



**OCJ Annual Hearing
RTC Coalition Testimony on Right to Counsel Implementation
December 9, 2025**

Thank you for the opportunity to testify about New York City's Right to Counsel law. The Right to Counsel Coalition is a tenant-led coalition that formed in 2014 to disrupt Housing Court as a center of displacement and to end the eviction crisis threatening our families, neighborhoods, and homes. After a hard fought three-year grassroots campaign, we made history: New York City became the first city in the nation to establish a Right to Counsel (RTC) for tenants facing eviction.

Since then, RTC's success has been undeniable. Evictions plummeted, landlords sued tenants less, and at least 84 percent of tenants who had an RTC attorney stayed in their homes. RTC has also helped establish more just case law, lowered rents, stabilized apartments, and forced landlords to make repairs.

Evictions do more than displace people – they harm health, employment, education, and entire communities. Studies show that RTC prevents those harms. One recent [study](#) found that access to counsel reduces adverse birth outcomes among Medicaid-insured mothers, showing that eviction prevention is also a matter of public health. We also know that eviction disproportionately impacts people of color, [especially Black women and children](#). With [one in eight children in New York City experiencing homelessness](#), the stakes could not be higher.

When properly implemented, RTC prevents eviction, keeps families housed, and strengthens communities. But today, the Office of Civil Justice (OCJ), the city agency charged with enforcing RTC, is falling short of its mandate. Since January 2022, **more than 110,000 households have faced eviction alone – and the majority of them were eligible for RTC**. Thousands of New Yorkers are being forced from their homes, being denied their rights, and losing cases they should have won. This is a violation of due process and a moral failure of the City.

OCJ exists because tenants organized and won this right. Under the de Blasio administration, OCJ worked collaboratively with the courts and our Coalition to enforce Local Law 136. The agency was transparent, responsive, and committed to upholding RTC. Under the Adams administration, OCJ retreated from that role – too often capitulating to the courts' position instead of enforcing NYC tenants' rights.

With OCJ's new leadership – Masha Gindler and Peta-Gaye Daniels – we are hopeful the agency will rebuild a strong partnership with the tenant movement and recommit to ensuring the full success of RTC. To achieve this, **OCJ must act now** to enforce and strengthen the law.

1. Provide Zealous Oversight and Partnership with Tenants to Strengthen RTC

OCJ is required by law to hold annual public hearings and release annual reports on RTC implementation. Under the Adams administration, these reports have been delayed and hearings were postponed or held virtually, limiting public access and transparency. We are encouraged that OCJ has resumed in-person annual hearings and has begun meeting with us regularly, and we hope this continues. To restore transparency and accountability, OCJ must also:

- Release timely public reports each year.

- Maintain regular meetings with our Coalition – not only with contracted legal providers – to ensure RTC implementation reflects the needs of tenants facing eviction.
- Use its full authority and work with OCA to ensure that every eligible tenant receives RTC.

OCJ must once again act as an advocate for tenants, not an arm of the court bureaucracy.

2. Join Us in Demanding that the City Fully Fund RTC

Local Law 136 is not fully funded. While the City has increased funding over time, current funding levels still do not cover the full cost. Legal services providers face untenable caseloads and unsustainable retention rates – conditions that undermine RTC’s effectiveness and threaten its sustainability. OCJ must join us in calling on the City to:

- Increase RTC funding by at least **\$350 million** immediately to ensure every eligible tenant has zealous representation.
- Establish a mechanism to adjust funding as the volume of cases changes.
- Plan proactively for higher costs when the number of cases increases.

3. Publicly Support Our Demands of OCA to Uphold Tenants’ Rights in Housing Court

The courts must do their part to uphold tenants’ legal rights. OCJ’s leadership and advocacy are essential in pushing the Office of Court Administration (OCA) to uphold RTC. OCA must:

- Reduce the volume of eviction cases on court calendars so the number of cases matches the capacity of legal service providers.
- Work in true partnership with OCJ to ensure that all eligible tenants receive the Right to Counsel they are entitled to.
- Adjourn cases when no RTC attorney is available, until a tenant secures counsel and their attorney has adequate time to prepare.

OCJ’s public support and pressure are crucial to making this happen.

4. Publicly Support and Urge the State to Pass Statewide Right to Counsel

A long-term solution to this crisis requires statewide action. The Legislature must pass Statewide Right to Counsel (S6772 / A4669), which would:

- Expand RTC to cover ALL tenants in NYC (and across the state).
- Require courts to notify tenants of their Right to Counsel and provide information on how to connect with an attorney.
- Mandate adjournments until tenants have secured counsel.

If these rules had already been in place, the crisis we face in New York City today would not exist. Right to Counsel keeps New Yorkers in their homes. It is one of the most effective anti-displacement and anti-homelessness tools this city has ever had. For RTC to remain powerful, it must be enforced.

We call on OCJ to:

- Support increasing RTC funding by **at least \$350 million**.
- **Zealously enforce and report on the law, push OCA to uphold tenant protections, and work in true partnership with our Coalition.**
- Advocate for the passage of **Statewide Right to Counsel legislation (S6772 / A4669)**.

We urge you to treat this crisis with the urgency it deserves. The Right to Counsel is only powerful at keeping tenants housed if it is upheld. New Yorkers fought for this right, and we will continue fighting until every tenant can exercise their Right to Counsel.

For more information, contact Coalition Director, Malika Conner: malika@righttocounselnyc.org

**JOINT TESTIMONY OF RIGHT TO COUNSEL LEGAL SERVICES PROVIDERS
FOR THE NYC OFFICE OF CIVIL JUSTICE’S HEARING ON PROGRAMS TO
PROVIDE UNIVERSAL ACCESS TO LEGAL SERVICES FOR TENANTS FACING
EVICTION**

December 9, 2025

**Bronx Defenders
BronxWorks, Inc.
Build Up Justice NYC
CAMBA Legal Services
Housing Conservation Coordinators
Legal Services NYC
Mobilization for Justice, Inc.
Neighborhood Association for Inter-Cultural Affairs (N.A.I.C.A)
Neighborhood Defender Service of Harlem
New York Legal Assistance Group
Northern Manhattan Improvement Corporation (NMIC)
The Legal Aid Society**

INTRODUCTION

We speak today on behalf of not-for-profit legal services providers who represent tenants pursuant to NYC’s Right to Counsel (“RTC”) anti-eviction program. The RTC program boasts an extremely high success rate in preventing evictions and ameliorating other collateral consequences – 89% of tenants with an attorney remain in their homes¹ and eviction filings and default judgments have dropped by 30%.² But unless all of the stakeholders are equally invested in the program, the Right to Counsel will not live up to its promise of equal access to justice for New York City tenants. We hope that the points discussed below will provide a roadmap and ready solutions for the Office of Civil Justice to continue to work with the City and the Housing Court to protect this invaluable program.

¹ Annual Report FY24 | NYC Office of Civil Justice,
https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2024.pdf at 22,
last accessed December 2, 2025.

² “In the most expensive city in the country, evictions remain lower than before COVID-19,” by John Pablo Garnhem, *The Eviction Lab* (January 14, 2025),
<https://evictionlab.org/in-the-most-expensive-city-in-the-country-evictions-remain-lower-than-before-covid-19/>, last accessed December 2, 2025.

Fully and adequately funding the Right to Counsel program remains the first priority for New York City tenants and legal services providers alike. First, the program does not provide funding sufficient to ensure that the more than 50,000 tenants eligible for representation in a given year actually receive that service.³ While tenants eligible for representation increased 110% from 2022 through 2024, spending on the RTC program grew only 33%.⁴

Second, provider capacity is severely strained because RTC funding has not kept pace with the rising cost of providing eviction defense to eligible tenants. Between 2019 and 2023, there was a greater than fourfold increase in the number of housing cases which took longer than a year to resolve.⁵ Cases are taking longer to litigate owing to robust tenant protections laws such as the Housing Stability and Tenant Protection Act of 2019 (HSTPA) and the newly enacted Good Cause Eviction law. Yet, the program ceased allowing providers to report lengthy cases from one year to the next. Instead it provides just a one-time payment for cases that are litigated over the course of two, three, four years or more. While OCJ acknowledges this challenge and recently shared positive news with providers that there will be some progress in improving and equalizing the case rate, the stark truth remains that RTC providers cannot subsidize the work at scale and remain solvent.

Third, the current contract structure includes a draconian 10% penalty that further undermines providers' ability to manage operation costs and provide an effective right to counsel.

Finally, for the Right to Counsel to work for tenants, all stakeholders need to communicate regularly and partner in efforts to improve implementation of the program. The Office of Court Administration, the Office of Civil Justice, and RTC providers must meet regularly and work through implementation challenges to ensure that NYC tenants receive all the benefits of the City's landmark Right to Counsel program.

THE CITY MUST SUBSTANTIALLY INCREASE RTC FUNDING TO ENSURE SUFFICIENT SERVICES

While the Independent Budget Office, Human Resources Administration, City Council, and tenant advocacy groups emphatically agree that the RTC program in eviction proceedings is a tremendously successful endeavor that saves the City millions of dollars annually, it has been unable to realize its full potential and help all eligible tenants due to a persistent lack of investment. RTC was funded at approximately \$136 million per year for FY 2025 through 2027.⁶ With an average provider case rate of approximately \$4,100 per case (different providers are paid different rates for exactly the same work), the funding covers only about 33,000 cases per year. This means that, even in the best-case scenario (which we cannot achieve since the case rate

³ [The Expansion of New York City's Right to Counsel Program](https://www.ibo.nyc.gov/assets/ibo/downloads/pdf/community-and-social-services/2025/2025-september-the-expansion-of-nyc-right-to-counsel-program.pdf), NYC Independent Budget Office Report, September 2025 at 2, <https://www.ibo.nyc.gov/assets/ibo/downloads/pdf/community-and-social-services/2025/2025-september-the-expansion-of-nyc-right-to-counsel-program.pdf>, last accessed December 2, 2025 (the "IBO Report").

⁴ The IBO Report at 16.

⁵ The IBO Report at 9.

⁶ Anti-Eviction Full Legal Representation RfX for fiscal years 2025 through 2027 published August 3, 2023.

remains too low), one-third of tenants facing eviction are facing it alone.⁷ In reality though, only one third of all tenants facing eviction have representation in court.⁸

To illustrate what underfunding this program looks like in real terms, consider the example of Ms. G. This year, Ms. G faced an eviction proceeding in Manhattan. At her first court date she met a lawyer who she believed would represent her. Because of funding and staffing limitations, however, that legal service provider had to turn her away. Without the benefit of counsel, on Ms. G's very next appearance she agreed to a harsh stipulation, requiring her to pay a sum she did not have within two months or lose her home. She then received a marshal's notice for eviction. Ms. G's story would have ended there, with her being evicted over arrears she couldn't afford. But after walking into a community intake for another provider - an intake not funded by the RTC program - she learned that the money she allegedly owed was owed by the Section 8 program and not her. She should never have been brought to court in the first place. She was able to save her home, but only after more than six unnecessary court appearances and a near-eviction. Throughout this whole process, Ms. G kept telling the court "I thought I had a *right* to counsel."

