel is critical. Some of the components that we believe are key to full implementation are the following:



- **Tenant awareness, outreach and education** is critical to the long term success of Right to Counsel. Many tenants never make it to housing court and give up their apartments through intimidation. With tenant representation in housing court on the rise, we already see landlords resorting to other means to get tenants to give up their apartments. Tenants must be able to rely on neighborhood based groups who have a history of tenant organizing and community service to get good reliable information out to them on Right to Counsel and other housing issues like inadequate services and landlord harassment.

**Another component that we strongly believe is key to the full implementation of Right to Counsel is**

- **Neighborhood based intake** – while intake in the court house has been a critical component of the implementation of Universal Access that should continue, there also needs to be a neighborhood based process so that tenants can find an attorney before they go to housing court. We all know that some tenants will not make it to housing court on their own. They will however, come to their trusted neighborhood based providers, ensuring true universal access to legal services to tenants facing eviction. In some cases, neighborhood based intake would mean that tenants would never need to go to court to empower the tenant, it will reduce the pressure on the housing court, increase the capacity of the providers, and reduce the service cost to the City.

We have accomplished so much in this first year of implementation – we have kept tens of thousands of people in their homes, leveled the playing field in housing court for New York City tenants, and seen a huge drop in evictions citywide. What we at CAMBA Legal Services are so proud of is the work we have been able to do to help tenants who would be homeless but for Right to Counsel. One such case is Mr. Jones' case. He is a mentally ill tenant who lives in a supportive housing facility. He was wrongly sued in a Holdover proceeding based on a failure to pay rent. We were able to correctly convert it to a nonpayment proceeding so that he could apply for a One Shot to pay the arrears. We were also able to successfully advocate for him to be moved to a new room with a new roommate because his prior roommate was stealing his things. Without an attorney Mr. Jones would have been wrongly evicted in an improper holdover. Right to Counsel kept Mr. Jones in his supportive housing unit and prevented him from becoming homeless.

Thank you again for giving us the opportunity to testify. There is so very much to be proud of, to celebrate, and to be thankful for. We look forward to working together to ensure that all tenants have a Right to Counsel to preserve their housing.





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**Center for Independence of the Disabled, NY**

November 15, 2018

New York City Human Resources Administration  
Office of Civil Justice

Lourdes I. Rosa-Carrasquillo, Esq.  
Director of Advocacy

Annual Hearing on the NYC Office of Civil Justice Programs  
To Provide Universal Access to Legal Services for Tenants Facing Eviction

Re:

I would like to thank the Office of Civil Justice for allowing me to testify.

CIDNY's goal is to ensure full integration, independence, and equal opportunity for all people with disabilities by removing barriers to the social, economic, cultural, and civic life of the community. In 2018, we worked one-on-one with 52,310 people with disabilities. The overwhelming majority of people with disabilities living in New York City are living in poverty and extremely rent burdened according to the American Community Survey of the U.S. Census, 2016. Living in poverty and being extremely rent burden makes them at high risk of eviction.

Your report – Universal Access to Legal Services the Right to Counsel – is evidence that this program is crucial for tenants and actually serves its purpose. The numbers of tenants served in the designated zip codes have been afforded protection from landlords who use their powers who have attorneys intimidating tenants who cannot afford attorneys.

The report is somewhat informative because it breaks down populations served based size of household, age of head of household, holdovers verses nonpayment, and households on public assistance. However, it fails to report statistics of other relevant data. It would prove more useful to show information regarding poverty, income and degree of housing burden, as the American Community Survey of the US. In addition to the number or percentage of people with disabilities who were served.

HRA has shown its ability to track the percent of people with disabilities who are homeless. They record 60 percent of us are homeless. I recommend that OCJ work with other departments in HRA that may help track where the people who displaced go.

I would like to share some information CIDNY has on people with disabilities. There are 35 percent of people with disabilities who live below the 100 percent federal poverty level and 39 percent below 200 percent federal poverty level. These indicators plainly show the importance of the right to counsel in eviction cases. But, the report fails to track numbers of people with disabilities served. I believe knowing the numbers of people with disabilities who are served are important.

Forty-one and half percent of people with disabilities are spending more than 1/3 of their income on housing. An additional 36.9 percent of people with disabilities are spending more than half of their income on housing. The employment rate for people with disabilities is 29%. This population is scrapping to make ends meet to the point that sometimes they don't have sufficient to pay the rent. These indicators plainly show the importance of the right to counsel in eviction cases.

CIDNY has handled disputes between people with disabilities and landlords when landlords misrepresent to the tenant with disability that they can increase the rent when the person with a disability request for reasonable modification/accommodation. CIDNY's advocacy has prevented landlords from raising the rent when requests are made for reasonable modifications/accommodations. Unfortunately, sometimes

Re:

tenants come to us when the rent has already been increased, cannot pay the rent, are in housing court for failure pay the rent due to the increased rent and are at risk of becoming homeless.

I further believe it's important to review the allegations made by landlords and the outcomes. I would like to see how many were referred to APS, were GALs appointed, and the numbers of tenants' cases transferred to supreme courts where the City files a claim the tenant is Alleged an Incapacitated Person who are in need of a guardian.

### **What else needs to be done?**

#### **1. First of all -**

- Right to Counsel should be a right, as the title states.

We are deeply concerned that not enough tenants, including ones with all disabilities, who have the right to know they have to counsel in housing court, and that many who do have it are too intimidated to use it.

In order for RTC to be truly universal, everyone needs to know about it, understand it, and use it as a tool to also address other housing issues, like inadequate services and landlord harassment, such as when a person with a disability requests a reasonable modification/accommodation. Neighborhood based groups who have a history of tenant organizing and community service, like the Independent Living Centers (ILCs) are trusted community partners and therefore are best positioned to do the outreach and education work that is critical to the success of RTC. However, instead of HRA a partnering with and supporting these groups to do this work, the neighborhood based organizing groups have had to do the work with no funds making it extremely difficult to reach all eligible tenants. As such we believe that:

#### **2. Tenant Awareness, Outreach and Education**

Having funding for outreach and advocacy efforts by tenant organizations and ILCS is imperative. This funding can significantly increase the number of tenants who know that are eligible for Right to Counsel. Community based organization advocacy efforts may prevent some tenants from having to go to housing court. Also,

Additional funding for organizing and education that afford different methods of communication and outreach to ensure people with disabilities are reached.

For example, ILCs have constantly have to pay for accommodations in conducting trainings and developing materials for:

1. People who are Deaf – pay for ASL interpreters or Hard of Hearing - Communication Access Real-Time (CART),

Re:

2. People who have low vision or blind -- alternative formats of materials or emailing documents in advance for them to access via their screen readers,
3. People with intellectually disabilities or have cognitive disabilities – materials they can comprehend which does not always mean reading level, and
4. People in the spectrum who have processing disabilities.

Court Behavior: The City needs to address the fact that, along with the State, landlords' attorneys allowed to talk to tenants, without an attorney, in the hallways before the courtrooms open, and when it's a person with a disability they are often denied their rights under the ADA; judges who make their announcements; and all these behaviors occurring throughout the morning violates tenants right. CIDNY supports the Coalition's request that the city needs to monitor this most closely in the Bronx, sanction landlord attorneys where necessary and develop a solution to stop this from happening.

City Outreach: The City needs to conduct a large public awareness campaign (as was committed to the RTCNYC Coalition in a meeting on 10/5/17 but have not been implemented) including but not limited to:

- Paid subway & other media ads as used for SCRIE/DRIE;
- Tele-Town Halls;
- Robo calls using ADA standard by zip codes;
- Mailings with branding of sponsors including organizing groups (including mailers targeting SCRIE/DRIE recipients);
- Create an ADA compliant hotline that tenants can call to get information, referrals and resources about right to counsel. This hotline should afford tenants to schedule appointments with legal services providers. The RTC Coalition has found that 311 does not work. Over the period of a few months, RTC Coalition has conducted a series of calls to 311 to test how they responded to calls about evictions and the results were abysmal.
- Create neighborhood based intake processes so that tenants can find an attorney, before they ever go to court. The fact that tenants don't talk to an attorney or often even know about RTC until their first court date may significantly limit tenants right to the program – how can the tenants seek legal representation under this program when they have no knowledge of it. Neighborhood based clinics would mean that some tenants never have to go to court. It would also greatly increase the number of tenants who claim RTC.
- The city should create web-based portal for tenants to determine their eligibility for right to counsel and identify legal service providers in their neighborhood. This portal should be modeled after [www.evictionfreenyc.org](http://www.evictionfreenyc.org) and until the city creates its own portal, it should refer tenants to this portal and funded community organizations/ILCs that may be triaging

- **Funding Community Organizing:** Connecting tenants to attorneys *before* they arrive at court. This can be accomplished by funding community based organizations, like ILCs) to conduct outreach and engagement to inform tenants of their right to an attorneys. Neighborhood based groups with histories of serving and organizing tenants are trusted by the these organizations. Therefore the neighborhood based organization are in best positioned to do the outreach and education work that is critical to the law's success. The right to counsel is only as effective as the tenants' ability to know and claim their rights.
- Central Coordinator: The city should hire a Central Coordinator, with the capacity to serve people with disabilities, equipped and trained to connect tenants with legal service providers who are most geographically convenient to the tenant, taking into consideration transportation accessibility, and who have the capacity to represent them.

#### **RECOMMENDATIONS FOR ALL COURTHOUSES:**

- All intake areas should include sufficient private intake spaces that are confidential and ADA accessible.
- Right to counsel intake spaces should also include: Electrical outlets; free copy machines with scanning and printing capability; court provided computers; if the ILC's outreach and education efforts significantly increases the numbers of people with disabilities seeking legal representation (for example, the Deaf or Hard of Hearing tenants who require ASL interpreters or other legally mandated forms of communication) and it becomes fiscally burdensome on legal organizations, the City should designate more funding for necessary reasonable accommodations to conduct intake; secure, lockable space for each legal services organization to be able to store a certain amount of supplies; a waiting area with sufficient seating.
- All court rooms should have sufficient seating or space for wheelchair/scooters, etc. for the number of litigants on the calendar in a given session. This should also include ample space for case conferencing and waiting in line to check in.
- Courthouses should have ample seating and space in the hallways and sufficient room for litigants to move through the court space.
- There should be accessible private attorney-client conferencing spaces so that attorney-client conversations can be confidential.
- There must be sufficient elevators for the volume of litigants.



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- The security line area should be sufficient for the volume of litigants, such that people do not have to wait in line outside of the courthouse. Plus, reasonable accommodations are afforded to people with physical disabilities.
- HRA should have office space near the relevant court rooms and near the legal service organizations intake space.
- Clear signage that meet ADA standards about Right to Counsel, and directing tenants to resources, should be installed throughout the courthouses.
- All courthouses that have a no food policy should revoke it.
- Although the website lists childcare facilities for tenants in some courthouses, it should be provide to tenants at all housing court location
- With the aim of informing as many tenants as possible, information about the right to counsel should be communicated in as many ways as possible, with full accessibility provided for Limited English Proficient tenants and tenants who are Deaf or Hard of Hearing and/or visually-impaired, including but not limited to: all court staff making announcements and directing people to tenant attorneys (especially judges, court clerks and court attorneys), adequate signage throughout the courts that meet ADA standards, more and better information available in all alternate formats, on all court documents including the postcards, notice of petitions and hearing notices, etc.
- Improve Language Justice in the Courts: ). Language justice is an alternative to that historical pattern of disenfranchisement and oppression of people whose voices and cultures have been suppressed for generations. Although it is often view as a racial justice issue only, the disability community communication issues fall under this principal. The right to counsel will only provide meaningful access to justice if it is made fully accessible to Limited English Proficient (LEP) tenants of which the Deaf community falls under. Written communication with Deaf is not recognized as a barrier, but it is CIDNYs experience that it a barrier. The courts should ensure all RTC materials (documents and signs) are in the 12 most common NYC Languages, use language line, conduct regular language justice training for all court personnel, regularly review and evaluate the interpretation services they use, adequately advertise interpretation services and ensure interpretation is available in all court interactions (not just in the courtroom). For the Deaf community there is no formalized written language. As such, the court should afford ASL interpreters for the written language to the Deaf.
- The right to counsel must be fully accessible to tenants with disabilities and homebound tenants. As stated above, all courtrooms should have space to accommodate tenants who are wheelchair users and also sufficient seating for tenants with disabilities who are not wheelchair users; All publicity, signage, and other information about right to counsel should be made accessible to the

Re:

blind and visually impaired and Hard of Hearing tenants; and Tenants with disabilities should not have to wait in security lines.

- In addition, courts should contact ADA liaisons for tenants.
- It is CIDNY's and other ILCs belief that Marshal should not contact APS if they arrive and find a homebound person. HRA has its homebound unit for people who receive public benefits and often addresses issue of failure to pay rent through one-shot deals. Marshals should be contacting HRA homebound unit. Contacting APS should be the last resort. Often when APS is involved with people we serve a question of capacity is raised. Triggering the potential for an Article 81 proceeding – City that alleges the person is incapacitated.

CIDNY is excited what Right to Counsel program has achieved to date in affording tenants the crucial legal representation they need in housing court for eviction and holdover matters. We look forward to its expansion and want to work on ensuring people with disabilities are informed of the program.

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THE COUNCIL OF  
THE CITY OF NEW YORK

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MANHATTAN DELEGATION

COMMITTEES  
ECONOMIC DEVELOPMENT  
EDUCATION  
HOSPITALS  
JUVENILE JUSTICE  
TRANSPORTATION

## Testimony Before the NYC Human Resources Administration Office of Civil Justice

**November 15, 2018**

Hello, I'm New York City Council Member Mark Levine, I represent the northern Manhattan communities of Washington Heights, Hamilton Heights, West Harlem, Morningside Heights and the Upper West Side. I'm here tonight to testify on the City's progress in implementing the Universal Access to Counsel program, created by my and Council Member Gibson's legislation, Intro 214, which was signed in to law last year.

For decades, the worst landlords have used housing court as a weapon, hauling tenants into court on flimsy eviction cases because they knew that in the vast majority of cases the tenant would not have a lawyer. This has devastated countless families over the years, a painfully large number of whom might still be in their homes today if only they had had a lawyer.

With the launch of the City's Universal Access program last year, New York City became the first jurisdiction in the nation to guarantee legal assistance to all low-income tenants in housing court, where for generations the vast majority of New Yorkers faced the threat of eviction alone. We are already seeing the ripple effects of this legislation nationally as cities like San Francisco and Newark have begun implementing similar programs.

Since we began increasing the funding for anti-eviction legal services in 2014, NYC has already helped nearly 250,000 New Yorkers--having increased the number of tenants facing eviction cases *with* legal representation in housing court from 1% in 2013, to 30% as of June this year.

Even more astoundingly, in the fifteen zip codes targeted for legal services in the first phase of implementation, 56% of tenants who appeared in Housing Court to face eviction proceedings had legal representation.