The September 2025 Independent Budget Office (IBO) report released on the Right to Counsel program dramatically highlighted the disparity between the funding and the demand for services. The IBO found that **while eligibility for representation increased 110% from 2022 through 2024, spending grew only 33%**. To put this starkly, **while over 50,000 cases are eligible for full representation, at most 33,200 cases are covered** by the current RTC funding.

There have been more than 104,000 eviction filings so far this year.⁹ And the rate of evictions has increased to the highest-ever levels since the COVID-19 pandemic began.¹⁰ At a moment when the eviction crisis has continued unabated, the City is severely under-funding a program that is objectively successful in both moral and economic terms. Every eviction prevented creates huge savings to the City by avoiding shelter costs and protects the most vulnerable New Yorkers.

Recommendation

The City should increase funding for the Right to Counsel (RTC) program to ensure that every eligible tenant has access to counsel.

⁷ The IBO Report at 2.

⁸ The IBO Report at 2.

⁹ Statewide Landlord-Tenant Eviction Dashboard, <https://ww2.nycourts.gov/lt-evictions-33576>, last accessed December 2, 2025.

¹⁰ "Monthly evictions in New York City reach highest rate since 2018," by David Brand, *Gothamist*, August 21, 2025, <https://gothamist.com/news/monthly-evictions-in-new-york-city-reach-highest-rate-since-2018>, last accessed December 2, 2025.

CITY MUST INCREASE FUNDING PER CASE TO PAY FOR THE ACTUAL COSTS OF PROVIDING EVICTION DEFENSE

RTC funding has not kept pace with the rising cost of providing eviction defense. While on paper the program funds approximately 33,000 cases a year, the actual number of cases handled is much lower because of the increased cost of providing services. Important laws have strengthened tenant protections but, at the same time, significantly increased the length and complexity of eviction defense. Additionally, the increasing costs of salaries, healthcare and benefits have continued to make staff hiring, retention, and support more expensive. Providers have been asked to do more without corresponding contractual increases in funding that from the outset were insufficient for most providers to meet their baseline costs.

At the same time, we must applaud and acknowledge the efforts made by the current OCJ administration to take steps to ameliorate this problem. While the newly secured funding is not enough to resolve the fundamental gap between our costs and our funding, it showcases OCJ's commitment to work with us to address these issues in the short term. But, as OCJ has expressed to providers when the additional funding was announced, the funding is not enough to achieve rate parity across providers. OCJ must continue to consider rate parity and providers' true costs as they prepare the RFP for the next right to counsel contract.

New York City has some of the most robust and complicated housing laws in the country. Important laws, such as the Housing Stability and Tenant Protection Act of 2019 and the Good Cause Eviction Law passed in 2024, have increased critical tenant protections while also adding to the complexities of tenant defense. The September 2025 IBO Report on RTC, found that between 2019 and 2023, there was a greater than fourfold increase in the number of housing cases which took longer than a year to resolve.¹¹ And with the subsequent passage of the 2024 Good Cause Eviction Law, the average length and complexity of cases has only increased.

Providers must increase staff training time and budgets to keep abreast of these new laws and provide the high-quality, ethical representation expected by the City and the people of New York. Since 2018, providers have seen a 24% increase in the hours required per case, while growing administrative and training burdens mean that staff have fewer hours available to do casework. The increasing length of cases and the increased costs around training have not been met with a corresponding rise in contractual funding.

Roughly two years ago, prior to the passage of the Good Cause Eviction Law, providers determined that to fully fund their anti-eviction programs, they would need contracts providing \$7,500 per case. The yearly raises for staff and the rising costs of healthcare and benefits have driven true costs even higher.¹² Funding has not kept up. The case rates under the current contract vary between providers, but the current average case rate of \$4,100 represents barely more than half the cost of the work.

¹¹ IBO Report at 2.

¹² "Health Care Costs for Workers Begins to Climb," *The New York Times*, September 4, 2025, <https://www.nytimes.com/2025/09/04/health/health-care-costs-employers-workers.html>, last accessed December 2, 2025.

Providing full representation at such a low case rate results in ballooning caseloads and attorneys who may not have the time and resources needed to properly litigate complex matters. The other outcome has been that even fewer tenants than anticipated are being represented. Providers cannot force staff to handle more cases than permitted by legal ethics, negotiated collective bargaining agreements, and practical considerations such as retention. Because the cost of services is nearly double what the City pays, providers cannot hire and retain sufficient legal staff.

The funding also fails to consider the full breadth of staffing and support needed to provide holistic, quality legal representation. To meet client needs, provider organizations must staff programs not just with attorneys, but also with paralegals, social workers, administrative staff, and infrastructure supports such as finance and IT. The low case rates in the current contract do not allow for these substantial and necessary costs. While attorney representation stops evictions in the immediate moment, restabilizing a family's housing requires social workers and benefits advocates. The underfunding hampers our ability to solve the totality of our clients' housing problems and will lead to tenants being sued in Housing Court year after year.

The drastically-below-cost case rates of the current contracts effectively punish providers for going above and beyond. The complexity of our work is apparent in a sample case handled by a legal services provider in the Bronx. A disabled senior couple, living in an SRO, faced substantial harassment from their landlord, including illegal lockouts and deprivation of essential services such as a bathroom. The couple were then brought to housing court in a holdover. On the face of the case, the housing was unregulated and therefore the tenants did not have a right to stay. However after a thorough investigation, the provider determined that the building was in fact, a de-facto rent stabilized building as it had eight SRO units. As a result of the provider's robust representation, the couple was not only able to stay in their home, but was now afforded all of the benefits of a Rent Stabilized tenancy (and all the other tenants in the building now have the same rent stabilization protections). It was a fortunate outcome for this couple, but the cost of their representation had to be subsidized significantly by the provider doing the work.

As another example, one provider is only now reaching the end of a nonpayment proceeding that commenced in 2016. The central issue was a challenge to the regulatory status of the apartment. During the proceeding, the provider made dozens of court appearances, filed multiple pre-trial motions, conducted a trial, submitted multiple post-trial memoranda, briefed and argued opposition to the landlord's appeal, and made multiple post-trial motions, including motions for sanctions and contempt. As a result, the court dismissed the Petition, found that the landlord had fraudulently deregulated the apartment, awarded the tenant almost \$200,000 in overcharge damages, and reduced her rent by half.¹³ Yet, the costs of litigating were almost entirely borne and subsidized by the provider, because the case rate was not high enough and the provider was not able to "roll over" the case so as to report it across the multiple fiscal years it took to resolve it.

At one legal service provider, rising costs have meant that staff attorneys must be responsible for more than six new cases per month. This requires daily court appearances, rapid-turnaround drafting, high-pressure negotiations, and near-constant client communication.

¹³ *St Nicholas 24 LLC v Chavez-Lujan*, 83 Misc 3d 128(A), 2024 NY Slip Op 50755[U] (AT 1st Dept 2024), *affirming* 2020 N.Y. Misc. LEXIS 52456 (Civ Ct, New York County 2020, Schneider, J.).

Particularly with cases taking longer and with the increasing demands of caseloads, there is an ever-tightening margin for strategic litigation, little time to draft affirmative motions, and little room to offer the kind of holistic, trauma-informed advocacy tenants deserve. The demands of the case rate stretch staff attorneys to capacity before the day even begins.

At another legal service provider, in Manhattan, the flat case rate and rising costs has pushed them to a financial breaking point. This provider's anti-eviction contract, only a year in, now covers just half of the true costs of their program. For every dollar the provider is paid by the City, this provider must find another dollar from private donations or outside contracts to keep their RTC program afloat. If the RTC program is to sustain itself for the long term, it cannot rely on providers subsidizing the true costs of the program.

Ultimately, the current funding structure creates a perverse trade-off: attorneys are pressured to prioritize volume over depth, and supervision can become reactive instead of strategic. If the City is serious about RTC, it must fund providers at a level that reflects the true cost of ethical, effective representation. That includes capacity for supervisors to train and retain staff, and for case handlers to offer more than survival advocacy. The cost of failing to do so will be measured not just in attorney turnover, but in tenants lost to eviction despite having a "right" to counsel.

We ask that the City continue to work to rectify these disparities by increasing the rate for all providers up to the \$7,500 case rate reflecting the true current cost of doing this work, or at least bringing all providers up to the highest RTC case rate for which OCJ has currently contracted. OCJ's recent efforts to equalize providers at the average RTC case rate are laudable and will help many of the lowest-funded organizations. But the City must also recognize that the even the average case rate forces many providers to operate well below the costs. Additionally, the City must respond to the reality of eviction defense litigation, particularly post-HSPTA and post-GCEL, and permit providers to report toward their deliverables active cases that stretch from one fiscal year to the next to the next.

Recommendation

The City must equalize funding for the RTC providers at the true cost of doing the work. The cost-per-case for the average provider is at least \$7,500 per case. The City must (1) fund an increase to the RTC contract to allow for a \$7,500 case rate for all providers and in the interim equalize the funding for all providers at the highest case rate currently being paid under the RTC contracts; and (2) allow providers to report complex eviction defense work over the duration of the litigation, from one fiscal year to the next.

THE RTC CONTRACT'S DRACONIAN 10% PENALTY FURTHER UNDERMINES PROVIDERS' ABILITY TO MANAGE OPERATIONAL COSTS

The current iteration of the RTC contract contains a new penalty for providers who cannot meet 100% of contract goals; such providers are ineligible to receive 10% of the allocated funding and OCJ may reduce funding to those providers in future years. Operationally, the City only reimburses 90% of providers' expenses until (and only if) it determines that the provider achieved its performance milestones, which review occurs twice during the contract year (and

well after the expenses have been incurred). This method of implementation unduly burdens the non-profit providers who are incurring these actual expenses. The uncertainty of this 10% funding also makes it impossible for organizations to do the necessary planning for and investment in staff hiring and retention to combat and plan for attrition. Receiving only 90% on the dollar with the risk of never receiving reimbursement for the other 10% also destabilizes the program and the agencies. This destabilizing practice is not in the best interest of the City, the providers, or New York City tenants.

In the context of a deeply underfunded contract and an economy where staff hiring and retention are difficult, meeting 100% of the contract goals is unrealistic unless providers can obtain and contribute vast additional resources to subsidize the work. Equally problematic, it jeopardizes the very non-profit sector the program relies upon to implement and maintain this critical program.

Recommendation

The City must cease imposing a 10% penalty when providers fail to meet certain performance metrics and cease withholding reimbursement for 10% of the actual expenses because it undermines the Right to Counsel program and harms provider agencies.

OCA AND OCJ MUST COLLABORATE WITH PROVIDERS TO IMPROVE RTC IMPLEMENTATION

Intake Issues

The promise of the Right to Counsel is that all eligible tenants will get an attorney. This promise remains unfulfilled as there have been serious implementation challenges in each borough, which thwart legal services providers from connecting with clients. Over the last 8 years of RTC and even many decades prior, legal services providers have been helping vulnerable clients navigate the daunting and complex landscape that is housing court and housing law. As a result, we are well positioned to suggest and assist with implementing a program that best meets the needs of New York City's tenants. While providers, OCJ, and the court had a recent productive and collaborative meeting and there is a promise of more meetings, what is needed is a systematic approach. A systematic approach to implementation in which legal services providers, the Office of Court Administration, and the Office of Civil Justice meet regularly to work through implementation challenges citywide and in each borough would dramatically improve the effectiveness and efficiency of the Right to Counsel program and enable more tenants to connect with lawyers for legal representation.

Queens

A recent example from Queens illustrates the negative consequences that can occur for tenants when there is a lack of collaboration between the Court, OCJ, and the legal services providers. On June 11, 2025, with no prior notice to the legal services providers, the court announced that all intake would become virtual effective July 7, 2025, such that court attorneys would hold virtual intake where they would collect tenant contact information and then pass it along to OCJ for screening and assignment to providers. This shift to virtual intake was not due

to space constraints or programmatic improvements, but because the court wanted to give court attorneys something to do on the day they work remotely. While the Queens legal services providers wrote a letter to the court raising concerns about technological accessibility and language access, it was too late to provide any meaningful input because notices with the virtual appearance information were already in the process of being sent out.

At the three-month mark, it is evident that virtual intake in Queens has been highly problematic. Every day in Housing Court unrepresented tenants roam the halls unclear about which legal services provider they were referred to and multiple legal services providers are sometimes referred the same tenant. Most concerning, providers have seen the number of clients who have limited English proficiency (LEP) drop precipitously, indicating that virtual intake likely has a profound disparate impact on the ability of LEP individuals (who are particularly at risk of eviction) to connect with counsel. The court documents provided to tenants in Housing Court with the information for their virtual appearance is too often in a language inaccessible to LEP tenants. Providers are staffed with lawyers who speak multiple languages, but if clients cannot access our services because the virtual intake process is impenetrable for LEP individuals, providers will not be able to connect with LEP clients until it is too late.

While providers have recently been told by OCJ that a higher percentage of tenants calendared for their first appearance are being screened virtually than the percentage of tenants that appeared in person for their first appearance, that metric is misleading because it does not account for tenants actually connecting with providers for legal representation. Many of the tenants screened virtually are not ultimately able to retain RTC counsel despite providers' best efforts to connect with them by telephone and email following the virtual intake screening. This does not happen when providers meet tenants in court for intake at their court appearance. The Queens remote intake hampers providers' ability to form effective attorney-client relationships efficiently and quickly gather the requisite documents and evidence to mount an effective defense in person at the court appearance. It is essential that OCA, OCJ, and the providers have open communication so any changes in implementation plans are planned judiciously and solicit input from all stakeholders.

Brooklyn

During FY24, Brooklyn had the highest portion of eligible tenants receiving representation of any borough at 73% of eligible households.¹⁴ However, the court has since significantly increased the number of holdover cases being heard for the first time each day. Holdover cases are typically more complex and time consuming than nonpayment cases, and oftentimes not having counsel on these cases can have devastating effects for tenants as these cases involve more than rental arrears. This results in providers receiving significantly more referrals than they have the capacity to handle. The number of cases providers receive each month routinely exceeds providers' contracted deliverables. OCJ has also told providers to budget capacity so they are always taking some number of cases each intake day. With more cases than they can take each day, providers must randomly turn away cases or identify criteria that make one case more compelling than another. Picking and choosing cases is completely contrary to the Right to Counsel model in which every eligible tenant should get full legal

¹⁴ FY24 OCJ Annual Report at 7.

representation in their eviction case. When the calendared cases exceed provider capacity, there is only the appearance of a right to counsel and not a real right to counsel as hundreds of eligible tenants remain unrepresented.

Manhattan

Prior to the pandemic, almost every right to counsel provider in Manhattan had a dedicated courthouse space, with some providers using this space to serve tenants for more than 30 years. Without much notice, the court unceremoniously ousted all of the providers from their dedicated spaces, forcing providers to meet their clients for the first time in crowded hallways or shared intake spaces that do not allow for client confidentiality. Adding insult to injury, in Manhattan, the court recently surprised providers by forcing them to share intake space on the eighth floor (already shared with OCJ staff) with non-RTC programs, raising significant confidentiality concerns and further limiting the available space. Providers received no notice that this was happening. When Manhattan providers raised concerns about it, the court stated that the decision had been made and the space was now shared. During the course of an intake day, providers need to conduct intake with dozens of clients who have their first appearances that day. With the confidential spaces to conduct intakes reduced, fewer tenants can complete intake at the same time, and clients who have employment and family obligations will have to wait for hours to see a provider.

The Bronx

In the Bronx, the process for its virtual intake part changed so the tenants' first point of contact is with OCJ to be screened, rather than with a provider. Now, an unknown number of tenants are missing their opportunity to connect with legal counsel because of difficulties in connecting to OCJ for virtual intake. After OCJ screens the tenants, a spreadsheet referencing multiple tenants and containing minimal information (normally name, index #, possible next court date, contact information and address) is emailed to a provider for an intake to be completed. Adding to the confusion, only OCJ knows whether and to which provider any particular tenant has been referred. Neither the Court, the tenant, nor other providers can identify what agency is responsible for handling the referral. This missing information is critical to figure out what happened when a confused tenant invariably shows up without counsel for their next court appearance.

There is no transparency to this process, so issues such as language access or the number of tenants not being screened is unknown. There is also no clarity on how many cases will be referred on a given RTC shift as the number varies greatly. Vulnerable tenants including seniors and those living with disabilities are missing out on the RTC process because of difficulties navigating the virtual intake. This is made apparent by the referrals from OCJ that the providers receive for these tenants later in their court process, often after they have defaulted or the case has significantly advanced in its posture such as to a pre-trial conference or even trial. In one such case a legal services provider received an OCJ referral for a disabled senior, who is a monolingual Spanish speaker and is illiterate, only after she had filed her third Pro Se Order to Show Cause. She was unable to connect with counsel through the intake part and proceeded to default numerous times, failed to assert many crucial defenses, and faced imminent eviction.

After obtaining counsel, the provider sought to vacate the stipulation, judgment, and warrant and is currently assisting her to reinstate her rental subsidy.

Another Bronx provider recently received a referral distribution from OCJ including over 40 tenants who were scheduled to appear in Court less than two weeks later. The lack of advance notice made it impossible to timely connect with the tenants and to appear with them in Court, increasing the likelihood that these tenants would enter into unfavorable settlements.

Staten Island

In Staten Island, OCJ has no role in RTC intake at the courthouse. Providers are wholly responsible for approaching every tenant with an eviction case and screening them for eligibility. Despite the huge disparity between the number of cases contracted for and the number of cases on the calendar for intake, the providers are required to show up for daily intake sessions to turn away the majority of cases each session. One provider is on intake 2-3 times per week.

For one Staten Island provider in the last fiscal year, approximately 520 tenants sought legal representation, while they were funded to represent only 240 tenants. In addition, the room assigned for providers to do intake does not have sufficient space and completely lacks privacy as it is shared by court staff.

Other Implementation Solutions

A Meaningfully Empowered Ombudsperson Is Necessary to Resolve HRA-Related Issues Across Programs and to Create a Coordinated Early-Intervention System

New York City continues to face an exceptionally high volume of eviction filings. In 2024, the OCJ reported 126,236 eviction petitions citywide, the vast majority rooted in nonpayment of rent. This confirms that rent arrears remain the primary driver of Housing Court cases, demonstrating the critical importance of timely access to HRA programs in preventing eviction. When administrative barriers delay One-Shot Deals, Cash Assistance, FHEPS, and CityFHEPS payments or APS interventions, tenants fall into nonpayment status not because they are ineligible for help but because the systems designed to stabilize them are too complex to navigate without support.

To address this systemic gap, we urge HRA to establish a fully empowered ombudsperson or a small ombuds team within HRA. This team should have the authority to resolve administrative blockages, coordinate across program units, correct errors quickly, and ensure that eligible households receive rent assistance before arrears escalate into eviction litigation. Providers spend substantial time attempting to troubleshoot HRA issues despite lacking the authority to resolve them, and this work is neither funded by OCJ nor credited toward deliverables. A centralized ombudsperson would significantly reduce unnecessary adjournments, shorten court timelines, and substantially enhance the effectiveness of the City's investment in Right to Counsel.

In addition to the ombudsperson function, the City should formally implement a structured early-intervention model that activates HRA support as soon as a household shows indicators of instability, ideally before a Housing Court case is filed. Early intervention could

include automatic outreach when rent arrears appear in HRA data systems, rapid prescreening for One-Shot Deals or rental assistance, and direct coordination with legal providers as soon as a petition is served. When tenants receive assistance early, arrears remain manageable, litigation becomes avoidable, and the risk of eviction drops significantly. Extending support earlier in the process would increase that success rate and reduce the volume of cases entering the court system altogether.

These recommendations are practical and administratively achievable. They do not require legislative overhaul but instead represent targeted improvements that align with the City's stated priorities: stabilizing families, reducing shelter entries, strengthening Right to Counsel, and ensuring that public benefits reach the people they are designed to protect. By adopting both an empowered HRA ombudsperson and a coordinated early-intervention system, the City can significantly reduce avoidable evictions and deliver a more efficient and humane housing-stability infrastructure for New Yorkers.

HRA Should Create Offices in All NYC Courthouses Able to Process Issues as a Full Benefits Access Center (BAC)

Ensuring that HRA offices in all NYC courthouses are able to process everything that the Benefits Access Center (BAC) can process would help ensure more seamless and efficient engagements with HRA by tenants and, crucially, help them access benefits they are eligible for to help them remain in their home. This not only supports access to housing for New Yorkers, by ensuring access to benefit applications, but will also help mitigate the protracted nature of housing proceedings, by enabling someone to apply immediately, while appearing in court. While Brooklyn Housing Court has an HRA office that provides for this, others do not, requiring tenants to apply at their local BAC or online. For tenants with mobility issues, less familiarity or access to technology, with limited English proficiency, or for whom taking off additional days to go to their local BAC would mean another day unpaid from work or with childcare costs, in-court ability to apply for HRA benefits is essential. OCJ should partner with providers in advocating with HRA to implement the ability to apply for benefits at HRA offices in-court city-wide.

HRA Should Make The One Shot Deal Application Process Efficient And Convenient For Applicants

More than half of all eviction proceedings filed in housing court are nonpayment of rent proceedings. The majority of nonpayment proceedings are resolved by tenants applying for the rental assistance program called the One Shot Deal, which pays most if not all arrears owed by a tenant. In theory, it should take approximately 30 to 45 days from settlement for the tenant to receive rental assistance in order to discontinue a case. In reality, it can take much longer to resolve a nonpayment case due to the challenges tenants face in actually applying to the One Shot Deal program.