Just one year in to implementation of the Universal Access program, we are already seeing the incredible impact of what happens when we guarantee tenants an attorney: of the 9,000 eviction cases concluded in the past year, 84% of tenancies that were threatened by eviction--meaning 22,000 New Yorkers--were able to stay in their homes after City-funded lawyers represented them in court.

This success rate is unparalleled. As a result:

- Evictions have gone down 27% between 2013 and 2017--meaning an estimated 70,000 New Yorkers stayed in their homes in that time.

- The number of shelter entries from evictions has gone down even as the shelter population has grown--4.2% for families with children, 9.4% for adult families, and 2.5% for single adults.
- 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 7 percent since 2014--proving that the promise of having an attorney reduces the number of frivolous cases landlords bring to housing court.

As we embark on the second year of implementation, I am excited the City is expanding the program to New York City Housing residents--both in NYCHA Administrative hearings and for non-payment cases--in the first 15 zip codes.

The five-year rollout and implementation of this landmark legislation has been a huge and successful undertaking for the City, the courts, and the legal and advocacy community. Since the passage of my legislation to create the office of the Civil Justice in 2016, we have drastically increased the size scale of tenant legal services. Under the trusted leadership of the Civil Justice Coordinator and Commissioner Banks, the historic expansion has yielded unprecedented results.

But our work is not yet done. We must continue making improvements to the program, both by working with community based organizations to reach more and more tenants and inform them of their right, and by expanding the right's coverage. We must also continue to focus on coordination between the courts and the City, to ensure adequate resources and space are provided at the courthouse.

Thousands of tenants receiving notice of petition do not even make it to court. This means that tenants unaware of their right to a lawyer may choose to vacate their apartment without receiving the legal representation they are entitled to. For the Right to Counsel program to have the greatest possible impact, we must connect with tenants *before* they get to court.

To do so, the City needs to put together on an aggressive education and outreach campaign that will include subways ads, paid media, informational town halls and a dedicated hotline for tenant questions. The City should also fund neighborhood-based community organizations--who act as boots on the ground to unite countless tenants across the city-- to coordinate and assist with outreach.

I'm proud to be once again working with my incredible colleague, Council Member Gibson, and the Right to Counsel Coalition on new legislation to protect even more vulnerable tenants.

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. The federal poverty level is totally out of whack with the reality in New York City, and with the skyrocketing cost of living here, more and more people above 200% of the federal line are in fact facing enormous economic struggles. The Right to Counsel law must reflect that. Our new legislation would increase the income threshold for this valuable lifeline to 400% of the federal poverty line.

And though the current law guarantees tenants 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. Our legislation would expand the law to HPD, DHCR, and in Supreme Court Ejectment hearings and appeals.

Finally, our courthouses must continue to make the necessary physical and structural adjustments to accommodate a significantly increased number of lawyers and tenants. Such improvements should include clear signage directing litigants to services; language services for those who need it; private, ADA accessible conference spaces for litigants and lawyers equipped with the technology needed to prepare for a case; and increased security staff.

I look forward to continuing to work with the administration to ensure we are reaching every tenant facing an eviction, keeping New Yorkers in their homes, off the streets, and out of the shelter system.



Good morning. My name is Mayya Baker, and I am a staff attorney with the Urban Justice Center's Safety Net Project, one of the legal service providers currently representing tenants under the Right to Counsel law in the Bronx. We stand by the written comments of the Right to Counsel Coalition, and agree that this law, "has the potential to transform Housing Court from a one-sided forum that routinely rubber-stamps agreements made between litigants with vastly unequal bargaining power, to a more balanced forum with the capacity to dispense justice and to have a broad impact on housing rights." We applaud the efforts the city and the Courts have taken in order to implement the Right to Counsel law, and thank OCJ for providing this forum for a continued dialogue regarding how to best implement this new, important right.

I'd like to discuss my experiences practicing in the Bronx Housing Court and to share some recommendations for improvement.

The Safety Net Project currently conducts intakes in the Bronx Housing Court twice a month, on alternating Fridays. In the Bronx, Intakes are conducted in the hallway outside of three court rooms on the third floor of the courthouse. The hallways are crowded, and there is limited desk space available. This creates ethical problems for client confidentiality and negatively affects the attorney's credibility. In this atmosphere of stress and chaos, many tenants are unaware that they are entitled to an attorney, and thus do not trust the complete stranger claiming to be on their side.

Because of this chaotic situation, as well as the inherent emotional trauma of being forced to defend one's home, tenants are often confused and distrustful, and attempt to handle their cases on their own. This sometimes results in tenants refusing an attorney, and other times results in tenants signing a stipulation with the landlord's attorney which they later ask the court not to enter.



As a solution, we urge the Courts to set aside a designated, ADA compliant area that not only protects the tenant's privacy and the attorney-client privilege, but which also lends credibility to the attorneys practicing under the Right to Counsel law, and signals to the tenant that the legal service provider is a potential ally.

Next, we are often called in to courtrooms to appear on behalf of tenants on the record that we are still processing an intake for. Without having adequate time to evaluate a case and to obtain all pertinent information, appearing for tenants that we have just met, may lead to inadequate representation and at worst malpractice. While we understand and appreciate the goal of ensuring that every client has representation at the earliest moment, we would support an effort to automatically grant adjournments in such situations to allow for sufficient time to investigate a case.

Also, it is known that HRA often plays a role in the successful resolution of many of our cases. With that being said, communication with HRA can be difficult: are calls are too often not answered or calls timely returned. Thus, to ensure that Right to Counsel is as successful as possible, we would urge the HRA to create a liaison office specifically for legal service providers.

Finally, we support efforts to provide outreach and distribute information to tenants throughout the city about their rights under this law. Often, case progress is delayed by tenants simply not knowing their rights or responsibilities. We believe that the better informed tenants are about their rights, the more agency they will have over the outcome of their case. Ensuring that all tenants are fully informed about their right to counsel, prior to the first court date, will ensure that more tenants feel confident in asserting their rights, which will make the intake smoother for all parties involved.

**Goddard Riverside Law Project Testimony for NYC Office of Civil Justice Hearing  
on Right to Counsel Law and Implementation  
Presented by Larry Wood, Director of Organizing  
November 15, 2018**

The Goddard Riverside Law Project is in full support of the Right to Counsel NYC Coalition and their entire analysis and set of recommendations for improving implementation of the current law. Our office also supports the recommendations for expanding and strengthening Right to Counsel in the future.

Like the Coalition, we understand that the implementation of the right to counsel law is a massive, multifaceted undertaking, and we appreciate the city's efforts to maintain an ongoing dialogue with the Coalition and other key stakeholders. It is critically important that implementation of the new law is conducted in a way that provides the most effective advocacy, rooted in community organizing and focused on preserving low-income housing and stable communities, which is in all of our interests. We also offer the following recommendations put forth by the coalition in the spirit of collaboration and commitment to fulfill the full promise of the law.

**RECOMMENDATIONS FOR IMPROVEMENT:**

**Tenant Awareness, Outreach and Education**

We are deeply concerned that not enough tenants who have the right know they have it, and that many who do have it are too intimidated to use it.

The City estimates that lawyers will serve roughly 13,000 families in the first year. But that number is based on who makes it to court now. With RTC, that will change. Every tenant in those zip codes will have a right to know about RTC. In the three zip codes in the Bronx alone, there are a total of 87,000 households, of which about 75% are rent stabilized. In order for RTC to be truly universal, everyone needs to know about it, understand it, and use it as a tool to also address other housing issues, like inadequate services and landlord harassment. Neighborhood based groups who have a history 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 success of RTC. However, instead of partnering with and supporting these groups to do this work, the neighborhood based organizing groups have taken up the work of doing this.

There are thousand of tenants who have the right to counsel that don't know about it and many that continue to not show up to court, even though they would otherwise get an



attorney, because the fear and intimidation of going to court. Given the larger political climate of ICE being in other courts---it makes absolute sense that many tenants choose to move out rather than fight their case in court.

Because the city has not yet created mechanisms for tenants to know about this new right, the RTCNYC Coalition has created FAQs, tenants rights flyers and a new website, [www.evictionfreenyc.org](http://www.evictionfreenyc.org) that the city should share, advertise and use, until better systems and materials are created.

## **RECOMMENDATIONS**

In order to increase tenant awareness of this new right and encourage tenants to use it, the city should:

- Adopt the language of a right.
- Fund Neighborhood based community organizing groups to do outreach, education and respond to landlord intimidation and harassment.
- Monitor and develop a response to landlord attorneys who pressure tenants in the courts who are eligible for RTC not to use their right. The fact that the city and the state allows landlord attorneys to talk to tenants in the hallways before the courtrooms open, while the judges make their announcements, and all throughout the morning violates tenants right and is simply unacceptable. The city needs to monitor this closely in the Bronx, sanction landlord attorneys where necessary and develop a solution to stop this from happening.
- Create a system to respond to landlord harassment outside of the court.
- Engage in a large public awareness campaign (as was committed to the RTCNYC Coalition in a meeting on 10/5/17 but have not been implemented) including but not limited to:
  - Paid subway & other media ads like for SCRIE/DRIE;
  - Tele-Town Halls;
  - Robo calls by zip codes;
  - Mailers w/co-branding with organizing groups if possible (including mailers targeting SCRIE/DRIE recipients)
- Create a hotline that tenants can call to get information, referrals and resources about right to counsel. Ideally tenants would be able to schedule appointments with legal services providers this way. 311 is not working. Over the period of a few months, we conducted a series of calls to 311 to test how they responded to calls about evictions and the results were abysmal.
- Create neighborhood based intake processes so that tenants can find an attorney, before they ever go to court. The fact that tenants don't talk to an attorney or often even know about RTC until their first court date is hugely problematic. Neighborhood based clinics would mean that some tenants never have to go to court. It would also greatly increase the number of tenants who claim RTC.

- The city should create web-based portal should be created for tenants to determine their eligibility for right to counsel and identify legal service providers in their neighborhood. This portal should be modeled after [www.evictionfreenyc.org](http://www.evictionfreenyc.org) and until the city creates its own portal, it should refer tenants to this portal.

### **Increase and strengthen Right to Counsel:**

Yet, we have to think to the future. By 2022, all income eligible tenants will have a right to an attorney. What about over income tenants who can't afford lawyers, what about cases that aren't in housing court, and how can we expand the legislation to cover the full cost of RTC which goes beyond funding attorneys, to include the costs of education, outreach and organizing? Below is a summary of our recommendations to expand and strengthen RTC.

### **RECOMMENDATIONS:**

- **Funding Community Organizing:** 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. The right is only as effective as tenants' ability to know and claim their rights.
- The city should hire a Central Coordinator would be equipped and trained to connect tenants with legal service providers who are most convenient to the tenant and who have capacity to represent them.

**Testimony before NYC HRA's Office of Civil Justice  
Annual Public Hearing, November 15, 2018  
By Jenny Laurie, Executive Director, Housing Court Answers**

Housing Court Answers was founded in the early 1980's with a mission to advocate for access to justice for unrepresented people and to provide eviction prevention services for low and moderate-income tenants. We talk to about 30,000 people a year from our help desks in the five county Housing Courts and to about 10,000 over our phones. The Right to Counsel Law, enacted last summer to provide legal representation for low-income tenants facing eviction, works to meet both our missions. Housing Court Answers is very proud to have played a supporting role in the Right to Counsel Coalition which won passage of this law and to continue working with the Coalition to help make the implementation works.

The coalition started this work when 1% of tenants facing eviction had an attorney compared to 99% of landlords; today, according to your recent report, 30% have attorneys today (OCJ Universal Access to Legal Services Annual Report 2018). This is huge progress in access for justice for tenants and is a model for other cities.

RTC is preventing evictions: Every day we talk to tenants who have had success with defenses raised that might have been invisible if not for their lawyer. My favorite piece of data, although anecdotal, is from one of the marshals who spoke at a presentations we organized. Danny Weinheim told the room of legal services lawyers and social services advocates that they were "doing a great job" and making his job easier – he used to do 15 evictions a day, and now does 3.

Recommendations for moving forward:

1. Assign counsel earlier in the case and alert tenants to their right to counsel as early as possible. To get out in front of RTC, landlord attorneys in the Bronx are showing up at 8:30 in the morning to get tenants to sign stipulations – this conversation takes place before the tenants learn they have a right to be screened for a lawyer, and way before they've met with a lawyer to discuss their possible defenses. The landlord lawyers, according to the volunteers, are even pulling tenants out into the hall after the courtroom doors open so that they miss the judges' announcement about Right to Counsel. This could be avoided with better outreach and education – by informing tenants in a variety of ways that they have the opportunity for counsel and that they should wait until they speak to a legal service provider. Some of the judges make great announcements, and some do not. Some court staff are great at explaining to tenants their rights, others make no effort. Most tenants who come to court for the first time, and most who come to our tables or call our hotline, have no idea that they can get a lawyer. Flyers, signage in the courts, and other simple mechanisms could be used to let folks know about RTC.
2. Keep pushing the courts to adapt space and services for RTC. The new spaces in Queens and Brooklyn are great – dignified, private spaces for tenants to meet with their

- attorneys – but the Bronx is wretched – tenants are meeting their attorneys in the crowded hallways without anywhere to sit and without privacy.
3. Fully fund robust legal services so that attorneys are not taking on more clients than they can handle, so the LSPs have the support staff they need. Resolving a nonpayment case can involve long, complicated advocacy getting rent arrears assistance and fixing subsidy problems. Agencies that do rent arrears assistance are getting flooded with newly represented tenants who clearly need more help navigating emergency rent grants.
  4. Fund organizing and social services for full eviction prevention. Others here today can talk about how important organizing work will be to the success of right to counsel. If we want to stop preventable evictions, social services work also needs to be fully funded so that the most vulnerable tenants, seniors, people with disabilities, get the help they need to stay in their homes.



**Testimony by The Legal Aid Society**  
**Before a Hearing of the Human Resources Administration - Office of Civil Justice**  
**November 15, 2018**

**Introduction**

The Legal Aid Society (the Society) is the nation's oldest and largest not-for-profit legal services organization advocating for low-income individuals and families across a variety of civil, criminal and juvenile rights matters, while also fighting for legal reform. With a staff of more than 2,000 lawyers, social workers, investigators, paralegals and support and administrative staff; and through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City, the Society provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel.

The Society exists for one simple yet powerful reason: to ensure that no New Yorker is denied their right to equal justice because of poverty. The mission of the Society's Civil Practice is to improve the lives of low-income New Yorkers by providing legal representation to vulnerable families and individuals to assist them in obtaining and maintaining the basic necessities of life — housing, health care, food and subsistence-level income or self-sufficiency. The Society's legal assistance focuses on enhancing individual, family and community stability by resolving a full range of legal problems in the areas of housing and public benefits, foreclosure prevention, immigration, domestic violence and family law, employment, elder law, tax law, community economic development, health law and consumer law.