To remove the frustration and inefficiencies tenants face in One Shot Deal application process, HRA should allow tenants to upload documents in all image formats (jpeg, tiff, etc) and not only the pdf format. Many tenants have expressed the impracticality of converting their sensitive records to pdf format when they lack access to a computer or the resources to purchase

the mobile applications and/or computer programs that allow for such conversion. HRA should also allow tenants and/or advocates to upload their records to a file share program that is accessible to not only applicants, but also to all units and departments throughout HRA. Tenants have expressed frustration when HRA staff advised of their inability to access pending One Shot Deal applications or locate documents that were uploaded to the Access HRA mobile application because such staff lack access to a common file share program that is accessible across all HRA units and programs. Additionally, one of the many challenges faced by tenants is that HRA will close out applications after 30 days without justification or notice to tenants. Frequently, tenants are not told about the status of their applications unless they reach out to HRA and even then many do not receive a response. Ultimately, months pass and the tenants are left in the dark about the status of their applications until they contact a legal services provider and learn that their application was closed or never processed by HRA. HRA should provide updates to tenants about their One Shot Deal applications and ensure that the applications are being processed in a timely fashion. Finally, HRA should not require a hardship letter from both the tenant and their advocate as they are redundant and do not seem to make a difference as to HRA's final determination on an application. By implementing the above recommendations, HRA will remove the barriers that prolong, impede or frustrate the One Shot Deal application process for tenants.

OCJ Can Use its Data and Position to Proactively Identify Significant Trends

OCJ is uniquely positioned—through its data access, regular contact with providers, and citywide visibility into eviction patterns—to play a proactive role in spotting emerging trends that disproportionately impact the RTC-eligible population. Providers on the ground routinely see sudden surges in specific case types, systemic issues with particular landlords or managing agents, gaps in access to benefits, and recurring procedural obstacles. But these patterns often emerge office by office, case by case, and can take months to crystallize into actionable knowledge. OCJ can dramatically strengthen RTC implementation by synthesizing provider reports, analyzing case data, and creating an early-warning system that identifies trends before they harden into crises. A coordinated approach would allow stakeholders to anticipate pressures on the system, intervene more strategically, and direct resources to communities or case types that need them most.

Supportive housing tenants illustrate the urgent need for this type of trend-spotting. Providers are seeing increasing numbers of supportive housing tenants with Marshal notices who were never connected with a Right to Counsel provider. Supportive housing tenants represent some of the most vulnerable populations covered by the right to counsel law. In many of these cases, the tenant would not be on the verge of eviction had they been connected with counsel. In fact, as a supportive housing provider, HRA is uniquely positioned to identify tenants within its programs and connect these tenants to necessary eviction prevention services. Without early identification and coordinated intervention, these cases escalate quickly, placing highly vulnerable tenants at risk of homelessness and placing additional strain on the court system. OCJ, in collaboration with OCA and RTC providers, should track patterns specific to supportive housing, facilitate problem-solving with service agencies, and ensure that tenants in these programs receive timely, trauma-informed representation. By embracing a data-informed, trend-spotting role, OCJ can help stabilize supportive housing placements, reduce unnecessary

litigation, and reinforce the core mission of Right to Counsel: keeping the most vulnerable New Yorkers safely housed.

Tenants Facing Eviction Need Access to Zero-Balance Rent Breakdowns at the First Court Appearance

Providers urge OCJ to work with OCA to require petitioners in nonpayment proceedings to produce a clear, itemized zero-balance rent breakdown at the very first court appearance. Far too often, tenants and their counsel are forced to litigate based on incomplete or inaccurate ledgers, leading to inefficiencies in the process, unnecessary adjournments, delays in reaching resolution, and preventable stipulations that do not reflect the true amounts owed. A standardized, mandatory zero-balance breakdown ensures transparency, reduces court congestion, and allows all parties to meaningfully address the alleged arrears from the beginning of the case.

OCJ Should Partner with Providers in Asking OCA to Ensure DHCR Rent Histories Are Readily Available in Court to All Litigants

Access to DHCR rent histories is essential for properly evaluating legal rent, identifying overcharges, and confirming regulatory status in rent-stabilized units. Currently, obtaining these records can take weeks, significantly delaying case resolution and undermining a tenant's ability to assert valid defenses. Making DHCR rent histories available directly in court—whether through secure digital access or a streamlined request process—would not only support judicial efficiency and fundamental fairness, it would expand access to RTC attorneys as many matters would be able to resolve more quickly.

OCJ Should Partner with Providers in Asking OCA to Mandate Early Engagement on Repairs, Including Setting Access Dates and Issuing Orders to Correct at the Outset of Each Case

Many families appear in court with longstanding, hazardous conditions in their homes. Protracted proceedings, limited access, and a lack of accountability often leads to them suffering with these harmful housing conditions throughout the months-to-years-long proceedings. By opening an additional HP part, and requiring early, structured engagement on repairs in every part, including setting access dates and issuing an order to correct at the outset of litigation, we could better resolve habitability concerns. As Citywide Supervising Housing Court Judge Jack Stoller has emphasized, “every housing part is an HP Part,” underscoring that repair issues are inseparable from the core purpose of all housing court proceedings. By incorporating repair assessments and access scheduling into the first appearance workflow and having orders to correct issued early on in the resolution parts, the Court can foster faster resolutions, improve habitability, and advance the broader goals of housing stability that the RTC program was built to achieve.

Recommendation

The Office of Court Administration and the Office of Civil Justice must meet regularly with legal services providers citywide and in each borough to work through the implementation recommendations discussed above to expand meaningful access to housing justice, and mitigate challenges faced by tenants in asserting their rights, and resolving matters efficiently and fairly. These recommendations will also serve to expand access to RTC, by mitigating avoidable delays in cases, and help to ensure that all eligible New Yorkers are being afforded the opportunity to connect with counsel as promised by the RTC program.

CONCLUSION

The need for Right to Counsel continues to become increasingly important and urgent to protect low income New Yorkers and their ability to maintain their tenancies. Federal politics imperil affordable housing programs like Section 8 and the public benefits that many of our clients rely on, like SNAP (food stamps) and cash assistance. The Trump administration's attack on immigrants puts our immigrant clients especially at risk. Merely going to the courthouse can be a substantial risk to a tenant. With the serious risks to liberty ICE poses to immigrant communities and anyone ICE perceives to be an immigrant, and the threat to federal housing and subsidies on which many rely, it is of paramount importance that tenants in eviction proceedings get lawyers to represent them.

On the other hand, the political climate at the State and City level shows more reason for optimism, with a strong tenant movement that has pushed for much-needed reforms to protect tenants and preserve affordable housing. The Housing Stability & Tenant Protection Act of 2019 (HSTPA) and Good Cause Eviction Law of 2024 are two examples of recent legislation that provide much-needed protections to tenants. But tenants' rights laws are only as good as their enforcement, and far too many landlords are working hard to find new ways to skirt tenant protections. The tenant movement's historic victories in passing the HSTPA and Good Cause Eviction would be for naught if there were not effective tenant lawyers ready to enforce the laws and safeguard tenants' rights.

The City should increase funding for Right to Counsel to allow responsible growth until it fully meets the demand for representation in the new cases being filed and the backlog of eviction defense cases pending without representation.

The City should equalize funding for the RTC providers at the true cost of doing the work. The current cost-per-case for the average provider is at least \$7,500 per case. The City must (1) fund an increase to the RTC contract to allow for a \$7,500 case rate for all providers and (2) in the interim equalize the funding for all providers at the highest case rate currently being paid under the RTC contracts.

The City should cease imposing a 10% penalty when providers fail to meet certain performance metrics.

The Office of Court Administration and the Office of Civil Justice must meet regularly with RTC providers to work through the implementation recommendations to ensure that all

eligible New Yorkers are being afforded the opportunity to connect with counsel and have effective resolution of their eviction proceedings as promised by the RTC program.

LEGAL SERVICES PROVIDERS

BRONX DEFENDERS

The Bronx Defenders (“BxD”) is a public defender nonprofit that is radically transforming how people in the Bronx are represented in the legal system, and, in doing so, is transforming the system itself. Our office’s staff includes interdisciplinary teams comprised of civil, criminal, immigration, and family defense attorneys, as well as social workers, benefits specialists, legal advocates, parent advocates, investigators, team administrators, and policy, organizing, and community engagement specialists who collaborate to provide holistic advocacy to address the causes and consequences of legal system involvement and push for systemic reform at the local, state, and national level.

Through this integrated, comprehensive, referral-based structure, we have pioneered a groundbreaking, nationally-recognized model of direct services representation we call “holistic defense” that achieves transformative outcomes for the people we represent. Each year, we defend over 20,000 low-income Bronx residents across civil, criminal, immigration, and family legal systems, and reach thousands more through our community intake, youth mentoring, and outreach programs. We take what we learn from the people we represent and communities that we work with and launch innovative programs designed to bring about real and lasting change.

Our Civil Action Practice

The Civil Action Practice provides comprehensive civil legal services to clients and their families by integrating civil representation. Our goal is to actualize the civil right to counsel – including for tenants – and minimize the severe and often unforeseen fallout from housing, criminal, family, and immigration court proceedings and facilitate the seamless reintegration of our clients into the community. Our Civil Action Practice attorneys, social workers and benefits and legal advocates represent clients in every forum in New York City – administrative, state, and federal – to address these problems and assist our clients in overcoming civil legal barriers to housing, eviction, employment, and public benefits, as well as addressing instances of police misconduct, criminal record errors, and civil forfeiture.

BRONXWORKS, INC.

BronxWorks empowers individuals and families to improve their economic and social well-being. From toddlers to seniors, we feed, shelter, teach, and support our neighbors to build a stronger Bronx community. With over 65 locations across the borough and a dedicated staff of more than 1,200 professionals, BronxWorks offers a wide range of programs in family and youth support, education, senior services, homelessness prevention, financial empowerment, and workforce development. Guided by a commitment to dignity, respect, and the highest ethical standards, BronxWorks has been a trusted resource in the Bronx for more than 50 years. We are also an employer of choice for those seeking meaningful careers in public interest and civil legal services.

Legal services are a vital part of our holistic approach to helping Bronx residents move from crisis to stability. BronxWorks Legal Services provides free legal assistance to individuals facing eviction, seeking immigration relief, or survivors of domestic violence and other crimes. Our

attorneys work to challenge inequities in the legal system and ensure our clients' rights are fully protected.

The Tenant Defense Program plays a critical role in promoting housing stability for low-income tenants. As a key partner in New York City's Universal Access to Counsel initiative, the program ensures that tenants facing eviction have access to full legal representation—helping to safeguard homes, families, and communities.

BUILD UP JUSTICE NYC

Build Up Justice NYC (f/k/a Brooklyn Legal Services Corporation A) believes all New Yorkers should have equal access to legal services to seek justice, make their voices heard, and overcome systemic racism and oppression. We represent low- and moderate-income individuals and families throughout New York City. Our clients live in rapidly-gentrifying neighborhoods where many residents and small business owners have been displaced or are facing displacement and harassment. For more than half a century, Build Up Justice NYC has provided high-quality, low-barrier neighborhood-based legal services to individuals, families, nonprofit community-based organizations, coalitions, and small business owners, interested in developing and sustaining vibrant, healthy communities. Our Preserving Affordable Housing (PAH) Program uses legal and advocacy strategies to preserve and protect affordable housing, prevent evictions, combat tenant harassment and discrimination, and ensure that working families, individuals, older adults, and others live in stable environments and within their financial means. The PAH Brooklyn and Queens Programs has close to 60 staff attorneys, paralegals, social workers, and supervising attorneys, in addition to other supporting staff.

CAMBA LEGAL SERVICES

CAMBA Legal Services, Inc. (CLS) is a community-based law practice in Brooklyn and Staten Island that provides free civil legal assistance to low-income New York City residents. Our mission as a dedicated and diverse staff of lawyers and paralegals is to provide our clients with the highest quality of legal representation while standing committed with our communities in the fight for racial, social, and economic justice. CAMBA Legal Services' Housing Unit provides anti-eviction legal services to tenants, including legal advice and representation in non-payment proceedings, holdovers, HP actions for repairs, HCR overcharge complaints, administrative hearings (NYCHA and HPD), Article 78s and other related proceedings. The CLS Housing Unit has a staff of more than 50 attorneys and paralegals. CLS prides itself on being guided by the following principles; compassionate case handling, decentering the attorney to empower the client, tenacious advocacy, collaborative learning, and a commitment to legal excellence.

HOUSING CONSERVATION COORDINATORS

Housing Conservation Coordinators (HCC) is a community based legal services organization that was founded over 50 years ago to “advance social and economic justice and fight for the rights of poor, low-income and working individuals and families.” HCC provides comprehensive services on housing-related matters, including preventing displacement, accessing public benefits, and preserving the limited stock of affordable housing, immigration matters, consumer protection and elder law to help stabilize the lowest income households.

HCC has served income eligible residents in Manhattan through the Right to Counsel Program since 2017.

LEGAL SERVICES NYC

Legal Services NYC's (LSNYC) is the largest civil legal services provider in the country, with a mission to fight poverty and seek racial, social, and economic justice for low-income New Yorkers. For over 50 years, LSNYC has helped New Yorkers obtain the basic necessities of life, including housing, economic security, family and immigration stability, education, health care, and challenge the systemic injustices that trap people in poverty. At LSNYC, we pride ourselves on our deep community roots, our holistic, trauma-informed approach to advocacy, and our ability to work creatively, strategically, and collaboratively with our clients.

MOBILIZATION FOR JUSTICE, INC.

Mobilization for Justice's (MFJ) mission is to achieve justice for all. MFJ prioritizes the needs of people who are low-income, disenfranchised, or have disabilities as they struggle to overcome the effects of social injustice and systemic racism. We provide the highest-quality free, direct civil legal assistance, conduct community education and build partnerships, engage in policy advocacy, and bring impact litigation. MFJ has a staff of more than 140 attorneys, paralegals, social workers, and support staff. It is a diverse, unionized, and collegial workplace where staff share the organization's mission to achieve social justice.

MFJ's housing practice is honored to engage in Right to Counsel work in the Bronx and Manhattan, where we deploy a wide array of litigation and advocacy strategies to prevent eviction and to protect tenants' rights.

NEIGHBORHOOD ASSOCIATION FOR INTER-CULTURAL AFFAIRS (N.A.I.C.A.)

NAICA's mission is to provide culturally & linguistically client-centered housing, legal and social support services, with excellence, that promote self-sufficiency and improves the quality of life for individuals and families in New York. NAICA's vision of creating safe, affordable, and inclusive communities means every family deserves stable housing and the support to thrive in their neighborhood.

For more than five decades, NAICA has transformed challenge into opportunity, emerging from the devastating 1970s Bronx fires that galvanized community leaders to address urgent housing needs.

What began as neighbors coming together in crisis has grown into one of New York City's most trusted organizations, providing comprehensive housing, legal, and social services across the boroughs of The Bronx, Brooklyn, Queens & Manhattan. Our 50+ year legacy is built on cultural understanding and linguistic accessibility, ensuring every family we serve feels heard, respected, and empowered in their own language. Today, NAICA stands as proof that when communities unite with purpose, extraordinary and lasting change is possible.

NEIGHBORHOOD DEFENDER SERVICE OF HARLEM

Neighborhood Defender Service of Harlem (NDS) is a community-based public defender office that provides high-quality legal services to residents of Northern Manhattan and a member of the LEAP coalition. Since 1990, NDS has been working to improve the quality and depth of criminal and civil defense representation for those unable to afford an attorney through holistic,

cross-practice representation. With the early implementation of Right to Counsel in key Northern Manhattan zip codes, NDS joined the Right to Counsel Coalition and began serving the community through the Right to Counsel Program. As a holistic public defender office, NDS is particularly familiar with the collateral consequences of homelessness, including an increased chance of entering the criminal legal system.

NEW YORK LEGAL ASSISTANCE GROUP

New York Legal Assistance Group (NYLAG) uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustice. We address emerging and urgent needs with comprehensive, free civil legal services, financial empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients whose legal and financial crises are often rooted in racial inequality. Our Tenants' Rights Unit (TRU) fights for housing justice: fair, safe, and affordable housing for adults and families so that they can stay in their communities and thrive.

NORTHERN MANHATTAN IMPROVEMENT CORPORATION (NMIC)

Northern Manhattan Improvement Corporation (NMIC) is a community-based, settlement house and not-for-profit organization founded in 1979. NMIC is a leading multi-service agency with over 140 staff members serving New York City, with a focus on residents of upper Manhattan and the Bronx. Our mission is to serve as a catalyst for positive change in the lives of the people in our communities on their paths to secure and prosperous futures. Integration is the cornerstone of NMIC's programs, and our staff can identify and address a broad array of immediate needs through comprehensive crisis intervention services. Clients may then move seamlessly to capacity building services through our holistic programs designed to transition individuals and families to safer, healthier, and more stable futures.

NMIC's Legal, Organizing, and Advocacy (LOA) unit meets community members' basic needs including legal representation, immigration assistance, housing advocacy and tenant organizing, eviction-defense representation, financial-planning and tax preparation services, services for survivors of domestic violence, and health and mental health related programming. NMIC serves about 14,000 clients each year across the LOA programs and its Education and Career Services unit.

NMIC's advocacy for the housing rights of its community began with the founding of the organization, nearly 45 years ago. NMIC's representation of tenants in New York City housing courts reaches back decades and it is an original RTC provider, since the program's inception.

THE LEGAL AID SOCIETY

The Legal Aid Society (LAS), the nation's oldest and largest not-for-profit legal services organization, was founded in 1876 to provide free legal representation to marginalized New York City families and individuals. The Legal Aid Society's legal program operates three major practices – Civil, Criminal, and Juvenile Rights – and through a network of borough, neighborhood, and courthouse offices provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. Each year, LAS handles more than 250,000 cases and legal matters for clients, taking on more cases for more clients than any other legal services organization in the United States.

Our Civil Practice works to improve the lives of low-income New Yorkers by helping vulnerable families and individuals to obtain and maintain the necessities of life - housing, health care, food and self-sufficiency. We serve as a “one-stop” legal resource for clients with a broad variety of legal problems, ranging, among others, from government benefits and access to health care, to immigration and domestic violence. Our depth and breadth of experience is unmatched in the legal profession and gives the Society a unique capacity to go beyond any one individual case to create more equitable outcomes for individuals, and broader, more powerful systemic change at a societal level.

Our work has always taken an explicit racial and social equity lens, and the current housing crisis has further focused our efforts to advocate for the needs of New York’s marginalized communities.



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Office of Civil Justice/ATTN: HEARING COMMENTS
NYC DSS Office of Legal Affairs
150 Greenwich Street, 38th Floor
New York, NY 10007

December 9, 2025

re: New York City's Universal Access to Legal Services

I am writing to express my strong support for New York City's Universal Access to Legal Services program. The housing affordability crisis is the number one issue facing New Yorkers, and we cannot address it if we do not do everything we can to keep New Yorkers in their homes. Right to Counsel has been essential in keeping tenants in their homes - and the data is clear that it works. 84% of tenants who receive an attorney win their cases and stay in their homes.

Unfortunately since 2022, over 82,000 tenants were not represented - almost 60% of tenants who went through Housing Court. Despite a clear mandate to "ensure that all income eligible tenants have access to legal representation," the City has continually failed to provide the adequate funding and staffing to meet the demonstrated need. It's clear the program is not working as intended - more than 25,000 tenants have been evicted. Since taking office, Mayor Adams has permanently reduced the Department of Social Services headcount by 1,500 positions and failed to fill budgeted positions in the Office of Civil Justice. And over the past four years, we have not seen any significant improvement in access to counsel or staffing levels.

Solving our housing crisis must include keeping New Yorkers in their homes. One in three New York tenants pay the majority of their income in rent, the number of New Yorkers sleeping in shelters has increased by more than 50% under Mayor Adams, and the Rent Guidelines Board has continued to raise rents. We need urgent action to reverse these trends and provide New Yorkers with the resources they need to defend themselves against predatory landlords.

I am hopeful that the incoming Administration will recognize this need and fully staff all Right to Counsel positions, and provide the full funding necessary to meet the City's legal obligations under the law.

Thank you,

Lincoln Restler
New York City Council Member, District 33

Goddard Riverside

INVESTING IN PEOPLE, STRENGTHENING COMMUNITY

Testimony – Dan Evans, Director, Goddard Law Project

NYC Office of Civil Justice

Hearing: Programs to Provide Universal Access to Legal Services for Tenants

Facing Eviction

December 9, 2025

Thank you to the Office of Civil Justice for the opportunity to testify today. My name is Dan Evans and I am the director of the Law Project at Goddard Riverside, a settlement house working with over 20,000 New Yorkers a year from early childhood through older adulthood to strive towards a fair and just society where all people can make choices that lead to better lives for themselves and their families.

As part of this work, nearly 30 years ago, Goddard Riverside and its partners were amongst some of the first community organizations to call for universal access to housing court – a right to publicly funded legal counsel for tenants navigating legal proceedings brought against them by their landlords, and who may not otherwise have access to tenants. Today, Goddard's Law Project provides a range of services for New Yorkers throughout Manhattan, including through city contract funding like Universal Access to Housing Court, Anti-Harassment Tenant Protection Program, and discretionary funding from the City Council. In FY24 alone, we served over 1,100 New Yorkers through services ranging from legal advice to full representation alongside offering Know Your Rights trainings and organizing tenant unions.