The Society's Civil Practice maintains an annual caseload of 300,000 individual cases and legal matters. Additionally, the Society's Law Reform Practice benefits more than 1.7 million low-income families and individuals in New York City and the landmark rulings in many of these cases have a State-wide and national impact. The Society is counsel on hundreds of cases concerning the rights of tenants in regulated and unregulated apartments across the city.

## **Right to Counsel Program**

The Legal Aid Society has been participating in the Right to Counsel Program<sup>1</sup> (RTC) through the expansion of the Extended Legal Services Program since 2017. Our participation in the representation of low-income New Yorkers in Housing Court extends back many decades. Through the Housing Help Program (HHP), we worked with a right to counsel model to provide legal representation to families facing eviction from communities most at risk of homelessness. In courthouses offices across the city Society staff are on hand every day to handle the emergent issues of tenants facing eviction.

As RTC is implemented, the Society is on the frontlines in Housing Courts across all five boroughs of the City of New York. The expansion of access to legal counsel in Housing Court presents an opportunity to provide justice to New Yorkers experiencing poverty. As we move forward, we need to acknowledge the areas in which we can improve. These improvements include those to current implementation, court administration, and expansion of RTC.

### Implementation

The housing crisis in the City exacerbates instability for New Yorkers experiencing poverty. As the City continues to lose rent regulated apartments, which are the primary source of affordable housing, the most vulnerable tenants are at growing risk of homelessness. Tenant harassment, encouraged by housing market speculation, threatens to displace people and communities. Homelessness prevention is not only morally imperative, but also greatly reduces the financial strain on the City and State. It is with this backdrop that Right to Counsel is being implemented. A tenant's access to legal representation empowers members of communities to assert their affirmative rights while fighting to remain in their homes.

The Universal Access to Legal Services Fall 2018 report<sup>2</sup> reflects the impact a tenant attorney can have on the outcome of a summary eviction proceeding. For example, 84 percent of households who were represented under RTC in its first year of implementation were able to

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<sup>1</sup> The Society will refer to the housing program being implemented as a result of Local Law 136 as "Right to Counsel" throughout this testimony. The New York City Human Resources Administration refers to this program as "Universal Access." It remains imperative that the City adopt the language of a "right" moving forward.

<sup>2</sup> Office of Civil Justice, New York City Human Resources Administration, Universal Access to Legal Services: A Report on Year One of Implementation in New York City, Fall 2018, available at <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/O CJ-UA-2018-Report.pdf> (last visited Nov. 14, 2018).

remain in their homes. Further, Department of Homeless Services data demonstrates a steady decrease in the number of evictions over the last three fiscal years. The Society is invested in expanding access to legal representation to all income eligible New Yorkers, regardless of zip code.

#### Improvements to Right to Counsel by the City of New York

As the RTC is implemented, participants have been uniquely positioned to observe areas for improvement. The Society makes the following recommendations to improve the implementation of the Right to Counsel Program:

- Continue funding for other types of litigation that keep people in their homes including affirmative litigation in HP parts, Supreme Court and administrative agencies. As well as work to maximize tenant income by funding related legal services including, but not limited to: consumer, benefits, disability and employment. Without funding for these services tenants will continue to struggle to remain in their homes.
- Build Sustainability:
  - The City must procure and fund office space for legal services providers near the courthouses. Without a local, adequate and private space in which to interview clients and prepare cases, the Society struggles to provide the top level services our clients deserve.
  - Extend the term of funding. Contracts on a year-to-year basis make it impossible for providers to make comprehensive plans related to ongoing operating costs. As a non-profit organization, the Society relies on long-term planning through extended grant periods. The year-to-year nature of RTC funding has rendered planning, including the procurement of office space, a fiscal impossibility.
  - Funding for housing programs must be at a level sufficient to maintain quality services. As, the Society expands under additional RTC funding, the quality of our legal services in representing our client is the utmost priority.

- Allow for flexibility in implementation by zip codes. A rigid focus on certain zip codes may result in the loss of affordable, rent regulated housing in other communities across the city.
- Monitor and develop a response to landlord attorneys who pressure tenants in the Courts who are eligible for RTC not to exercise their right. It is a violation of tenants' right and is simply unacceptable that landlord attorneys are permitted to talk to tenants in the hallways before the courtrooms open, while the judges make their announcements, and all throughout the morning. The City and the Court need to monitor this, sanction landlord attorneys where necessary and develop a solution that will ensure tenants are aware of their rights before they are subjected to intimidation.
- Fund neighborhood based community organizing groups to do outreach, education and to respond to landlord intimidation and harassment. We continue to see aggressive displacement tactics by landlords across the city seeking to take advantage of tenants outside of Housing Court. Without access to organizing and education, RTC will do little to stem the trend towards displacing low-income communities and communities of color.
- Engage in a significant public awareness campaign (as was committed to the RTCNYC Coalition in a meeting on 10/5/17 but have not been implemented) including but not limited to:
  - Paid subway & other media ads like for SCRIE/DRIE;
  - Tele-Town Halls;
  - Mailers w/co-branding with organizing groups if possible (including mailers targeting SCRIE/DRIE recipients)
- Create a web portal. The City should create web-based portal for tenants to determine their eligibility for Right to Counsel and to identify legal service providers in their neighborhood. This portal should be modeled after [www.evictionfreenyc.org](http://www.evictionfreenyc.org) and until the city creates its own portal, it should refer tenants to this portal.



### Courthouse Implementation

The Society has a longstanding presence in Housing Court, both through representation of tenants, as well as by maintaining physical office space within the courthouse. Tenants gain access to the Society through referrals from Judges and other Court staff, the Human Resources Administration, other civil legal service providers, and self-referrals. The Society is familiar with the day-to-day operations in Housing Courts around the City of New York.

The Society relies on these experiences to offer the following recommendations to improve the implementation of RTC in Housing Courts:

- Office space within the courthouses in which to conduct confidential intake interviews of tenants is necessary to properly administer RTC. When tenants are referred to an attorney, they are not provided with a space in which attorney-client privilege can be established and maintained. This experience is an example of one way in which the courthouse perpetuates inequity. As RTC continues to expand, the shortcomings of the court space are increasingly obvious and problematic. All intake areas should include sufficient private intake spaces that are confidential and ADA accessible.
- HRA offices within the courthouse must be provided with the authority and resources to assist tenants and advocates with the emergency applications, and information related to emergency application for assistance,
- A review must be conducted of the Guardian Ad Litem (GAL) program to assist in reform necessary to effectuate the purpose of the program. As tenants gain access to representation, tenant advocates must be confident that the assignment of a GAL can be done efficiently in the context of a summary proceedings. The Society is aware that the program is inadequately funded while failing to recruit or maintain staff that is capable of handling the number of cases in which they are needed.
- Clear signage about Right to Counsel, and directing tenants to resources, should be installed throughout the courthouses.
- With the aim of informing as many tenants as possible, information about the right to counsel should be communicated in as many ways as possible, with full accessibility provided for Limited English Proficient tenants and tenants who are deaf and/or vision-impaired, including but not limited to: all court staff making announcements and directing people to tenant attorneys (especially judges, court clerks and court attorneys),

adequate signage throughout the courts, more and better information on all court documents including the postcards, notice of petitions and hearing notices, etc.

- **Improve Language Justice in the Courts:** Language access is a racial justice issue and a right to counsel will only provide meaningful access to justice if it is made fully accessible to Limited English Proficient (LEP) tenants. The courts should ensure all RTC materials (documents and signs) are in the most 12 most common NYC Languages, use language line, conduct regular language justice training for all court personnel, regularly review and evaluate the interpretation services they use, adequately advertise interpretation services and ensure interpretation is available in all court interactions (not just in the courtroom).
- **The right to counsel must be fully accessible to tenants with disabilities and homebound tenants.** Therefore: all courtrooms should have space to accommodate tenants in wheelchairs and also sufficient seating for tenants with disabilities; all publicity, signage, and other information about Right to Counsel should be made accessible to vision and hearing impaired tenants; tenants with disabilities should not have to wait in security lines; courts should contact ADA liaisons for tenants; Marshals should contact APS if they arrive and find a homebound person.

### Expansion

We recommend expanding RTC to ensure tenants are able to access counsel in all forums to fully assert their rights to avoid eviction, as well as resources necessary to avoid litigation.

The Society makes the following recommendations related to the expansion of the Right to Counsel Program:

- **Expanding the types of cases covered**
  - While most eviction cases occur in Housing Court, hundreds of cases are heard in higher courts or administrative hearings, including:
    - NYCHA administrative hearings (in addition to termination of tenancy hearings);
    - Supreme Court Ejectment cases;
    - Housing Development Fund Corporation (HDFC) cases; and,
    - HPD administrative hearings for Mitchell-Lama residents.

- Though the current law guarantees tenants get an attorney for the entirety of their cases, 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.
  - Similarly, a tenant who is entitled to appeal a determination after an administrative hearing must be afforded access to a legal service provider for an Article 78 proceeding, appealing the administrative decision.
- In accordance with adopting the language of a right, the City should ensure that funding is provided to legal service providers without being “subject to appropriation.”
- 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. The right is only as effective as tenants’ ability to know and claim their rights.
- Tenant access to representation in Housing Court allows legal service providers to identify not only the potential housing crisis, but also the related matters that are symptomatic of institutionalized oppression and poverty. Funding must encourage the participation of social workers in Housing Court to address the needs of the communities who are most likely to appear as Respondents in summary eviction proceedings.

The Society looks forward to working with the City, the Courts and other stakeholders to improve RTC. The City of New York has been a leader and a pioneer in acknowledging and addressing the needs of communities that are on the sidelines of justice.

Respectfully Submitted:

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**LEGAL SERVICES NYC COMMENTS**  
**OFFICE OF CIVIL JUSTICE HEARING ON RIGHT TO COUNSEL**  
**NOVEMBER 15, 2018**

Legal Services NYC (LSNYC) is a non-profit organization that fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. LSNYC is the largest civil legal services provider in the country, with a 50 year history and deep roots in all of the communities we serve. Our staff members assist more 80,000 low-income New Yorkers each year and, along with other legal services organizations in the City, Legal Services NYC's housing practice is at the forefront of the fight to prevent evictions, preserve affordable housing, and uphold tenants' rights. Legal Services NYC is also a proud member of the Right to Counsel NYC Coalition, a tenant and organizer led coalition of tenant organizing, advocacy and legal services organizations, which fought for and won the right to counsel for NYC tenants facing eviction.

We applaud the City administration and council members (led by Council Members Levine and Gibson) for following the lead of NYC tenants and passing the right to counsel legislation. We also commend the city's Office of Civil Justice (OCJ), for its tireless work in close collaboration with legal services organizations and the Right to Counsel NYC Coalition, to ensure the best possible implementation of this groundbreaking legislation.

As the data in the very recent first annual progress report by OCJ demonstrates, the right to counsel initiative is already succeeding in dramatically increasing the number of tenants with legal representation in their cases, even just one year into the 5-year phase-in. As a result, the right to counsel is already reducing the number of tenants evicted (as demonstrated in OCJ's first annual progress report); there has been a reduction in the number of shelter entries resulting from eviction commensurate with the

increase in eviction defense legal services (see Department of Homelessness Services data FY15 to present); and tenants in housing court are better able to defend their homes and also proactively enforce their rights through aggressive litigation in eviction cases. Even in the small minority of cases where our staff are not able to keep families in their homes, we are able to get families time to secure other housing and to move without forceful ejection by a marshal, and often we are able to secure other outcomes that minimize families' future debt and maximize their financial resources while they are searching for a new home.

The right to counsel has allowed New York City's tenant advocacy community to build a powerful cohort of housing attorneys and advocates, who are collectively shifting the practice of housing law to better serve NYC tenants. As a result of strong tenant lawyering, there has been a dramatic increase in the published legal decisions favorable to tenants, thereby strengthening of the body of case law that upholds tenant rights, and improving tenants' ability to get justice in housing court. As a more robust and powerful community in housing court, tenants and tenant lawyers are confronting head-on the issues of racism and sexism that have long plagued NYC housing courts. We are also better-able to advocate for improvements to courthouse systems and procedures in order to rectify historic imbalances resulting from decades where less than 10% of tenants were litigants with legal representation.

At the level of our own housing practice, since 2015, we have seen a 76% increase in the volume of eviction defense cases we are handling. Our housing staff has increased to an unprecedented 207 staff members, including attorneys, supervisors, paralegals and other essential staff. We are preventing more evictions than ever before. And even though the legal merits of a case are no longer a factor in deciding whether to provide representation, this has not diminished our success rate in eviction cases at all - we are winning just as many cases as when we used to select cases using a legal merits assessment.

LSNYC advocates are dedicated to the pursuit of social justice, so we are honored to be part of this historic moment and we are excited to be working with OCJ and our fellow legal services organizations to implement this landmark new initiative. We are also

committed to ensuring that the right to counsel realizes its full potential for building tenant power and making housing court a place where tenants can achieve justice. In that spirit, we want to bring to OCJ's attention several factors that are impacting the successful implementation of the right to counsel.

Two key challenges to implementing the right to counsel law are (1) expanding the capacity of legal services providers to meet the need for representation, and (2) connecting eligible tenants to legal services organizations for services.

The challenge of organizational expansion is inevitable with an initiative of this magnitude, but it is critical to ensure that legal services organizations are able to expand capacity in a way that is responsible and sustainable, so that the end result will be a community of tenant legal services providers who are fully prepared to meet the long-term mandate of the law to provide comprehensive and high-quality legal assistance to tenants facing eviction. In our experience, staffing up is the most immediate challenge – both finding qualified attorneys who are ready to engage in this work, and just as importantly, finding qualified supervisors to help guide these attorneys, most of whom are new lawyers, or at least new to housing practice.

Since 2015, with the beginning of city's expansion of its eviction prevention and anti-displacement initiatives, LSNYC's housing attorney staff has increased by over 300%. Each burst of growth does not immediately come with a comparable expansion of capacity – new staff must be trained in the complex array of New York City, New York State, and Federal housing laws and regulations; so most new attorneys cannot handle a full caseload for at least a year. We also are committed to ensuring that once our attorneys are fully trained so that they will stay and become experts in the field, perhaps moving into supervisory roles themselves. This requires that we are vigilant about managing the risk of burnout among our staff and ensuring ample professional development, both of which impact the volume of cases we are able to handle at a given time. The long term benefits of this moderation, in terms of retaining staff, developing tenant attorneys who can provide holistic and empowering representation, and cultivating future leadership, are well worth any short term limits on case capacity created by this approach. We are now starting to see this strategy come to fruition, as many of our newly

hired attorneys from a few years ago are now moving into supervisory and mentoring roles for our continually expanding new staff.