Passed in 2017, the original Right to Counsel legislation, or Local Law 136, required that the Office of Civil Justice (OCJ) establish and oversee a program to provide full legal representation to all tenants facing eviction proceeds whose income does not exceed 200% of the federal poverty line. The program originally had a five year phase-in for implementation to allow time for legal services providers to expand services appropriately to meet need in New York City for a citywide program – however, in 2020, RTC expansion was accelerated to provide

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full representation in emergency cases that were emerging during the COVID-19 pandemic. During this five-year period, the New York State Legislature also passed the Housing Stability of Tenant Protections Act (June 2019) and a good cause eviction law (2024), which also closed gaps in the law that enabled landlords to evict tenants and permanently deregulate units. The combination of these three factors expanded legal defense mechanisms and dramatically increased the number of tenants with legal representation in eviction proceedings. The 2020 – 2022 eviction moratoriums between March 2020 to January 2022 also delayed many eviction proceedings.

In January 2022, these moratoriums ended and NY Housing Court fully reopened with a two-year backlog of pandemic-era cases. Further, public sector legal services providers experienced high levels of staff attrition during the first years of the pandemic, and the field is still experiencing challenges in recruiting and retaining direct service attorneys. A 2023 Universal Access to Justice Caseload Working Group report by the Office of Court Administration found that an experienced full-time attorney should be assigned a maximum of 48 cases a year. However, our team regularly experiences 60 or more cases a year, and other housing legal services providers have reported experiencing much higher. Further, housing court attorneys are often recent law graduates and may need to start on much lower caseloads while still training. Additionally, Right to Counsel funding has not grown at pace with the eviction defense needs of the City and the contract requirements do not offer flexibility to meet these goals while creating balance for the workloads lawyers face.

For instance, in years past, Right to Counsel contracts used to allow the inclusion of rollover cases and brief legal advice as part of performance targets. This helped us hit contract targets while also helping fully cover the range of services we can provide for our clients. Being unable to bill for either of these types of services can indirectly make providing public eviction defense legal services less sustainable financially long-term for social services providers. Brief legal advice is

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still time spent with a client and while not full representation, can offer them pathways to seek further legal services or to resolve a matter without eviction. Further, some cases can be more complex for a variety of reasons and as a result, may not reach a resolution within a fiscal year. In comparison, our AHTP contract allows us to count brief legal advice as one third of a unit of service towards our contract goals and allows providers to include rollover cases towards 15% of our contract targets each year. This flexibility in funding makes it much easier to sustain the full extent of the work of a legal services provider. We urge the City to allow rollover cases and brief legal advice to be counted as units of services towards Right to Counsel contracts.

In addition, while Right to Counsel is supposed to provide services for all clients up to 200% of the federal poverty line, the contract is not funded well enough for service providers to take on every case that qualifies for 200% of the federal poverty line. When tenants do receive full legal representation in housing court, most are able to avoid eviction and remain stably housed. Without the proper funding increases or flexibility administratively to handle the high volume of eviction defense cases NYC is currently facing, service providers are often incentivized to take on some of the easier eviction defense cases in order to meet case caps. The City must work with the State to provide the funding and incentives needed to allow every tenant under 200% of the federal poverty line access to eviction defense counsel.

Goddard is a subcontractor on our Right to Counsel funding and therefore, does not complete all the RTC reporting requirements as legal services providers directly contracting with the City. However, we support calls to ensure on-time registration and payments for social services contracts and working with providers to simplify administrative reporting requirements wherever possible.

Goddard Riverside



INVESTING IN PEOPLE, STRENGTHENING COMMUNITY

We greatly support the Right to Counsel in New York City and believe in the City's ability to work with tenants and housing legal services providers to strengthen this right so that every tenant who needs one can access a tenant eviction defense lawyer. I thank you for the opportunity to testify and look forward to working with you further towards these goals.



**TESTIMONY OF THE TASK FORCE ON THE CIVIL
RIGHT TO COUNSEL**

HEARING BEFORE THE NEW YORK CITY OFFICE OF CIVIL JUSTICE

DECEMBER 9, 2025

**ALISON KING, ANDREW SCHERER AND SARA WAGNER,
TASK FORCE ON THE CIVIL RIGHT TO COUNSEL CO-CHAIRS**

This testimony is presented on behalf of the New York City Bar Association's Civil Right to Counsel Task Force (the RTC Task Force). The RTC Task Force was formed in the spring of 2018 to advocate for the most effective implementation of New York City's 2017 legislation providing for a right to counsel in eviction cases (RTC), to support the expansion 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. The Task Force Co-Chairs are Alison King, New York Law School Professor Andrew Scherer, and Sara Wagner, Associate Director of Teamsters Local 237 Legal Services Plan. Membership includes the two past Presidents of the City Bar as well as the current President, Muhammad Faridi, who sits *ex-officio*, prominent members of the bar, judiciary and legal academia, leading housing rights advocates and liaisons to relevant City Bar committees. By design, the Task Force does not include representatives of organizations with an immediate stake in the right to counsel program.

New York City's passage of legislation guaranteeing a right to counsel for low-income tenants facing eviction proceedings was a monumental step toward equal justice, one that was decades in the making. For the first time anywhere in the United States, tenants facing legal proceedings that could lead to loss of their homes, displacement from their communities and the threat of homelessness were guaranteed representation by an attorney. Since New York City passed this landmark legislation, twenty-five additional localities have adopted their own right to counsel laws, including five states: Connecticut, Maryland, Minnesota, Nebraska and Washington, which have enacted similar laws guaranteeing free legal representation for low-income tenants at risk of eviction.

The right to counsel for tenants in New York City has been an enormous success. Evictions and eviction filings have been significantly reduced. A vast majority of represented tenants have been able to remain in their homes. RTC is leveling the playing field in Housing Court, giving people a fighting chance to assert their legal rights, and sending a message that

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has over 20,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

New York City's low-income tenants are entitled to be treated with dignity and respect. RTC preserves affordable housing, stabilizes low-income communities, stems displacement, promotes family stability, and reduces the incidence of homelessness among low-income New Yorkers together with concomitant human and governmental costs. And RTC is transforming the culture in Housing Court, to a more balanced forum with greater civility and deeper attention to legal rights and principles. During the pandemic, RTC saved lives as well as homes, as attorneys funded by the City assured that tenants were able to avail themselves of pandemic-related protections against eviction as well as pre-existing rights. New York City is to be applauded for leading the nation in adopting this measure, for moving forward with the massive undertaking of its implementation, and for engaging in ongoing dialogue with key stakeholders to further ensure its success.

The Task Force's goal is to be a supportive and positive voice for implementation of RTC in a manner that is the most responsive to the needs of the community, with the bedrock understanding that no one no one should be evicted or face an eviction proceeding without counsel. To that end, the Task Force meets regularly with key stakeholders to monitor the City's implementation of RTC.

All stakeholders agree about two things:

- 1) that RTC is the right thing to do to protect tenants rights, prevent eviction and homelessness and secure equal justice
- 2) the promise of RTC is far from being fully realized.

Despite stakeholders' efforts to right the ship after the tidal wave of post-pandemic eviction proceedings, New York City's RTC program is still struggling. Simply put, the program is not being effectively or efficiently administered. There are not enough attorneys available to meet the need, with the result that thousands of tenants are going unrepresented. This crisis is not simply an issue of access to justice: given the vastly disproportionate rate of eviction proceedings brought against people of color, it is an issue of racial justice as well.

Based on our discussions with stakeholders, the Task Force urges HRA's Office of Civil Justice (OCJ), which is tasked with RTC implementation, to take these immediate steps.

First: OCJ should work with other departments in the City's Human Resources Administration (HRA) and the court to streamline and revise procedures that affect implementation of RTC.

- Stakeholders report that there are substantial delays, administrative issues and frequent rejections in processing one-shot deals and housing subsidies. These necessary government benefits deter evictions and should be provided at the earliest possible stage when eviction is threatened. A streamlined system should be put in place to make these benefits available quickly and before eviction petitions are filed. The current Access HRA approach wastes court time and attorneys' time. Requiring less documentation and a high speed process would reduce court filings and enable legal services providers to use their resources to provide meaningful tenant representation, rather than spend their

time chasing after government benefits and filing orders to show cause for more time while HRA catches up.

- The system for distribution of cases of RTC-eligible tenants to legal services providers is, by all accounts, chaotic and confusing for tenants, providers and the court. OCJ should work with tenant leaders, providers and the courts to devise a better, uniform approach that makes the right to counsel available at all stages of Housing Court proceedings.

Second: OCJ should work, in consultation with all stakeholders, to develop a full-implementation plan to assure that all tenants who are entitled to representation under the RTC law are able to secure counsel as soon as possible. This plan should include concrete steps with a specific timetable to grow the program by providing sufficient funding to hire and retain enough attorneys and support staff to provide the highest quality legal representation to meet the needs of eligible clients. Funding must be sufficient to ensure that caseloads are manageable and employee compensation is at a level that will support recruitment and retention of qualified candidates. The city should support and fund pipeline efforts of the providers, local law schools and others to prepare, recruit and retain attorneys and other eviction-prevention staff.

Finally, we greatly appreciate that OCJ has adopted the term “right to counsel” and has shifted away from the confusing phrase “universal access.” NYC has inspired a movement to replicate this right in jurisdictions across the country. It is time to make the right to counsel a reality.

Thank you for your time and consideration, and please do not hesitate to call upon the Task Force. We look forward to continuing these important discussions.

Task Force on the Civil Right to Counsel

Allison King, Andrew Scherer and Sara Wagner, Co-Chair

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**TESTIMONY OF LEGAL AID SOCIETY ATTORNEYS UNITED (LASAU),
A CHAPTER OF THE ASSOCIATION OF LEGAL ADVOCATES AND ATTORNEYS
(ALAA/UAW 2325)**

December 9, 2025

Prepared by:

**Ellen Davidson, Michael Diller, Chandler Hart-McGonigle, Atusa Mozaffari, Kate
McCrae, Robert Soriano-Hewitt**

INTRODUCTION

Thank you in advance for your thoughtful consideration of our testimony, and for your genuine commitment to improving the Right to Counsel (“RTC”) program. We are members of Legal Aid Society Attorneys United, a chapter of the Association of Legal Aid Advocates and Attorneys, UAW Local 2325. ALAA is composed of over 3000 advocates and attorneys fighting for justice in every facet of legal services including housing, consumer, immigration, juvenile rights, criminal defense, family law and more. With over 1200 attorneys, Legal Aid attorneys represent the largest chapter of unionized attorneys in New York City.

We fully support the joint testimony of the Right to Counsel (RTC) Legal Service Providers, which includes our employer, The Legal Aid Society. Most notably, we agree that a substantial increase in RTC funding, coupled with modifications to the restrictive/punitive RTC contract terms, would have a profoundly positive impact on our collective ability to carry out the mission of the City’s landmark Right to Counsel program.