Another significant challenge is ensuring that tenants can access the legal representation guaranteed in the right to counsel law. Currently, eligible tenants have been primarily connecting to legal services providers through courthouse intake directly in housing court at the time that their cases are on the calendar. While this arguably presents the most expeditious opportunity to connect tenants with lawyers, it also presents significant logistical challenges. Currently, there is no uniform or consistent method by which clients are connecting with legal advocates on their first court date. In some boroughs, OCJ is serving as the initial point of contact; in others, the legal services staff are tasked with this role. Neither of these systems has proven to be entirely efficient and effective. Our understanding is that OCJ wants to move away from playing this role altogether, but it is imperative for tenants that another system is established and tested before that change is made, and it must be a system that does not rely on legal service staff. It is not a good use of resources to have attorneys and legal staff circulating in the courtrooms trying to connect with tenants, especially given the staffing challenges discussed above. Also, leaving this role to individual legal services providers results in a lack of consistency in how tenants are introduced to the right to counsel.

Rather than relying on legal services organizations to facilitate these connections, a more effective methodology would be to have a not-for-profit tenant advocacy group, one that is trusted and known by tenants, develop and implement a uniform system to connect tenants with legal services groups in each courthouse. Having a consistent process with an easily identifiable facilitator, particularly if they are seen to be connected to the tenant advocacy process, will lend legitimacy to the program and give tenants confidence in seeking and accepting legal assistance. Once such a role is established, it is also imperative that court (Office of Court Administration) staff also play a consistent role in informing tenants about the right to counsel and how to access it. Currently there is inconsistency across courthouses and across individual staff within courthouses. As a result, we are missing many opportunities to connect with tenants at the same time that they are already interfacing with the court – for example, at the time that they answer a petition or check in for their cases in court.

The other hurdle related to courthouse intake is the physical realities of the New York City Housing Courts. All of the courthouses desperately need improved space for legal intakes and that space must ensure confidentiality. In the Bronx, which has the largest volume of intakes, most providers are conducting client intakes in crowded hallways, with no space to conduct private conversations, copy documents or discuss confidential, necessary information about the case. In the Brooklyn courthouse, which also sees a substantial volume of intakes, the expansion has required intakes to be conducted in non-confidential spaces and the new intake cubicle space that has been created (for which we are very grateful) will not necessarily be confidential once the right to counsel is fully phased in and functioning at a much higher volume than it is today. The same is true of the intake space in Staten Island, where there are only a few intake cubicles and they are located in a space that is not separated from the movements of other court-users and personnel. It is imperative that ample space be provided that will allow providers to conduct confidential and thorough intakes. The space must by law be accessible to individuals with disabilities. And for proper functioning of this initiative, it should also meet the office needs of legal advocates, including equipment such as copiers, printer, internet access and lockable cabinets.

Right to counsel intake space also needs to be proximate to the courtrooms. Our experience has been that when tenants have to travel to other floors to find an attorney they have never met before, they are more likely to drop off. The experience of being sued in an eviction proceeding is inherently stressful. Tenants are rightfully fearful of moving too far from their courtroom when their case is pending, and the issue of tenant drop-off is exacerbated by the very poor signage in all of our housing courts and the poorly functioning elevators in some of them. Having intake spaces for attorneys to meet with tenants right next to the courtroom, also greatly improves efficiency of the court process, for tenants and also for judges and court personnel. We have received feedback from judges in the right to counsel parts that it is their preference that our staff locate themselves nearby, both for ease of referring tenants but also to make administration of the day's calendar of cases more efficient.



In Brooklyn and the Bronx, it is unlikely that these developments can be fully realized until the courthouses themselves move to alternate locations, but at the present the Bronx Housing Court move to the Bronx Supreme Court buildings is being estimated at over a year away, and to our knowledge there is no concrete timeframe set for the relocation of the Brooklyn Housing Court. The existing Staten Island Housing Court space is also insufficient, and that court should be moved to a more appropriate space - both to ensure enough space to properly implement the right to counsel and also to ensure compliance with the Americans With Disabilities Act. These moves need to be prioritized and moved forward as quickly as possible, and there needs to be direct consultation with the legal services providers and advocacy organizations so that whatever space is developed actually meets the needs of the program. Not least in all of these concerns is the importance of ensuring that these spaces be fully ADA compliant, so that the most vulnerable tenants have full access to the program.

Housing court should not be the only – or even principle – method through which tenants access the right to counsel. We would like to collaborate with OCJ to think expansively and develop frameworks for introducing tenants to the right to counsel outside of housing court. One part of this is developing consistent points of access to counsel. It is critical that tenants are informed about the right to counsel as soon as they receive court papers, as well as at every time that they interface with the court – like when they file their court papers, or in the event of a default, when they file an order to show cause. Currently, whether a tenant is given access at times other than their first court appearance – for example, when they file an answer – depends wholly on the borough or even the particular court personnel. It is also essential that OCJ advance the model notification to be included with court papers served on tenants, as developed by the Right to Counsel NYC Coalition and approved by all of the legal services organizations providing right to counsel services.

Consistent messaging and language is also critically important to maximizing tenant uptake of the right to counsel. Referring to it as “universal access to counsel” is confusing to most tenants. The Mayor, and OCJ at times, are publicly calling this initiative a right to counsel. This should be made consistent. There also needs to be more information about the right to counsel at court – for example, posters and flyers, and

adding it to the video screening in the courtrooms. And all information about the right to counsel should be accessible to limited-English-proficient tenants and tenants with disabilities.

There also needs to be a reliable way for eligible tenants to access the program *outside* of the housing court. This could be a centralized intake hotline, or some other well-publicized mechanism, through which tenants can seek assistance and be referred to a legal services provider.

We appreciate the data tracking requirements of the right to counsel statute and it is important to recognize and publicize the tremendous work that is being done under the right to counsel initiative. However, the data collection and reporting obligations as they stand are a substantial and ever-growing burden on the legal services providers, with the expansion of the volume of both the program itself as well as the data that is being required by OCJ. This could be improved if OCJ works with legal services providers to identify a streamlined and targeted set of data that will provide the most meaningful analysis of the tenants who are being served and the outcomes that are being reached on these cases. In particular, brief service cases should not require the same level of data collection as full representation cases. Our experience is that income-ineligible tenants are often reluctant to provide extensive personal data and sign multiple intake forms in order to obtain brief advice or assistance.

Currently, providers are required to submit monthly reports of both new cases and updating any data or information on previously reported cases. This monthly reporting process is extremely onerous, requiring a wide range of employees from our grants, housing and administrative staff citywide to be engaged in a constant process of preparing and cleaning-up reporting data. The amount of right to counsel resources deployed to grant reporting alone detracts from legal services organizations ability to use those resources for legal representation. This could be addressed by reducing the frequency of the reporting, for example, to a quarterly rather than a monthly basis.

Regarding the funding for the right to counsel initiative, we appreciate that OCJ has recognized that the prior funding levels under the Homelessness Prevention Law

Project (HPLP) were insufficient to fund the true costs of the representation and has increased the rate of funding per case. But even with the increase, the current case rate still does not reflect the full costs involved in providing legal representation to tenants facing eviction. In addition to full covering the costs of employing the attorneys and essential legal staff that are needed to conduct these cases, it is critical that the initiative is funded at a level that will also cover the ancillary costs of providing holistic representation to NYC tenants facing eviction. This includes accounting for social workers, case managers, public benefits advocates and other support staff. When these related, but essential, costs are not factored in, it impedes our ability to provide tenants with representation that is empowering and aimed at long-term solutions.

Relatedly, right to counsel funding should also cover affirmative litigation that is directly needed to prevent eviction. This is already contemplated to the extent that the statute covers affirmative illegal lockout cases brought by tenants who allege that they have been illegally evicted. But there are other contexts in which affirmative litigation is equally as critical to preventing a tenant's eviction as an illegal lockout proceeding. For example, where we determine that an appeal of an adverse court decision is warranted, and where the tenant will be evicted without the appeal, the initiative should fund that appeal as a separate case. This is particularly relevant given the current roll-out of the right to counsel initiative to NYCHA public housing tenants that is happening this week. In many NYCHA eviction cases, particularly in holdover proceedings, by the time the tenant is in housing court, the only way to prevent the tenant's eviction is to appeal the underlying administrative determination in an Article 78 proceeding in Supreme Court. If legal services organizations are not funded to engage in that litigation, there will be nothing we can do to stop the tenant's eviction in the housing court proceeding, even though the tenancy may otherwise legally be able to be preserved. Finally, we often see cases in the right to counsel zip codes where apartment conditions are so deplorable that tenants are at risk of homelessness, even though there is no eviction proceeding pending. In the best interests of tenants, HRA should fund legal services organizations under the right to counsel initiative to bring HP (repairs) proceedings before such constructive eviction occurs to compel landlords to make the apartment habitable. Waiting for a constructive eviction in order to bring an illegal lockout case is traumatizing for tenants and entirely avoidable.

One final impediment to successful implementation of the right to counsel that we must address, is the massive volume of referrals received by legal services providers at court, that are not part of the current right to counsel phase-in. In most boroughs, the volume of these referrals has far exceeded the volume of right to counsel cases legal services providers are receiving. For example, in Brooklyn these out-of-zip referrals have recently outnumbered the right to counsel referrals at a ratio of three to one. Given the staffing challenges discussed above, the large volume of those referrals is impeding the ability of legal services organizations to fully staff and implement representation in the right to counsel zip codes. These out-of-zip courthouse referrals are also diminishing the ability of legal services providers to maintain the neighborhood-based legal services intakes that have long been part of the fabric of the communities where our various offices are located. This means that many tenants in zip codes which have not been phased in yet, have little possibility of securing legal representation in their neighborhood. This problem is created by a combination of circumstances: the overwhelming number of out-of-zip referrals received at court that far exceed our current capacity, as well as the challenges of staffing up (as discussed above) and necessary deployment of all staff to the right to counsel work. We appreciate the recent steps taken by OCJ in recognition of these concerns, such as making these out-of-zip referrals non-mandatory for full representation and not requiring us to conduct immediate intake appointments at court. However, based on the volume of cases being referred, even giving these tenants appointments at our offices can be enough to exceed our intake capacity and cause us to shut down all other pre-existing neighborhood intake streams. As these cases are all eviction cases, it also has the effect of turning our HPLP services into solely eviction defense services, whereas the HPLP contract contemplated an ability for tenants to get legal assistance in a range of proactive and affirmative case types. To the extent that these out-of-zip referrals are eroding neighborhood based services for tenants and depleting legal assistance for imperative cases to proactively enforce tenant rights, we must continue to improve our approach to this issue. We are committed to working with OCJ to ensure that we tackle this problem head-on and maintain the vital neighborhood and affirmative legal services NYC tenants depend upon.

Implementing a right to counsel in a city of renters the size of NYC is an incredibly ambitious undertaking, and it is an undertaking that we at LSNYC are deeply passionate about. As such, we are not deterred in our resolve by the many challenges we have all encountered. We see these challenges as our collective opportunity to shape NYC's right to counsel into the strongest and the best defender initiative it can possibly be and a powerful tool for tenants. We therefore greatly appreciate the partnership of NYC tenant leaders, tenant organizers, and our fellow legal service providers in implementing the right to counsel; and importantly, we applaud OCJ for its proven commitment to working in close collaboration with all of us, and for its willingness to hear our honest feedback and act on it. We believe that by continuing to work together in this way, with all of us bringing our best efforts to this important task, we will be able to ensure that NYC tenants' vision for the power of the right to counsel is fully realized.



## **NCCRC Testimony: NYC Office of Civil Justice 11/15/18 Hearing**

### **Steering Committee:**

Terry Brooks:  
SCLAID

Russell Engler:  
New England Law |  
Boston

Debra Gardner:  
Public Justice Center

Danny Greenberg:  
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Debi Perluss:  
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John Pollock:  
Public Justice Center

Steve Sachs:  
WilmerHale

Don Saunders:  
NLADA

Jayne Tyrrell:  
Massachusetts Interest  
on Lawyers' Trust  
Accounts Program

David Udell:  
National Center for  
Access to Justice

The National Coalition for a Civil Right to Counsel (NCCRC) is pleased to submit these comments to the Office of Civil Justice regarding the new eviction right to counsel law.

The NCCRC, organized and funded in part by the Public Justice Center, is an association of individuals and organizations committed to ensuring meaningful access to the courts for all. Founded in 2003, our mission is to encourage, support, and coordinate advocacy to expand recognition and implementation of a right to counsel for low-income people in civil cases that involve basic human needs such as shelter, safety, sustenance, health, and child custody. We have nearly 300 participants in 39 states, including many in New York City and New York State. We were pleased to play a small role in the advocacy work around Intro 214 from 2014-2017.

The importance and national significance of Intro 214 cannot be overstated. In passing this legislation, New York City demonstrated to the rest of the country that a right to counsel in eviction matters is an achievable reality, even in a city that has over 200,000 eviction filings every year. As evidence of the impact, San Francisco successfully adopted a right to counsel just one year later via a ballot initiative that passed by 12 percentage points, and we have been contacted by individuals in cities and states across the country that have been inspired by NYC's groundbreaking law. These include places ranging from Newark to Minnesota to Los Angeles to Cleveland to Massachusetts.

It is understandable, then, that governmental leaders and advocates in these other jurisdictions are looking to NYC to benefit from your experience. A number of NYC advocates and city council members have been gracious enough to lend their experience and expertise to these burgeoning initiatives. And all have been reading the OCJ annual reports with great interest. We are particularly pleased to read in the Fall 2018 report that the law has achieved the following results:

- 84 percent of all tenants who were provided an attorney in Housing Court remained in their homes (21,955 New Yorkers representing 7,847 households). It is especially notable that the 84 percent figure exceeds the 77 percent figure estimated by the NYC Independent Budget Office. Moreover, 97 percent of those receiving legal services for NYCHA administrative termination of tenancy were able to remain in their homes. These results demonstrate the incredible effectiveness of a right to counsel in preserving housing stability. In considering the reasons for that

[www.civilrighttocounsel.org](http://www.civilrighttocounsel.org)

Contact the NCCRC at:  
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effectiveness, we find it meaningful that nearly three-quarters of those receiving legal assistance for Housing Court obtained full representation.

- Evictions conducted by City Marshalls have dropped by 27 percent overall since 2013, and have declined steadily in all but one year since then;
- 30 percent of all tenants are now represented by an attorney;
- The fact that the right to counsel is reaching those most in need: the largest represented group was those making less than 50 percent of the federal poverty level, and half of the legal services recipients were receiving public benefits.

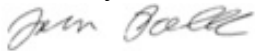
We are also very interested in watching the City's five-year implementation plan be executed, and many other jurisdictions will be looking closely at your implementation progress in order to help guide their own planning. We applaud the City for working so closely with the Right to Counsel Coalition of NYC (RTCNYC) in order to ensure that all tenants are aware of their rights and that there is no interference with the exercise of those rights.

As implementation continues to go forward, we urge the City to:

- Consider funding the RTCNYC Coalition in the future so that they may continue their important outreach work that advises tenants of their rights;
- Ensure that all administrative proceedings, and not only NYCHA proceedings, are covered by the law;
- Ensure that the courtrooms have adequate space for attorneys and preserve attorney-client confidentiality.

Thank you for the opportunity to submit these comments, and congratulations again on your groundbreaking achievement.