As one of the City’s largest providers of eviction defense services, we offer a frontline worker’s perspective on four key points of analysis regarding the efficacy of the RTC program: (i) the extent to which RTC funding levels are insufficient to meet the moment for New Yorkers, (ii) examining how RTC’s shortcomings impact tenants in ways that are not apparent from the data, (iii) assessing how RTC’s current funding level and structure impacts the tenant defense workforce and labor market, and (iv) discussing how a fully and flexibly funded RTC program is a net benefit for tenants, providers, the Courts, and the City as a whole.

**I. RISING EVICTION RATES DURING AN ESCALATING HOUSING CRISIS
AND DISASTROUS FEDERAL POLICY**

RTC continues to be underfunded while eviction rates rise, access to counsel in housing court is steadily declining, the affordable housing stock continues to plummet, and the federal government carries out policies that exacerbate poverty and punish already vulnerable populations. The federal government’s attack on non-citizens presents a significant barrier for that population to access counsel and the resources they are eligible for. In our experience, this client population is rightfully skeptical of having contact with any governmental systems. The

prospect of being kidnapped from Court by masked agents understandably serves as a deterrent for some to attend court. Access to legal representation for this client population not only alleviates the need to risk personal safety from attending every court appearance, but it also allows us to provide critical support with immigration advice, representation, and other resources.

Eviction rates are currently the highest they have been since 2018¹ and are poised to exceed pre-pandemic levels during this time of inflation, alarming employment data, and unprecedented dysfunction and obstruction from the federal government. In May of 2025, the New York City Comptroller issued a report that found that even though landlords filed fewer new eviction cases in 2025 compared to recent years, eviction rates continue to increase. The Comptroller's report further concluded that "[t]he City's failure to meet the Right to Counsel mandate has exacerbated inequities as the rate of representation in the Bronx has declined more precipitously than other boroughs, down from 81% in Q4 of 2021 to just 31% in Q4 of 2024. Eviction filings are more common in neighborhoods where a greater portion of residents are Black or Latino."²

The data shows that nearly all low-income New Yorkers are rent burdened at a time when the City's stock of affordable and/or rent regulated hit historic lows. As noted in the 2024 NYC Housing Vacancy Survey (NYCHVS), in 2023 the City's net rental vacancy rate was only 1.41 percent, among the lowest on record in the six decades of the NYCHVS.³ Even more abysmal is the supply of available units that would be financially viable for low and moderate-income New Yorkers. In 2021, the vacancy rate was below 1% for homes renting for less than \$1,500. In the latest survey, the vacancy rate for apartments renting for less than \$2,400 was below 1%, and for those seeking units under \$1,100, the vacancy rate was a mere 0.39%. There is extremely low availability at the lower end of the market⁴. Additionally, due to a redesign in the survey, we have data to confirm what tenant advocates have long believed to be the case. When looking at apartments that were occupied in 2021 and had new tenants by 2023, the survey found that the 2023 tenants had higher incomes than did the previous tenants⁵. When a low-income tenant loses their home, they have very few options and the apartments that are affordable to low-income tenants, are rented to higher-income tenants. Obtaining an attorney in housing court is the difference between a tenant remaining stably housed and facing years of homelessness.

¹ David Brand, Gothamist, *Monthly Evictions in New York City Reach Highest Rate Since 2018* (Aug. 21, 2025), <https://gothamist.com/news/monthly-evictions-in-new-york-city-reach-highest-rate-since-2018>

² Office of the New York City Comptroller, *Evictions Up, Representation Down* (May 2, 2025), <https://comptroller.nyc.gov/reports/evictions-up-representation-down/#:~:text=Key%20Findings,increased%20exponentially%E2%80%94by%20475%25>

³ <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

⁴

<https://www.nyc.gov/site/hpd/news/007-24/new-york-city-s-vacancy-rate-reaches-historic-low-1-4-percent-demanding-urgent-action-new#/0>

⁵ Gaumer, E. *The 2023 New York City Housing and Vacancy Survey: Selected Initial Findings*, New York, NY, New York City Department of Housing Preservation and Development, 2024, Pages 26 & 46
<https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

The data must be considered against the backdrop of federal policy decisions that weaken the economy, exacerbate poverty, and intentionally make life harder for low- and moderate-income individuals and families. Given this confluence of factors, we can be certain that New Yorkers will be increasingly more rent burdened in the coming months and years, thereby intensifying the already dire need for eviction defense services. It is axiomatic that increased housing stability is a net positive for individuals, families, and New York City as a whole. Thus, given the current political climate and economic realities, now is the time when New York City should fully and adequately fund the RTC program.

II. INSUFFICIENT ACCESS TO COUNSEL FOR TENANTS IS CAUSING AN EPIDEMIC OF PREVENTABLE, UNMERITED EVICTIONS

The lack of access to eviction defense services is failing New Yorkers in alarming ways that are not readily apparent from the data. Aside from unmanageable caseloads in an under-resourced profession, one of the most difficult realities of our job is having to turn away otherwise eligible tenants from representation because of capacity limitations. On a near daily basis in housing court, you can observe evictions or emergency cases that are entirely preventable.

Some common fact patterns of preventable, unmerited evictions include:

- a. Tenants who have paid all of their share of rent being evicted in non-payments because there was no attorney available to identify unlawful arrears, e.g., that a landlord has sued for a Section 8 subsidy portion. Federal law prohibits landlords from suing tenants for the Section 8 subsidy portion. This prohibition stands whether or not the lack of payment is due to the landlord or the tenant or the public housing agency. However, suspension of payments often occur because landlords fail to make repairs to the apartment.
 - i. Take the case of a client in our Brooklyn Neighborhood Office, Ms. M. Ms. M receives Section 8. By no fault of her own Ms. M's apartment kept failing the required HPD inspection. She explained to her landlord that Section 8 would pay once the apartment passed inspection. Instead of rectifying the numerous violations, the Landlord commenced a nonpayment proceeding. Ms. M defaulted in her court case because she never received papers. Her first notice of the case was when the Marshal came to her door. Luckily, Ms. M was able to file papers to stop her eviction on her own. The Legal Aid Society was able to negotiate a settlement so that Ms. M could be immediately restored to her apartment. However, many tenants are not as lucky and may spend weeks or months out of possession by no fault of their own.
- b. Tenants who accrue large arrears due to clerical errors at HRA which halt payments on tenant FHEPS or CityFHEPS subsidies. Such errors are difficult for tenants to diagnose and correct, but can be easily investigated and cured by advocates;
 - i. Recently, a colleague of ours in Legal Aid's Brooklyn Neighborhood Office represented Mr. R, a 59-year-old client with severe physical disabilities. Mr.

R's entire rent is paid by CityFHEPS and a shelter allowance. Unfortunately, due to agency error, HRA did not pay a shelter allowance on his behalf and CityFHEPS failed to process Mr. R's modification. Due to these small errors, Mr. R unknowingly fell into arrears. Mr. R, failed to appear in court and was subsequently evicted over a mere \$1,875.87. By the time we received the referral Mr. R had been evicted and had no choice but to enter the shelter system on October 20, 2025 where he remained until we were able to pay all the arrears and fees, which required a CityFHEPS modification package and having his shelter payments reissued. The client was not restored to possession until November 25, 2025.

- ii. Yet another client, Ms. M called a tenant organizer after being locked out of her apartment with her eight year old daughter, her two year old daughter and her eight month old baby. Ms M is physically disabled and struggles with reading. She had defaulted on her nonpayment petition. Ms. M's entire rent had been paid by CityFHEPS, which had stopped paying. Instead of appearing in court, Ms. M went to HRA to try and fix her CityFHEPS problem. Ms. M filed out paperwork to restore her CityFHEPS application but the agency failed to process her application. No one at HRA warned Ms. M to go to court and try to stop the eviction. Ms. M was evicted in August. Ms M immediately filed court papers to return to her apartment but would not see the judge until the next day. The night of her eviction, she had nowhere to go. The tenant organizer reached out to Legal Aid and the next day, Legal Aid appeared on Ms. M's case. Through extensive advocacy with HRA, Legal Aid was able to restore CityFHEPS, pay the arrears owed and restore Ms. M and her children to their apartment.
- c. Cases where the landlord failed to disclose on the Petition that an apartment is subject to rent-stabilization, under which tenants are afforded broader protections;
- d. Cases where the landlord improperly claims they are not subject to the Good Cause Eviction Law (GCEL); and
- e. Cases where a tenant who has a right to succeed to rent-stabilized apartment after the death of a parent or family member, but agree to move out because of the practical impossibility of asserting succession rights as a *pro se* litigant.

The data also shows that about 89% of tenants represented by counsel remain stably housed.⁶ However, the most pressing problem facing the Right to Counsel program now is the City's failure to sufficiently fund the program to enable it to meet its mandate. After the program was expanded citywide during the pandemic and further expanded to cover tenants 60 years or older in 2023, the number of tenants eligible for the program tripled, increasing by 222%. In this period, program funding only went up 129%.⁷ As a result, the main factor influencing whether

⁶ New York City Office of Civil Justice, *FY24 Annual Report*, 24 (2024), https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCL_Annual_Report_2024.pdf

⁷ Claire Salant, Sarah Inernicola, and Richard DiSalvo, New York City Independent Budget Office, *The Expansion of New York City's Right to Counsel Program*, 2 (2025),

eligible tenants receive representation is now luck and many thousands of tenants are slipping through the cracks.

This emerging epidemic of avoidable, unmerited evictions not only means that families and individuals are experiencing avoidable destabilizing trauma, it also means added stress to the City's already overburdened shelter system at an exorbitant cost to the City, as well as many of these newly vacant apartments seeing substantial increases in the rent or be kept off the market by landlords. Fully funding RTC would substantially curb this growing epidemic.

III. AN UNDERFUNDED RTC CANNOT SUSTAIN THE WORKFORCE NECESSARY TO FULFILL RTC'S MISSION

Given staffing shortages and systemic limitations of social services agencies such as HRA and Adult Protective Services (APS), Attorneys and advocates serve as a critical backstop and safeguard facilitating access to essential benefits and resources. Simply put, RTC attorneys help all the systems run more efficiently. However, both the NYC Comptroller's Report and the Office of Civil Justice annual report directly connect the lack of adequate funding and resources to the attrition and recruitment challenges for legal services providers which contributed to a 16% decline in services from FY 23 to FY 24.⁸ Therefore, we respectfully request that the City Council fully fund the Right to Counsel program so that providers can (1) hire enough attorneys to increase the percentage of eligible tenants who receive full representation (2) attract and retain experienced attorneys by ensuring competitive salaries, training programs, and institutional support like social workers, benefits advocates, and interpreters (3) and expand the scope of Right to Counsel to include complex litigation, repairs proceedings, and greater "brief legal services" that targets tenants in emergency cases.