Sincerely,



John Pollock  
Coordinator, NCCRC



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**TESTIMONY OF THE NEW YORK CITY BAR ASSOCIATION  
BEFORE THE NEW YORK CITY OFFICE OF CIVIL JUSTICE**

**BY ROGER MALDONADO  
PRESIDENT OF THE CITY BAR  
AND ALISON KING AND ANDREW SCHERER  
CO-CHAIRS OF THE TASK FORCE ON THE CIVIL RIGHT TO COUNSEL**

**November 15, 2018**

This testimony is presented on behalf of the New York City Bar Association concerning its Civil Right to Counsel Task Force (the “Task Force”). The Task Force was formed in the spring of 2018 to advocate for the most effective implementation of New York City’s newly established right to counsel in eviction cases (“RTC”), to support the extension of that right to other jurisdictions and to advocate for the extension of the right to counsel in other civil matters where fundamental human needs are at stake. New York Law School Professor Andrew Scherer and Alison King, Pro Bono Counsel at Arnold and Porter, are the Task Force Co-Chairs. The Task Force includes the President of the City Bar in an ex officio capacity, the immediate past President of the City Bar, prominent members of the bar, judiciary and legal academia, leading housing rights advocates and liaisons to other relevant City Bar committees. By design, the Task Force does not include representatives of organizations with an immediate stake in the RTC program.

New York City’s passage last summer of legislation guaranteeing a right to counsel for low income tenants was a monumental step toward equal justice. For the first time anywhere in the United States, a tenant who faces a legal action that could result in the loss of her home and displacement from her community, will be guaranteed legal representation. This new right is already leveling the playing field in Housing Court, giving people a fighting chance to assert their legal rights, and sending a message that the lives and the homes in New York City’s low-income neighborhoods are entitled to be treated with dignity and respect. It has the potential, done right, to preserve low-income housing, stabilize low-income communities, stem the displacement of low-income households, and reduce the incidence of homelessness and its concomitant human and governmental costs. It has the potential to transform the culture and nature of the Housing Court to a more balanced forum with greater civility and deeper attention to legal rights and principles. We applaud the City for responding to calls to adopt this groundbreaking measure, for enthusiastically moving forward with the massive undertaking of implementation, and for engaging in ongoing dialogue with key stakeholders.



The Task Force hopes to be a supportive and positive voice for an effective program. To that end, the Task Force is at this point gathering information on the early stages of implementation of RTC by:

- Visiting Housing Court in each of the 5 boroughs and observing court proceedings and facilities. While there, we have been noting a lack of signage and accommodations that would alert tenants to their right to counsel and assist them in finding and communicating with their lawyers. There is a distinct lack of space for confidential attorney/client communications in most of the boroughs (Queens is the notable exception). We have been exploring the logistics and systems being set up to determine who qualifies for the program (including interactions with NYC Human Resources Administration). We have also been meeting with the Chief Administrative Judge in each borough, and meeting with legal services providers in the courthouse.
- Inviting the relevant stakeholders for informal discussions with the Task Force. Thus far, we have invited or had presentations by representatives of the legal services providers that are participating in the program, the Supervising Judge of the NYC Housing Court, one of the Housing Court Judges assigned to a RTC part, and the NYC Civil Justice Coordinator.

At our Task Force meetings, we have been brainstorming about both short-term, low resource interventions to facilitate implementation and long-term measures that will be needed for the success of the program. Certain common principles are emerging from our observations and discussions. These include:

- The need to have a system in place that enables tenants to obtain legal assistance at the earliest possible moment in the eviction process. This will enable tenants to avoid waiving important rights and maximize their ability to protect their homes.
- The need to have well designed court processes, adequate court facilities, and a sufficient number of Housing Court Judges to accommodate the shift from a primarily pro se court to a court equipped to handle litigation between represented parties and a court marked by civility and decorum.
- The need to have sufficient resources to assure that the legal services providers are able to provide effective legal services, including adequate compensation, support, supervision and training for delivery of services, as well as sufficient flexibility to allow services tailored to particular geographic communities, persons with special needs and persons simultaneously faced with legal proceedings in family court, criminal court and other forums.
- The need for effective systems for ongoing communication and information sharing on a range of levels: most importantly to tenants so that they can be made aware of and can effectively avail themselves of this new right; between the court and the providers; as well as between the different provider organizations.

- The need to take full advantage of technology to streamline the flow of information, to make appropriate and relevant information available expeditiously to the court, to litigants, and to their legal representatives.
- The need to determine what data is important, and for what purposes, and to have systems in place to collect that data and make it readily available as needed.

The Task Force is not yet ready to make specific recommendations. However, our observations and discussions thus far have led the Task Force to develop a list of specific concerns and issues that we expect to be able to address with specific recommendations. Issues we are considering thus far include:

- Identifying and supporting specific recommendations relating to the RTC as identified in the January 2018 Report to the Chief Judge by the Special Commission on the Future of the New York City Housing Court;<sup>1</sup>
- Supporting the recently introduced amendments to the RTC law that would extend full representation coverage to tenants with households up to 400% of federal poverty guidelines, to administrative hearings that are dispositive on tenure, and to appeals;
- Addressing ethical issues implicated when opposing counsel speak to unrepresented tenants, particularly when they know those tenants have a right to counsel;
- Reviewing the implementation of an e-filing system;
- In conjunction with the City Bar's Professional Responsibility Committee, considering revisions to Rule 8.4 of the New York Rules of Professional Conduct to make it as broad as the ABA model rule on anti-discrimination;
- Supporting an increase in bilingual support and interpreters;
- Proposing particular accommodations for individuals with disabilities;
- Creating an online system through which all tenants can access information and services; and
- Evaluating the data collection efforts being done in connection with the roll-out so as to increase our understanding of the impact this right has on low-income communities.

Since New York City adopted its groundbreaking RTC legislation a little over a year ago, a number of jurisdictions around the country have similarly moved toward a right to counsel in eviction cases. San Francisco has adopted a Right to Counsel Law that guarantees representation to all tenants facing eviction, regardless of income. Public officials and advocates in Newark, Philadelphia, Washington DC, Cleveland and some states are in various stages of drafting

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<sup>1</sup> [http://ww2.nycourts.gov/sites/default/files/document/files/2018-06/housingreport2018\\_0.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2018-06/housingreport2018_0.pdf)

legislation and building a movement for a right to counsel. New York City is poised to become a model of excellence for the nation in the implementation of this long-overdue and enormously important right, and our Task Force stands ready to take an active role in helping achieve that goal.

## **TASK FORCE ON THE CIVIL RIGHT TO COUNSEL**

### **Co-Chairs**

Alison King, Pro Bono Counsel, Arnold & Porter  
Andrew Scherer, Policy Director, Impact Center for Public Interest Law, New York Law School

### **Secretary**

Erin Meyer, Pro Bono Counsel, Proskauer

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Glen Lau Kee, Partner, Lau-Kee Law Group  
John Kiernan, Partner, Debevoise; former President of the New York City Bar Association  
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Jennifer March, Executive Director, Citizens Committee for Children  
David Udell, Executive Director, National Center for Access to Justice at Fordham Law School  
Carmen Vega-Rivera, Tenant Leader, Community Action for Safe Apartments  
Sara Wagner, Assistant Director, Local 237 Legal Services Plan; Liaison to the City Bar Housing Court Committee

### **Ex Officio**

Roger Maldonado, Partner, Smith Gambrell & Russell, and President of the New York City Bar Association

### **Advisory**

Vicki Been, Faculty Director, NYU Furman Center  
Andrew Fyfe, Head of Evaluation, United Nations Capital Development Fund  
David Jones, President, Community Service Society of New York  
Hon. Jonathan Lippman (Ret.), Of Counsel, Latham & Watkins  
Robert Sheehan, Of Counsel, Skadden



**Testimony by the New York Legal Assistance Group (NYLAG)**

**Annual Public Hearing on the NYC Office of Civil Justice's Programs to Provide Universal Access to Legal Services for Tenants Facing Eviction**

**November 15, 2018**

Good evening and thank you for the opportunity to speak at today's annual hearing on the Office of Civil Justice's programs to provide Universal Access to Legal Services for Tenants Facing Eviction. My name is Mark Hess, and I am a Supervising Attorney in the Tenants' Rights Unit at the New York Legal Assistance Group (NYLAG).

NYLAG uses the power of the law to help New Yorkers in need combat social and economic injustice. We address emerging and urgent legal needs with comprehensive, free civil legal services, impact litigation, policy advocacy, and community education. NYLAG serves veterans, immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, people with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, Holocaust survivors, as well as others in need of free legal services.

The groundbreaking Universal Access for Tenants Facing Eviction program (UA) has already made an incredible impact on the lives of low-income tenants in New York City. Access to counsel exponentially increases the chances that tenants will be able to stay in their homes, or at least be given the time they need to find alternative housing and avoid homelessness. While the program is still in the implementation phase, NYLAG has already seen it make an enormous difference in the lives of our clients. For example, James is a 49-year-old man with multiple disabilities who resides alone in his rent-stabilized home, close to the hospital where he obtains

critical medical care on a near daily basis for ailments including a lack of functioning kidneys and amputated legs. James's hospital visits are generally for dialysis, but often include other serious procedures to keep him healthy, and he was terrified that an eviction from his apartment would lead to his death. NYLAG began representing James under UA in the non-payment case brought against him by his landlord. Complicating matters, James was constantly in and out of the hospital throughout the course of representation. On the eve of James's eviction, NYLAG was able to secure approval under the City's Special Exit and Prevention Supplement (SEPS) program, and a commitment for slightly over \$25,000 to cure all the arrears. NYLAG was also able to secure a Disability Rent Increase Exemption (DRIE) for James, which freezes his rent below the SEPS limit. NYLAG worked closely with HRA to prevent the eviction, preserving a long-term, rent-stabilized tenancy for a client with great need, while also preserving the client's life-saving relationship with the hospital near his home.

According to a report released in November 2018, representation in Housing Court in New York City has increased from 1% in 2013 to 30% in FY2018 citywide, and to 56% for clients within the UA zip codes, as a result of the implementation of the UA program.<sup>1</sup> While the current UA program covers a small number of zip codes in each borough, the fully implemented program will allow all tenants under 200% of the Federal Poverty Level access to representation in Housing Court, with all New Yorkers provided some access to legal counsel. NYLAG is extraordinarily grateful to the City Council, the Mayor's Office, and, of course, the Office of Civil Justice (OCJ), for their willingness to undertake this massive project that will provide access to justice to so many New Yorkers.

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<sup>1</sup> New York City Human Resources Administration/Office of Civil Justice. "Universal Access to Legal Services: A Report on Year One of Implementation in New York City." Fall 2018. <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>

## **Broadening the Scope of UA to Include NYCHA Proceedings**

Implementation of UA for tenants on such a large-scale has never been done before, and NYLAG is proud to be a part of the program. It is important to note, however, that many of the cases NYLAG sees from NYCHA tenants are still not covered under the program. Without broadening the definition of covered proceedings under UA, there is a risk that the representation provided in Housing Court will only shepherd clients to an inevitable eviction, even when there may be a legal remedy that would enable them to remain in their NYCHA apartments. For this reason, NYLAG supports expanding UA to include representation of tenants in a variety of NYCHA administrative and Supreme Court proceedings, including NYCHA Termination of Tenancy proceedings, the representation of clients in Remaining Family Member grievances, and the representation of clients in Article 78 proceedings if they are inherently intertwined with a Housing Court proceeding in which the provider is already providing representation. NYLAG also encourages OCJ to expand UA to cover appeals and NYCHA, HPD, and DHCR Section 8 voucher terminations.

While often there is no need for representation beyond the Housing Court proceeding, NYLAG has seen a number of cases where clients would not be able to maintain rights to their NYCHA apartment without the assistance of counsel in other non-Housing Court proceedings. For example, NYLAG recently worked with Michael, a Brooklyn resident who was nearly evicted from the apartment he had lived in since age four after his mother and grandmother passed away within two months of each other. NYCHA appointed his sister as head of household without consulting the remaining family members in the apartment. When, unbeknownst to Michael, his sister failed to verify their household income, NYCHA initiated termination

proceedings, and she signed away her siblings' rights to their childhood home. When he received a notice of eviction in late 2017, NYLAG agreed to represent Michael, filing a remaining family member grievance and a request to vacate his sister's termination of tenancy; both were denied by NYCHA. NYLAG sought to further stay the Housing Court proceeding by commencing an Article 78 in Supreme Court, challenging NYCHA's policy of arbitrarily appointing one family member as head of household. NYLAG assisted Michael in applying for a one-shot deal, and NYCHA offered him a stipulation of settlement acknowledging his rights to his apartment. Without NYLAG's assistance in these various proceedings, Michael would have been evicted from the only home he had ever known and faced the instability and insecurity that comes with homelessness.

The objective behind UA is to keep New Yorkers in their homes, and this purpose is not served if a client in a NYCHA holdover resulting from an administrative Termination of Tenancy cannot contest the determination in an Article 78 proceeding.. Similarly, if a provider is representing a client in a NYCHA non-payment proceeding in Housing Court, it is both efficient and beneficial to the client for the same provider to also represent the client in an administrative Chronic Rent Delinquency that may be commenced at roughly the same time as the Housing Court proceeding. By broadening the types of cases that can be taken under the banner of UA, the City will better achieve its goal of preserving housing stability. Given the broad discretion that OCJ has to implement UA, the ability to count these non-Housing Court proceedings as UA cases could be done through minor changes to existing contracts or through an OCJ memorandum. We do not believe that a change to the existing law would not be necessary, and it is indisputable that these recommended changes with respect to NYCHA are very well aligned with the legislative intent of UA.

Similarly, there are other scenarios in which representation in Housing Court will not prevent eviction unless the client is also able to obtain representation in administrative proceedings. Administrative Section 8 voucher termination proceedings at HPD, DHCR, or NYCHA are often critical to maintaining stable housing. If the provider is representing a UA client in a Housing Court proceeding and a Section 8 voucher termination proceeding is commenced in which the client has legal defenses, it is critical for the client to be represented in the voucher termination proceeding, as the loss of the voucher will likely result in the client's loss of home. Given the importance of these administrative proceedings and corresponding Article 78 proceedings, the broadening of covered proceedings under UA is crucial. Again, it can be done without a change to existing law.

We cannot expect NYCHA tenants to have effective universal access without some significant changes to NYCHA, including greater coordination to complete court-ordered repairs and faster completion of rent adjustments when tenants have reductions in income. Without these rent adjustments, which NYCHA is required by law to do, tenants are not eligible for one shot deals because they cannot demonstrate a future ability to pay their rent. Administrative inaction leads to more court cases and justice will be delayed for New York's most vulnerable tenants.

### **Access to Space for UA Providers in Housing Court**

The Housing Courts' willing participation in effectuating Right to Counsel has been critical to its success. Indeed, NYLAG has observed judges and court staff, particularly in Manhattan, persistently encouraging eligible litigants to retain a lawyer, many of whom decline counsel at the onset. Unfortunately, the Housing Courts simply do not have the space necessary for attorneys to confidentially and comfortably provide intake and legal counsel to tenants, a



problem which will continue to grow as the implementation expands annually. Dedicated space is essential to making this program work, and the solution must be sensitive to the needs of litigants, who currently must travel to multiple floors over the course of a day to obtain assistance. Tenants can get lost in the shuffle when they must travel to different floors for each of their court case, HRA screening, meeting with counsel, and one shot/emergency arrears application.

For example, in Manhattan, NYLAG conducts intake in two areas: in an empty court room adjacent to the Universal Access court room and in our courthouse office. The empty court room has sometimes inadequate air conditioning in the summer and poor WiFi. It is not uncommon for building maintenance workers, court staff, and even landlords' attorneys to enter and exit the room unannounced. Our courthouse office is a small room that cannot fit more than two small desks. When we need to conduct several intakes with clients in a short period, as is almost always the case, we do not have adequate space to maintain confidentiality in the meetings. As a result, NYLAG is often forced to meet with clients within a few feet of the lawyers representing the landlords seeking to evict them.

NYLAG's experience in this regard is no different from the other providers. In order to meaningfully carry out UA, providers and their clients need spaces free from the chaos of Housing Court. We need rooms that can accommodate several people at a time, are sound proof, are restricted to the public and other litigants, are accessible to persons who are mobility impaired, and have adequate access to WiFi.

Moreover, childcare and spaces that are friendly to young children are imperative. Many clients are forced to bring young children to court because they cannot afford or do not have the time to find adequate childcare. Clients are then forced to perform two tasks: caring for their

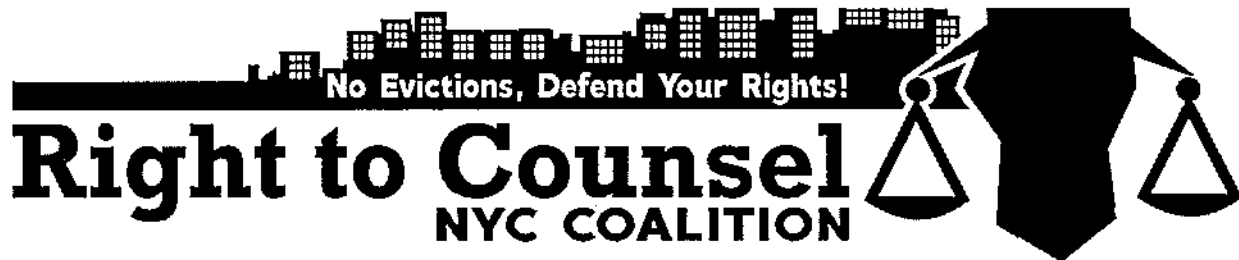
child and discussing sensitive legal issues. Clients, in an effort to spare their children the trauma of discussing the issues that have brought them to Housing Court, sometimes find it difficult to speak freely with their lawyers, and we are unable to obtain all of the facts of a case.

Failure to provide these resources at the onset of representation signals to clients and their families that they are cogs in an eviction machine and not litigants whose defenses and stories deserve to be told. We know that OCJ is well-aware of the issues surrounding space, and we look forward to working together to find a solution that works for attorneys, clients, and the City.

Once again, NYLAG truly appreciates the opportunity to be part of the implementation of the UA program, which will provide a roadmap to cities across the country in revolutionizing access to justice in when a low-income household's housing is threatened. With a few minor tweaks, we believe the program will realize its full potential as it expands to cover all of New York City. We look forward to continuing our strong partnership with the Office of Civil Justice, and I am happy to answer any questions or provide additional information.

Respectfully submitted,

New York Legal Assistance Group



## RTCNYC Coalition Testimony on Year on of Right to Counsel

The Right to Counsel NYC Coalition, which led the campaign for a right to counsel in eviction cases in NYC, is proud of the City's new groundbreaking legislation and applauds the City Council and Mayor for adopting the legislation and the Administration for moving forward enthusiastically to implement the law. The right to counsel will make a huge difference in the lives of tenants. It has the potential to transform Housing Court from a one-sided forum that routinely rubber-stamps agreements made between litigants with vastly unequal bargaining power, to a more balanced forum with the capacity to dispense justice and to have a broad impact on housing rights. It will give low-income tenants the comfort of knowing that if they assert their housing rights and end up in court, someone with knowledge of the law and the ability to litigate will have their back. It will provide community organizations and tenant associations with a powerful tool to preserve communities and protect and advance tenants' rights. Already, we see its potential and its impact: evictions are down, filings are down and shelter entries from evictions are down.

This victory for civil and human rights in NYC is having an impact across the United States. Other cities and states are moving toward a right to counsel in eviction cases. San Francisco recently adopted legislation that is even more broad than NYC's, guaranteeing counsel in eviction cases for all tenants regardless of income. Having eyes in other jurisdictions looking at how NYC implements its law and looking to NYC as a model is all the more reason why we have to get this right.

We recognize that the implementation of the right to counsel law is a massive, multifaceted undertaking, and we appreciate the city's efforts to maintain an ongoing dialogue with the Coalition and other key stakeholders. Implementing the new law in a way that provides the most effective advocacy, rooted in community organizing and focused on preserving low-income housing and stable communities, is in all of our interests.

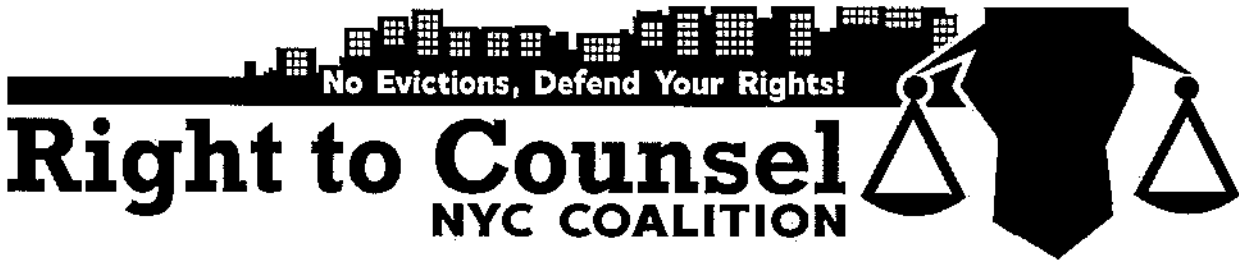
We offer the following recommendations in the spirit of collaboration and commitment to fulfill the full promise of the law.

### **RECOMMENDATIONS FOR IMPROVEMENT:**

#### **Tenant Awareness, Outreach and Education**

We are deeply concerned that not enough tenants who have the right know they have it, and that many who do have it are too intimidated to use it.

The City estimates that lawyers will serve roughly 13,000 families in the first year. But that number is based on who makes it to court now. With RTC, that will change. Every tenant in those zip codes will have a right to know about RTC. In the three zip codes in the Bronx alone, there are a total of 87,000 households, of which about 75% are rent stabilized. In order for RTC to be truly universal, everyone



needs to know about it, understand it, and use it as a tool to also address other housing issues, like inadequate services and landlord harassment. Neighborhood based groups who have a history 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 success of RTC. However, instead of partnering with and supporting these groups to do this work, the neighborhood based organizing groups have taken up the work of doing this.

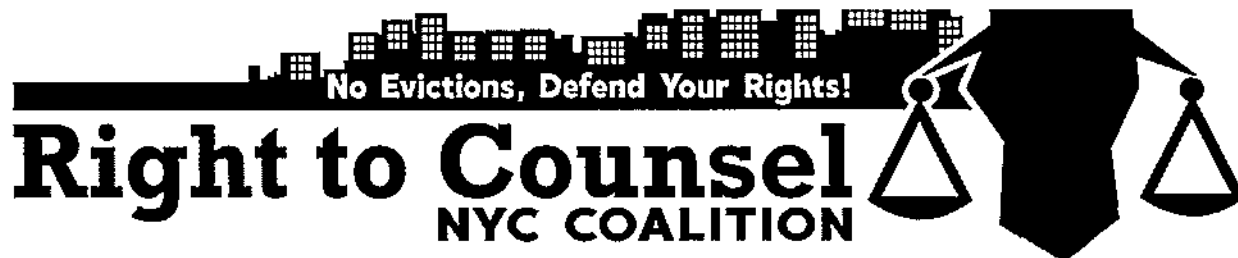
There are thousand of tenants who have the right to counsel that don't know about it and many that continue to not show up to court, even though they would otherwise get an attorney, because the fear and intimidation of going to court. Given the larger political climate of ICE being in other courts---it makes absolute sense that many tenants choose to move out rather than fight their case in court.

Because the city has not yet created mechanisms for tenants to know about this new right, the RTCNYC Coalition has created FAQs, tenants rights flyers and a new website, [www.evictionfreenyc.org](http://www.evictionfreenyc.org) that the city should share, advertise and use, until better systems and materials are created.

#### **RECOMMENDATIONS**

In order to increase tenant awareness of this new right and encourage tenants to use it, the city should:

- Adopt the language of a right.
- Fund Neighborhood based community organizing groups to do outreach, education and respond to landlord intimidation and harassment.
- Monitor and develop a response to landlord attorneys who pressure tenants in the courts who are eligible for RTC not to use their right. The fact that the city and the state allows landlord attorneys to talk to tenants in the hallways before the courtrooms open, while the judges make their announcements, and all throughout the morning violates tenants right and is simply unacceptable. The city needs to monitor this closely in the Bronx, sanction landlord attorneys where necessary and develop a solution to stop this from happening.
- Create a system to respond to landlord harassment outside of the court.
- Engage in a large public awareness campaign (as was committed to the RTCNYC Coalition in a meeting on 10/5/17 but have not been implemented) including but not limited to:
  - Paid subway & other media ads like for SCRIE/DRIE;
  - Tele-Town Halls;
  - Robo calls by zip codes;
  - Mailers w/co-branding with organizing groups if possible (including mailers targeting SCRIE/DRIE recipients)
- Create a hotline that tenants can call to get information, referrals and resources about right to counsel. Ideally tenants would be able to schedule appointments with legal services providers this way. 311 is not working. Over the period of a few months, we conducted a series of calls to 311 to test how they responded to calls about evictions and the results were abysmal.
- Create neighborhood based intake processes so that tenants can find an attorney, before they ever go to court. The fact that tenants don't talk to an attorney or often even know about RTC until their first court date is hugely problematic. Neighborhood based clinics would mean that



some tenants never have to go to court. It would also greatly increase the number of tenants who claim RTC.

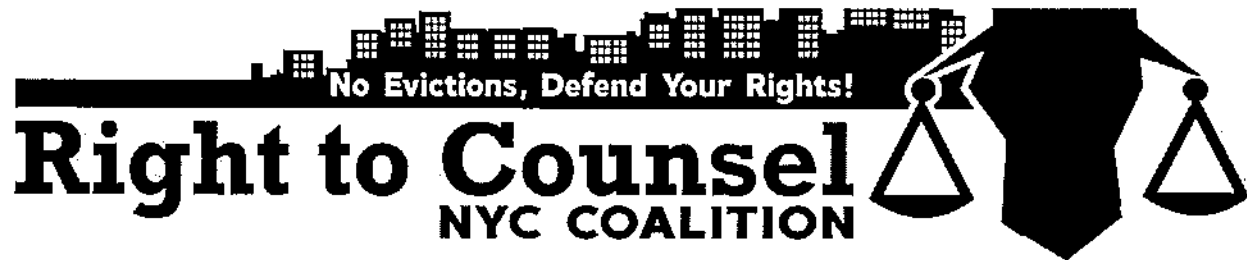
- The city should create web-based portal should be created for tenants to determine their eligibility for right to counsel and identify legal service providers in their neighborhood. This portal should be modeled after [www.evictionfreenyc.org](http://www.evictionfreenyc.org) and until the city creates its own portal, it should refer tenants to this portal.

#### **Increase and strengthen Right to Counsel:**

Yet, we have to think to the future. By 2022, all income eligible tenants will have a right to an attorney. What about over income tenants who can't afford lawyers, what about cases that aren't in housing court, and how can we expand the legislation to cover the full cost of RTC which goes beyond funding attorneys, to include the costs of education, outreach and organizing? Below is a summary of our recommendations to expand and strengthen RTC.

#### **RECOMMENDATIONS:**

- **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% threshold, a single New Yorker earning a \$15 an hour minimum wage is not. Doubling the income threshold would mean almost everyone who is in housing court now, would be eligible for RTC.
- **Expanding the types of cases covered:**
  - While most eviction cases occur in City Housing Courts, hundreds of cases are heard in higher courts or administrative hearings, including:
    - HPD administrative hearings for Mitchell-Lama residents;
    - 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 cases, 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.
- **Funding Community Organizing:** 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. The right is only as effective as tenants' ability to know and claim their rights.



### **Court Based Implementation:**

Institutionalizing a right to counsel in eviction proceedings requires significant change to many aspects of how eviction proceedings are conducted, including developing the necessary physical infrastructure within each of the city's Housing Courts. Below is a series of recommendations to take in order to successfully implement right to counsel. As tenants, organizers, advocates and lawyers, we see the problems and pressures confronting NYC tenants on a daily basis, and we bring to the task our specific expertise in working closely with NYC tenants facing eviction, including extensive experience in eviction cases in the City's housing courts.

### **GENERAL RECOMMENDATIONS FOR ALL COURTHOUSES:**

- All intake areas should include sufficient private intake spaces that are confidential and ADA accessible.
- Right to counsel intake spaces should also include: Electrical outlets; Free copy machines with scanning and printing capability; Good wifi with a secure connection; Court provided computers; Secure, lockable space for each legal services organization to be able to store a certain amount of supplies; A waiting area with sufficient seating.
- All court rooms should have sufficient seating for the number of litigants on the calendar in a given session and also ample space for case conferencing and waiting in line to check in.
- Courthouses should have ample seating in the hallways and sufficient room for litigants to move through the court space.
- There should be private attorney-client conferencing spaces so that attorney-client conversations can be confidential.
- There must be sufficient elevators for the volume of litigants.
- The security line area should be sufficient for the volume of litigants, such that people do not have to wait in line outside of the courthouse.
- HRA should have office space near the relevant court rooms and near the legal service organizations intake space.
- Clear signage about Right to Counsel, and directing tenants to resources, should be installed throughout the courthouses.
- All courthouses that have a no food policy should revoke it.
- The court should provide free childcare facilities for tenants at each housing court location
- With the aim of informing as many tenants as possible, information about the right to counsel should be communicated in as many ways as possible, with full accessibility provided for Limited English Proficient tenants and tenants who are deaf and/or vision-impaired, including but not limited to: all court staff making announcements and directing people to tenant attorneys (especially judges, court clerks and court attorneys), adequate signage throughout the courts, more and better information on all court documents including the postcards, notice of petitions and hearing notices, etc.



- Improve Language Justice in the Courts: Language access is a racial justice issue and a right to counsel will only provide meaningful access to justice if it is made fully accessible to Limited English Proficient (LEP) tenants. The courts should ensure all RTC materials (documents and signs) are in the most 12 most common NYC Languages, use language line, conduct regular language justice training for all court personnel, regularly review and evaluate the interpretation services they use, adequately advertise interpretation services and ensure interpretation is available in all court interactions (not just in the courtroom).
- The right to counsel must be fully accessible to tenants with disabilities and homebound tenants. Therefore: All courtrooms should have space to accommodate tenants in wheelchairs and also sufficient seating for tenants with disabilities; All publicity, signage, and other information about right to counsel should be made accessible to vision and hearing impaired tenants; Tenants with disabilities should not have to wait in security lines; courts should contact ADA liaisons for tenants; Marshal shall contact APS if they arrive and find a homebound person.

#### ADDITIONAL RECOMMENDATIONS:

- The city should hire a Central Coordinator would be equipped and trained to connect tenants with legal service providers who are most convenient to the tenant and who have capacity to represent them.

For more information, contact Susanna Blankley: [susanna@righttocounselnyc.org](mailto:susanna@righttocounselnyc.org); 212-590-9508







**TESTIMONY OF THE BRONX DEFENDERS FOR OFFICE OF CIVIL JUSTICE  
HEARING**

**November 15, 2018, 6pm**

**Submitted By Julia Lake, Runa Rajagopal & Adam Shoop**

The Bronx Defenders thanks the Office of Civil Justice for the opportunity to submit written testimony on New York City's Universal Access to Legal Services for tenants facing eviction. As ardent proponents of establishing a right to counsel in civil legal matters, we applaud the City for passing Intro 214-b establishing a right to counsel (RTC) for tenants facing evictions. We are invested in the implementation of the law and to ensuring that tenants have access to high quality, comprehensive representation.

Founded in 1997, The Bronx Defenders is a holistic community public defender providing multidisciplinary services to clients being prosecuted in Criminal, Family, Immigration, Housing and other courts and administrative fora around the city. We serve over 30,000 people in the Bronx each year.

Our Civil Action Practice defends against the devastating civil impact of justice involvement and fights to make sure our clients do not lose their homes, jobs, benefits, property or basic civil rights simply because they stand accused of wrongdoing. We see every day how housing instability is a factor that leads to or exacerbates justice system involvement and conversely, how housing stability can be a transformative solution.

We offer our comments and recommendations from our perspective as public defenders, as one of seven legal service providers representing tenants in Bronx Housing Court as well as proud members of the Right to Counsel Coalition and the LEAP<sup>1</sup> coalition.

In addition to our comments, we support and incorporate the comments and recommendations submitted by the Right to Counsel Coalition.

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<sup>1</sup> LEAP is a membership organization comprised of 18 direct civil legal services providers. We work collaboratively to increase the availability of quality civil legal services for low income persons in New York City.

## **EARLY INTERVENTION AND EARLY ACCESS TO A LAWYER IS KEY**

We recognize that establishing and implementing the right to counsel for tenants facing eviction and ensuring eligible tenants know about their rights, is a massive undertaking. Currently, the right to counsel is organized around intake shifts in Housing Court when a financially eligible tenant in a qualifying zip code appears for the first time in Court. Court based implementation—triggering access to a lawyer on the first court date and not earlier—is a missed opportunity for quality representation and early resolution.

Right now, tenants connect with a tenant attorney, if they even know to do so, in the frenzy of a court hallway, with the stress of a court appearance, without the necessary documents and without the benefit of knowing their rights to interpose defenses in advance of the court date. On that day, the case gets adjourned for further interviewing and investigation without ability for resolution. Some tenants even decide they will go *pro se* because they do not want to further delay resolution by waiting for a lawyer to catch up on their situation.

At The Bronx Defenders, as may be the case for most neighborhood, community organizations, people regularly walk through our doors requesting assistance in advance of their first housing court date. Many of our community walk-ins are people who know us because we have some kind of prior relationship to them or someone they know. However, we do not have the capacity to take on new clients through our community space in addition to clients facing enmeshed housing consequences referred through our team-based model while also staffing an in court intake. As a result, every day we are turning away people who have relationships with us and who identify the need for assistance early, only for them to wait for their first court date to get an attorney—and risk getting an attorney who does not know them at all. There is a better way which would balance out the scales for tenants and support impactful, client centered representation.

### **Recommendations**

- OCJ Should support neighborhood community providers to open their doors to eligible tenants in advance of the first court date and develop a system for access to a lawyer pre-litigation to allow for early intervention;
- The city should hire a Central Coordinator who would be equipped and trained to connect tenants with legal service providers who are most convenient to the tenant and who have capacity to represent them *in advance of their first appearance*;
- OCJ should work closely with the Office of Court Administration (OCA) to make sure tenants filing answers at the clerk's office in Court should get information about their right to a lawyer and be connected with a legal services provider;

- OCJ should take a holistic approach to right to counsel and establish a system to inform individuals with active cases in criminal, family and immigration court of their rights to representation in housing court. OCJ should also notify agencies with multidisciplinary services with clients in Housing Court of their cases and allow for continued representation by those same agencies. This would encourage comprehensive, multidisciplinary representation.

### **EXPAND ELIGIBILITY UNDER RIGHT TO COUNSEL**

The law, as is, is too restrictive with respect to who is currently eligible. Currently, the right to a lawyer is rolling out based on designated zip codes, rather than consideration of housing issues, and available only to those with household incomes at or below 200% of the federal poverty guidelines. Because of these restrictions, many people in need of a lawyer are falling through the cracks.

For example, CD faced eviction because he & his son were accused of possessing drugs in his apartment and his son was arrested and facing drug possession charges, with a criminal case pending. The District Attorney's office demanded that the landlord bring a holdover proceeding to evict CD. Though CD was elderly and financially eligible under Right to Counsel, he did not live in a qualifying zip code. Though the court referred him to the legal services provider on intake, they were unable to assist him and declined him for services. CD went back and forth to court, until the court informally referred CD to The Bronx Defenders, based on our reputation for having expertise in drug holdovers and for holistic defense (though we did not represent CD or his son in criminal court). We were able to get the case discontinued by making legal arguments about applicable criminal procedure law. However, had that not happened, CD would have most certainly faced eviction based on the severity of the charges.

In another example, in April of 2018, when AB had her first court date, she was referred to a legal services provider but was not financially eligible because she was working. Earning \$40,000 a year for a family of 2, she was \$8000 over 200% of the federal poverty guideline. Yet her income was limited enough to receive federal housing assistance through section 8 for her rent. For months and months she navigated housing court alone, under constant threat of eviction and agreed to pay arrears she did not owe. Five months later, she lost her job (partly due to repeatedly missing work for court) and then became financially eligible for a lawyer. The Bronx Defenders met with AB during an in court housing intake shift and assisted her but by that time, she waived many of her defenses, was post judgment, lost her job, paid monies she did not owe and unnecessarily, experienced an unquantifiable amount trauma and stress in housing court.

## **Recommendations**

- OCJ should consider enmeshed justice involvement a priority for access to legal assistance as the right rolls out. This means if a tenant is facing eviction because of an arrest/criminal court case (i.e. drug holdover) or is at risk of having children removed under Article 10 in Family Court based on housing conditions and instability, the tenant should be given an automatic priority for representation under right to counsel/universal access. This should be effective immediately;
- OCJ should decrease income restrictions and adopt an indigency standard (as used in Criminal and Family Court) or, in the very least, increase the income threshold to 400% of the federal poverty line. Doubling the income threshold would mean almost everyone who is in housing court now, would be eligible for RTC.

## **COURT RESOURCES & CHALLENGES**

Other challenges to the implementation of the right to counsel are posed by the lack of court resources and inadequate court facilities. As highlighted in the *Special Commission on the Future of the New York City Housing Court Report to the Chief Judge* (January 2018), there is a lack of space in Bronx Housing Court generally, where tenants meet with lawyers in crowded hallways and trials are conducted in elevator lobbies. Tenants who miss the announcements about access to counsel at 9:30 in the courtroom also may not even be aware of the right to counsel as there is no signage in the Bronx courthouse explaining the program. Many of the providers conducting court-based intake, including The Bronx Defenders, have no office space in the courthouse. As such, attorneys and staff are trying to assess eligibility and then establish relationships and have conversations with tenants who are sharing confidential information in crowded hallways outside the courtrooms.

The *Special Commission* also observed a “disturbing lack of civility” in the halls of housing court, with landlord-attorneys pressuring *pro se* tenants to sign agreements before meeting with counsel and exacerbating the difficulty in conducting intake without confidential meeting space. The burden falls on the providers to establish inform tenants about the program, determine eligibility and establish the trust of the client despite these impediments, and without any added support from the court or OCJ.

As but one recent example, an attorney from The Bronx Defenders was conducting an intake with a tenant, MR, who was accompanied by her adult son and a care worker. Our attorney had difficulty having a meaningful conversation with MR who is 83-years-old, has significant cognitive issues, and has Limited English Proficiency (LEP). The attorney, MR and those accompanying her, as well as an interpreter from The Bronx Defenders, had no choice but to huddle around a bench in a crowded hallway outside the courtroom.

## **Recommendations**

- OCJ should work closely with the OCA to make the following changes:
  - Make space available for confidential meetings between tenants and counsel;
  - Create space for all providers to review and copy tenant documents and information, as well as view and print electronic records from agencies such as the Division of Housing and Community Renewal, Department of Housing, Preservation & Development, and others;
  - Create signage about the right to counsel and informing tenants where to go;
  - Increase language access resources, including interpreters and multi-language signage and translated materials, in the court to facilitate universal access to LEP tenants;
- OCJ should implement the following changes:
  - Assist tenants in connecting with providers prior to making court agreements without receiving legal advice;
  - Play a more direct role in addressing incivility and bias in the courthouses;
  - Develop resources for tenants with mental health impairments and cognitive issues to ensure they can avail themselves of universal access.

## **IMPROVE PROCESS TO MAKE IT A RIGHT**

OCA, by the court, should take a more proactive role and integrate the right to counsel into existing court procedures in Housing Court. The current failure to do this has created barriers for potentially eligible tenants to access legal services. Tenants navigate an already confusing and often overwhelming process. Without direction from the court itself, the burden to locate tenants, explain the right to counsel, assess eligibility, and handle the case (within the old timeframe of a court appearance that was not designed to accommodate all these additional steps) is placed squarely on legal services providers. We appreciate the efforts of Housing Court judges who currently make announcements regarding the availability of legal services from the bench at 9:30 each day. However, we believe a more active role by the court could lead to a more seamless intake process. In addition, a lack of integration of the Human Resources Administration (HRA) and Homebase providers within the courthouse creates inefficiencies at various stages of cases.

## **Recommendations**

- OCJ should work closely with OCA to make the following changes:
  - The Court should coordinate its efforts with legal providers to take a more active role in announcing the availability of legal representation for eligible tenants;
  - The Court should take a more active role in connecting those tenants with providers, preferably in confidential, designated office or meeting space;

- The Court should acknowledge the time it takes for providers to locate and meet with prospective clients and build this process into the timeframe of the first court appearance at which a tenant is meeting with a lawyer;
- Particularly when tenants are referred to the legal services provider on intake later in the morning or later in the afternoon (by a judge or court attorney, or by HRA itself), the Court should readily grant an adjournment of the proceeding due to the time it takes for the legal services provider to assess eligibility, meet with their new client, and provide a meaningful opportunity to investigate a case before providing legal advice or representation.
- OCJ should work closely with the rest of HRA and with Homebase providers to implement the following changes:
  - Facilitate and formalize pathways for providers to apply for emergency rental assistance grants;
  - Facilitate and formalize pathways for providers to connect with city subsidy “after care” for subsidies such as LINC/FHEPS/CityFEPS.
- OCJ should work closely with OCA to educate all court personnel about universal access and how they can assist litigants in connecting with representation.

We are grateful for the opportunity to submit comments and look forward to working with the City and other stakeholders to make this law a right for all tenants.

**On Behalf of The Bronx Defenders,**

Julia Lake, Staff Attorney  
JuliaLa@Bronxdefenders.org

Runa Rajagopal, Managing Director  
RunaR@Bronxdefenders.org

Adam Shoop, Legal Director  
AdamS@Bronxdefenders.org

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: BENTON DAVIS

II. Address: [REDACTED]

A. How long have you lived at your home? 35 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important?

BECAUSE TENANTS DON'T HAVE THE MONEY TO PAY FOR AN ATTORNEY

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: [Signature]

Date: 11/15/19

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: Ramon Catela

II. Dirección: [REDACTED]

A. ¿Por cuánto tiempo has vivido en tu casa? 45 años

III. ¿Cómo describirías tu situación de vida? **Trazar un círculo en todo lo que aplique:**

A. Acoso

B. Mi apartamento o mi edificio necesita reparaciones

C. Mi renta es demasiado alta

D. OTRO: 639-06

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda? **SI**  **NO**

A. Si es así, ¿cómo fue esa experiencia?

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

ES IMPORTANTE TENER UN ABOGADO EN LA CORTE PARA NO SER DESPOJADO DE SU VIVIENDA

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? **Trazar un círculo en todo lo que aplique:**

A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.

B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!

C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.

D. Aumentar el umbral de elegibilidad de ingresos

E. RTC debe aplicarse a más tipos de viviendas

F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.

G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.

H. OTRO:

Firma: Ramon Catela Fecha: 11-15-18



Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Ram Bhal

II. Address: 

A. How long have you lived at your home? 30+ yrs

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high? NOT SURE
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court?

YES  NO

A. If yes, what was that experience is like?

B. If no, why not? I WAS IN COURT ABOUT A DECADE AGO

V. Why do you think Right to Counsel is Important? BECAUSE MANY OF US DON'T UNDERSTAND THE COURT SYSTEM & IT'S GARGANS

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Ram Bhal

Date: Nov 15, 2018

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: ROSANNA HERNANDEZ

II. Dirección: [REDACTED]

A. ¿Por cuánto tiempo has vivido en tu casa? 20

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

- A. Acoso
- B. Mi apartamento o mi edificio necesita reparaciones
- C. Mi renta es demasiado alta
- D. OTRO: OK

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda?

SI

NO

A. Si es así, ¿cómo fue esa experiencia?

N/A

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

*Es importante porque la gente no sabe  
tener miedo, A hoy abogado tiene representación*

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

- A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.
- B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!
- C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.
- D. Aumentar el umbral de elegibilidad de ingresos
- E. RTC debe aplicarse a más tipos de viviendas
- F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.
- G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.
- H. OTRO:

Firma: Rosanna Hernandez

Fecha: 11-15-18

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Thomas Wood

II. Address: [REDACTED]

A. How long have you lived at your home? 4 yrs

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: Being sued by landlord - rent arrears

IV. Did you get an attorney because of RTC in housing court?

YES  NO

A. If yes, what was that experience is like?

NOT YET. I am exploring my options for FREE legal ~~counsel~~ counsel.

B. If no, why not?

V. Why do you think Right to Counsel is Important?

EVERYONE

Should have access to quality legal advice to avoid being taken advantage of.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing! YES, I agree
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold DEFINITELY
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins YES
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: PLEASE PROVIDE ONLINE VIDEO/ LIVE CHATS, AND AUDIO CONTENT, BY LAWYERS ANSWERING common questions

Signature: [Signature]

Date: 11/15/18

FORM CLASSES FOR High school students Teaching them about housing issues. Provide opportunity to contribute and

**Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal**

I. Nombre: Ricoberto Yanez

II. Dirección: [REDACTED]

A. ¿Por cuánto tiempo has vivido en tu casa? 28 años

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

A. Acoso

B. Mi apartamento o mi edificio necesita reparaciones

C. Mi renta es demasiado alta

D. OTRO: \_\_\_\_\_

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda?

SI

NO

A. Si es así, ¿cómo fue esa experiencia?

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

para poder defendernos

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.

B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!

C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.

D. Aumentar el umbral de elegibilidad de ingresos

E. RTC debe aplicarse a más tipos de viviendas

F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.

G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.

H. OTRO:

Firma: RICOBERTO YANEZ Fecha: \_\_\_\_\_

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Pamela Ashwood

II. Address: 

A. How long have you lived at your home? 20 yrs

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

*RTC wasn't in place at the time*

V. Why do you think Right to Counsel is Important?

*To help tenant navigate system and learn and know their rights. The landlord has a lawyer tenants should have a lawyer too*

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Pamela Ashwood

Date: 11/15/2018

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Haydee Vilhunen

II. Address: 

A. How long have you lived at your home? 11 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

*haven't been to housing court yet*

V. Why do you think Right to Counsel is Important?

*because most people can't afford it and landlords have the upper hand when they have good lawyers*

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: *open to all zip codes*

Signature: Haydee Vilhunen

Date: 11/15/18

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: RAFAEL ROSADO

II. Dirección: [REDACTED]

A. ¿Por cuánto tiempo has vivido en tu casa? 30 AÑOS

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

- A. Acoso
- B. Mi apartamento o mi edificio necesita reparaciones
- C. Mi renta es demasiado alta
- D. OTRO: \_\_\_\_\_

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda? SI  NO

A. Si es así, ¿cómo fue esa experiencia?

B. Si no, ¿por qué no?

NO E HIDO A LA CORTE TODAVIA

V. ¿Por qué crees que el derecho a representación legal es importante?

PORQUE NOS PROTEGE DE ABUSO

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

- A) Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.
- B) Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!
- C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.
- D. Aumentar el umbral de elegibilidad de ingresos
- E. RTC debe aplicarse a más tipos de viviendas
- F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.
- G) Dar fondos a organizaciones comunitarias para hacer alcance y educación.
- H. OTRO: \_\_\_\_\_

Firma: Rafael Rosado

Fecha: 11-15-18

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: ANA MARMOLEJO

II. Dirección: 

A. ¿Por cuánto tiempo has vivido en tu casa? 10 años

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

A. Acoso

B. Mi apartamento o mi edificio necesita reparaciones

C. Mi renta es demasiado alta

D. OTRO: \_\_\_\_\_

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda?

SI

NO

A. Si es así, ¿cómo fue esa experiencia?

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

*Para que defendamos mi derecho y de otros inquilinos*

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.

B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!

C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.

D. Aumentar el umbral de elegibilidad de ingresos

E. RTC debe aplicarse a más tipos de viviendas

F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.

G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.

H. OTRO:

Firma: Ana Marmolejo

Fecha: 11-15-18



Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Elle Perez

II. Address: [REDACTED]

A. How long have you lived at your home? 40

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court?

YES NO

A. If yes, what was that experience is like?

B. If no, why not?

*I went to court on my own*

V. Why do you think Right to Counsel is Important?

*Tenants need this right because tenants need make protection against harassment*

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Elle Perez

Date: 11/15/18

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: Luis Lebron

II. Dirección: 

A. ¿Por cuánto tiempo has vivido en tu casa? \_\_\_\_\_

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

A. Acoso

B. Mi apartamento o mi edificio necesita reparaciones

C. Mi renta es demasiado alta

D. OTRO: \_\_\_\_\_

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda?

SI

NO

A. Si es así, ¿cómo fue esa experiencia?

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

*ES MAY IMPORTANTE TENER UN ABOGADO  
QUE TE REPRESENTE EN LA CORTE.*

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.

B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!

C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.

D. Aumentar el umbral de elegibilidad de ingresos

E. RTC debe aplicarse a más tipos de viviendas

F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.

G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.

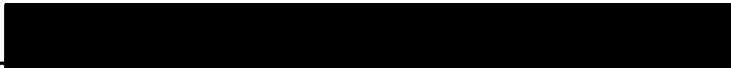
H. OTRO:

Firma: Luis Lebron

Fecha: 11/15/2018

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Luca Goldmansour

II. Address: 

A. How long have you lived at your home? 20 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

N/A

V. Why do you think Right to Counsel is Important?

Housing is a human right which must be protected regardless of how much money you have.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

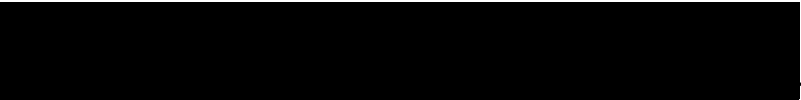
- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Luca Goldmansour

Date: Nov 15, 2018

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: GEORGE SOTIKOFF

II. Address: 

A. How long have you lived at your home? 36 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES NO

A. If yes, what was that experience is like?

HAVE NOT BEEN IN HOUSING COURT

B. If no, why not?

V. Why do you think Right to Counsel is Important?

THE REAL ESTATE INDUSTRY IS PREDATORY

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. The city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys PREVENT LANDLORDS FROM ACTING UNETHICALLY
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: \_\_\_\_\_

Signature: 

Date: 11/5/18

Testimonio de Inquilino en el primer año de implementación del  
Derecho de Representación Legal

I. Nombre: HERNANDEZ GUADALUPE

II. Dirección: 

A. ¿Por cuánto tiempo has vivido en tu casa? 4

III. ¿Cómo describirías tu situación de vida? *Trazar un círculo en todo lo que aplique:*

A. Acoso

B. Mi apartamento o mi edificio necesita reparaciones

C. Mi renta es demasiado alta

D. OTRO: Y MI hija ES DISCAPACITADA

IV. ¿Recibió un abogado a través de RTC en la corte de vivienda?

SI

NO

A. Si es así, ¿cómo fue esa experiencia?

BUENA Por que los abogados TE AYUDAN Y A CONSEJAN

B. Si no, ¿por qué no?

V. ¿Por qué crees que el derecho a representación legal es importante?

Por que las personas tienen derecho y tienen que saberlo

VI. ¿Cómo cree que se podría mejorar la implementación de la ley de representación legal para lograr justicia para los inquilinos? *Trazar un círculo en todo lo que aplique:*

A. Mejor alcance e información para que los inquilinos conozcan sus derechos. La ciudad debe colocar carteleras, carteles y tener una campaña de concientización más amplia.

B. Coordinación de mensaje. Todos lo conocemos como el derecho a representación legal. La ciudad debería llamarlo así en lugar de acceso universal. ¡Es confuso!

C. Mejor aplicación de la intimidación de los dueños y comportamiento poco ético por parte de los abogados de los dueños.

D. Aumentar el umbral de elegibilidad de ingresos

E. RTC debe aplicarse a más tipos de viviendas

F. Dejar que los inquilinos pueden encontrar abogados fuera de la corte, antes de que sus casos empiezan.

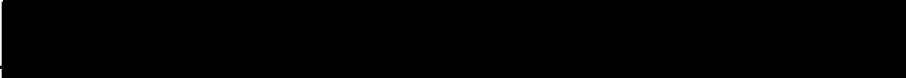
G. Dar fondos a organizaciones comunitarias para hacer alcance y educación.

H. OTRO:

Firma: HERNANDEZ GUADALUPE Fecha: 11-15-18

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Richard Gonzalez

II. Address: 

A. How long have you lived at your home? 20 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: always garbage in the building

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

I haven't been taken to court in the past year

V. Why do you think Right to Counsel is Important?

It's important because people are being taken to court while the landlord is not making repairs so we need lawyers who can make sure we get repairs

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Richard Gonzalez

Date: 11/15/18

# Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Jose Grenad

II. Address: 

A. How long have you lived at your home? 24 yrs

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney through RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?  
Have not been in court lately

V. Why do you think Right to Counsel is Important?  
To Assist Tenants defend themselves and Avoid Eviction that may be otherwise avoidable.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: \_\_\_\_\_

*[Handwritten signature]*

Date: \_\_\_\_\_

*11/1/18*



**Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation**

I. Name: LESVIA G. MENDEZ

II. Address: [REDACTED]

A. How long have you lived at your home? 28 ~~20~~ YEARS

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: TOO MANY MC'S ADDED TO MY RENT FOREVER

IV. Did you get an attorney through RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important?  
GIVE TENANTS THE RIGHT TO BE REPRESENTED BY A LAWYER IN COURT.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Leanne J. Mendez

Date: 11/1/18

**Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation**

I. Name: clever Borja

II. Address: 

A. How long have you lived at your home? 20

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney through RTC in housing court?  YES NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important?

because the Attorney knows the Law,

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Clever King

Date: 11-01-2018

## Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Olivia Horevo

II. Address: 

A. How long have you lived at your home? 18

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney through RTC in housing court? YES NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important? Rtc important. Because we have better chance to fight our cases.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Clorio Kleruo

Date: 10-01-18

# Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: ANA MARLA MONTEDECCA

II. Address: 

A. How long have you lived at your home? 8 YEARS

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney through RTC in housing court?

YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

THE LOW DIG ~~RIGHT~~ EXIST, BUT I WAS LUCKY TO GET THE HELP OF A LEGAL SERVICES PROVIDER.

V. Why do you think Right to Counsel is Important?

THE RIGHT TO COUNSEL IS IMPORTANT, BECAUSE WE HAVE BETTER CHOICES TO FIGHT OUR CASES

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Alberto Renteria

Date: 11/1/18



**Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation**

I. Name: Bina Maniram

II. Address: 

A. How long have you lived at your home? 5 Months

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES NO

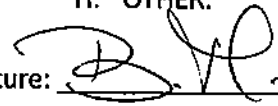
A. If yes, what was that experience is like? n/a

B. If no, why not?

V. Why do you think Right to Counsel is Important? I think that it's important for people to know their rights as tenants and what they have the right to do in their building.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing! Agreed!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: \_\_\_\_\_

Signature: 

Date: 11/13/18

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Claude J. Copeland Jr.

II. Address: [REDACTED]

A. How long have you lived at your home? 1 Year

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court?

YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

No Court CASE

V. Why do you think Right to Counsel is important?

HOUSING COURT IS SUCH A VITAL NEED FOR ALL OUR COMMUNITIES. FOR ANYONE TO GO IN WITH OUT THE PROPER LEGAL SUPPORT IS SETTING UP OUR PEOPLE

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

↳ when Facing an Eviction

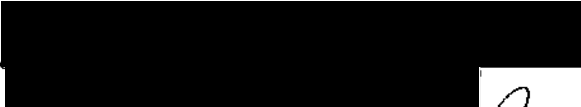
FOR FAILURE. RIGHT TO COUNSEL IS A NECESSARY PROTECTION FOR EVERYONE TO AVOID POSSIBLY LOSING THEIR HOME DUE TO LANGUAGE BARRIERS, MISINFORMATION ETC.

Signature: Claude J. Copeland Jr.

Date: 11/13/18

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Martina Cabrera

II. Address: 

A. How long have you lived at your home? 2 yrs

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: none

*It's a new building just open 3 years ago*

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important? yes because

people still need help fighting evictions who are not connected to any resources.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Martina Cabrera

Date: 11/13/2018

**Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation**

I. Name: Ramon Mendez

II. Address: 

A. How long have you lived at your home? \_\_\_\_\_

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court?

YES  NO

A. If yes, what was that experience is like?

B. If no, why not?

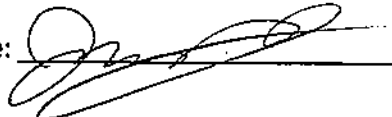
*Not in zip code*

V. Why do you think Right to Counsel is Important?

*so people can defend themselves*

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: 

Date: 11/13/18

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Corina Ombongo-Golden

II. Address: 

A. How long have you lived at your home? \_\_\_\_\_

III. What is your housing situation like? Circle all that apply:

- A. Harassment racist rhetorics
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: discriminated repairs

IV. Did you get an attorney because of RTC in housing court? YES  NO

A. If yes, what was that experience is like?

because the bill was not in effect yet and I was already in court.

B. If no, why not?

V. Why do you think Right to Counsel is Important?

It is not enough or sufficient to fight draculords.

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: more communication between services providers and organizations (Community)

Signature: Corina Ombongo-Golden

Date: 11/12/2018

Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation

I. Name: Sergio Cuevas

II. Address: 

A. How long have you lived at your home? 36

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court?  YES  NO

A. If yes, what was that experience is like?  
*Felt great to have Representation  
Stop landlord from abusing tenants.*

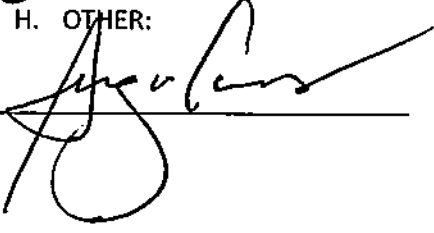
B. If no, why not?

V. Why do you think Right to Counsel is Important?

*Protect Tenants ~~from~~ from Landlord Abuses  
landlord lawyers try to intimidate tenants.*

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER: \_\_\_\_\_

Signature: 

Date: 11/12/18

**Tenant Testimony for Right to Counsel Hearing on Year 1 of Implementation**

I. Name: Fatoumata B. Diallo

II. Address: 

A. How long have you lived at your home? 2 years

III. What is your housing situation like? Circle all that apply:

- A. Harassment
- B. My apartment and building needs repairs
- C. My rent is too high
- D. OTHER: \_\_\_\_\_

IV. Did you get an attorney because of RTC in housing court? YES NO

A. If yes, what was that experience is like?

B. If no, why not?

V. Why do you think Right to Counsel is Important?

VI. How do you think the implementation of Right to Counsel could be improved to achieve justice for tenants? Circle all that apply:

- A. Better outreach and information so that tenants know about their rights. They city should be putting up billboards, posters and have a more robust tenant awareness campaign.
- B. Coordinate messaging. We all know it as Right to Counsel. The City should call it that instead of universal access. It's confusing!
- C. Better enforcement of landlord intimidation and unethical behavior by landlord attorneys
- D. Increase the income eligibility threshold
- E. RTC should apply to more kinds of housing court cases
- F. Allow tenants to find attorneys outside of court, before their cases begins
- G. Fund community based organizing groups to do outreach and education
- H. OTHER:

Signature: Fatoumata

Date: 7-7-16