The current limitations on funding mean that tenant defense staff attorneys have to be their own social worker, investigator, and paralegal. Attorneys are responsible not only for the substantive legal work on any given case but the related, time-consuming and sometimes arduous benefits advocacy to agencies that administer rent subsidies like FHEPS, CityFHEPS, Section 8, and charity organizations like Coalition for the Homeless and Catholic Charities. Staff attorneys routinely deal with clients in crisis who often have other issues beyond housing that need attention, stemming from systemic oppression, mental health struggles, disability, loss of access to benefits like SNAP, and harassment from their landlord, on top of the administrative work that goes into each case. Though eviction cases are considered "summary proceedings," most cases no longer resolve within 6 months as they used to pre-pandemic – cases with representation last far longer due to motion practice and/or trials all while more cases are added to staff caseloads on a monthly basis.⁹ This results in ever increasing attorney caseloads as there is no rollover or credit calculation for complex litigation.

While many young attorneys enter the legal services field with a passion for advocating for tenants' rights, our exit interviews reveal that a lack of competitive pay, ever-changing

<https://www.ibo.nyc.gov/assets/ibo/downloads/pdf/community-and-social-services/2025/2025-september-the-expansion-of-nyc-right-to-counsel-program.pdf>

⁸ *Supra* n.2 at 6; *supra* n.4 at 6.

⁹ *Supra* n.6 at 9.

advocacy pathways with public benefits agencies, unmanageable caseloads, and lack of institutional resources – on top of the inherent vicarious trauma of eviction defense work – creates a strong disincentive for skilled attorneys to remain in the sector defending NYC’s most vulnerable tenants.

It is also important to note that insufficient RTC funding fuels the growing tide of labor disputes between providers and their unionized staff. In the last two years, the City’s largest providers of eviction defense services were involved in labor disputes stemming from disagreements around salaries. Even accounting for disputes stemming from discretionary business decisions by organizational leaders, the common root cause across all providers seems to be the insufficient rate of funding for eviction defense services. When providers are put in a position to ask more of their labor force without adequate compensation, labor disputes will inevitably increase in duration, frequency, and intensity.

IV. RECOMMENDATIONS FOR IMPROVING RTC PROGRAM

In addition to fully funding RTC, we strongly believe that RTC would be substantially more effective if: (i) the City structured the RTC contract to allow providers to offer brief legal services to tenants, and (ii) fund access to counsel for affirmative cases for tenants seeking remedies for hazardous living conditions.

a. Funding for Brief Services

Under the current RTC model, tenants who are unable to avail themselves to RTC earlier on in the procedural posture of their case are often precluded from assistance when they are at their most vulnerable – illegal lockouts, post-evictions, and live notices of eviction. These “emergency” cases would most immensely benefit from an experienced advocate fluent in reading Public Assistance (PA) records and well versed in the nuances of various subsidies, but currently these “emergency” cases are a particularly underserved portion of RTC clients on the verge of eviction. We have encountered many disabled tenants who defaulted on their cases and then were locked out of representation. The City should consider whether its current model discriminates against disabled New Yorkers.

Prior to Right to Counsel, The Legal Aid Society’s Housing Help Program (HHP) provided “Brief Legal Services” to hundreds of tenants annually, in addition to their full representation cases. Attorneys and paralegals were highly effective at preventing evictions through brief legal services because the simple act of issue spotting for subsidy and grant eligibility, along with advice on what to put in their *pro se* self-represented papers, substantially increased the likelihood of a judge agreeing to halt an eviction or vacate a default. If Right to Counsel were expanded to include additional funding for brief legal services this would not only prevent senseless evictions but also act as a backstop for the most critically urgent cases.

b. Give Providers the Discretion to Pursue Affirmative HP Cases

The current RTC model also prohibits access to counsel for tenants with repair issues. This model neglects the fact that issues with repair issues are frequently the precursor to

nonpayment cases. While there is funding for group services and to do affirmative litigation on behalf of multiple tenants in large buildings, too often individual tenants in Housing Court are unable to fully litigate their warranty of habitability claims. Tenants who allocate resources to do repairs themselves, or tenants who sometimes withhold rent in the hopes of compelling the landlord to do essential repairs, are subject to avoidable, unmerited eviction when forced to navigate the court system on their own. Fully funding RTC so that it is robust enough that all the rights tenants are entitled to under the law are litigated in the context of HP proceedings would ensure ongoing affordability as well as safe and habitable homes.

CONCLUSION

Though our testimony focuses primarily on the ways the Right to Counsel program needs to improve, we understand that New York City is a national leader in taking meaningful steps towards protecting tenants' rights and addressing the housing crisis. It is our sincere hope that our testimony as frontline tenant defense workers be given its due consideration. We look forward to being partners in this fight to expand access to housing justice, prevent violent displacements, combat homelessness, and increase housing stability for all New Yorkers.

Testimony of

The Right to Counsel Workers Council

on

Programs to Provide Universal Access to Legal Services for Tenants Facing Eviction

before

NYC Office of Civil Justice

December 9, 2025

Who We Are

The Right to Counsel Workers Council is a body of delegates representing unionized workers across New York City who do the labor of carrying out the Right to Counsel law. The Workers Council is made up of tenant defense attorneys, paralegals, and social workers from every unionized provider conducting RTC intake—The Bronx Defenders, CAMBA Legal Services, Goddard Riverside Law Project, Housing Conservation Coordinators, The Legal Aid Society, Legal Services of NYC, Mobilization for Justice, Neighborhood Defender Services, New York Legal Assistance Group, Queens Law Associates, Riseboro, and the Urban Justice Center—and are members of the Association of Legal Advocates and Attorneys - UAW Local 2325, Legal Services Staff Association - UAW Local 2320, and SEIU 1199. Our purpose is to coordinate the demands of Right to Counsel workers and develop improvements to the current RTC process. We monitor our employers' contracts with the City of New York, policies of the Office of Civil Justice and Office of Court Administration, as well as the actions of our employers and non-union organizations with RTC contracts.

Our Goal

In 2017, New York City passed the Right to Counsel law (Local Law 136 of 2017), which provides low-income New Yorkers legal representation in housing court. While the program was initially planned to start with representation for tenants in ten zip codes and slowly expand over a five year period, RTC quickly expanded to cover all zip codes two and a half years early. Data has consistently shown that when tenants have representation in housing court, the likelihood of there being an eviction decreases dramatically, with [last year's OCJ Annual Report](#) stating that 89% of New York City households who received an attorney in 2024

were able to remain stably housed. Still, thousands of tenants in New York City go without legal representation and it is our goal to find ways to address the current failures to RTC as we continue to support low income households. The right to counsel does not exist without the attorneys, paralegals, social workers, and support staff who ensure tenants receive both substantive and procedural justice in housing court. Our assessment of RTC is rooted in both the data and our experience as the legal advocates who carry out its service. Our number one goal is to keep New Yorkers in their homes. In order to fulfill contractual and ethical obligations to our clients, RTC workers must be the best advocates we can. To do that, we need manageable and sustainable workloads, functioning and responsive HRA and employer systems, and the ability to hire and retain dedicated staff. We fully support the objectives of the Right to Counsel law and aim to highlight several ways that OCJ can better support the workers who make it possible.

Failure to Represent All Eligible Tenants

The program fails to provide representation to every tenant who is eligible. We are all aware of the [Office of the New York City Comptroller's Report](#) from May of this year which stated, “the monthly rate of representation for tenants facing evictions has hovered below 50% for the past three years, reaching a low point of just 30% in March 2025. There have been nearly 37,000 court-ordered residential evictions since January 2022.” Tenants who do not receive legal representation are cornered and manipulated into taking bad deals without full knowledge of their rights and defenses under the law. Some tenants who could, with representation by counsel, have their case dismissed outright will take deals that lead to their eventual eviction. Some tenants, whose applications would be easily approved with the expertise and insider knowledge of benefits paralegals, have their applications for One-Shot Deals

denied for relatively immaterial reasons after being told by a landlord attorney that 45 or even 30 days is more than enough time to pay off all their arrears.

Lack of Standardization of Intake

Efforts to standardize the intake process across boroughs and across legal services providers would improve the Right to Counsel program. Currently, the procedure for intake varies not only across boroughs but by each legal services provider. The result is that tenants who are equally eligible for representation are treated disparately based on the borough they live in, and tenants in the same borough may be treated disparately based on which day their first court appearance is and which legal services provider happens to be conducting intake that day. For example, in the Bronx, intake is conducted over the phone, not in person at the courthouse as it is in Brooklyn and Manhattan. Tenants who cannot call in, such as elderly tenants without phones or technological skills or indigent clients who may be unable to afford their phone bill, are left without the ability to even have an initial discussion with a legal service provider. Conversely, in Brooklyn virtual intake is not an option, and tenants who are unable to secure childcare, take time away from work, or have physical limitations may miss their opportunity to meet with a provider. The RTC Workers Council believes the Right to Counsel program would benefit from universalizing the aspects of the intake processes in each borough that work well, and that options should be available depending on tenants' needs.

Worker Attrition

Worker attrition—based on meager salaries, heavy caseloads, and the poor working conditions created by the lack of professionalism and poorly-maintained norms of New York City housing court—not only harms the organizations that staff the RTC

program, but ultimately harms tenants. When a tenant attorney leaves the job, a client's case is transferred to a different attorney. This can sometimes happen several times over the course of one case and leaves the tenant without a long-standing connection to the person representing them in court. When these workers leave, more training and supervision is required to fill the gaps. We envision more attorneys and support staff hired by legal service providers as well as greater efforts to sustain long careers in eviction defense. Paralegals and support staff also play a critical role in an effective RTC. Funding structures contribute to the lack of hiring of workers in these roles. As providers are paid on a cost per case basis there is an incentive for our employers to hire more attorneys, who can then file more notices of appearance. But it is paralegals and social workers who help with benefits advocacy, applying for programs and grants that help clients pay arrears and stay housed. Without this support, attorneys quickly burn out as hours spent on benefits work prevent them from fully focusing on their clients' legal issues. Funding should reflect the need for a holistic team of workers to provide effective eviction defense.

Bureaucratic Delays and Other Issues

A holistic approach to Right to Counsel extends beyond legal advice and representation in court. Helping tenants apply for, restore, update, and fix rental assistance and other public benefits is a key part of the work we do for our clients. Many eviction cases are resolved primarily through advocacy with HRA. Effective collaboration between RTC workers and HRA is necessary for tenants to access the right to counsel. This is strained by long processing/approval timelines, lack of communication, and unrealistic requirements for applicants. The time it takes to process and approve applications for One-Shot Deals, FHEPS, CityFHEPS, and other

subsidies is far too long for the standard time-to-settle periods landlords are willing to give. Often landlords are reluctant to give anything longer than sixty days for clients to pay their arrears, and frequently press for thirty to forty five days instead.

While many of the challenges tenants and their advocates face when dealing with HRA may only be met with more funding to HRA, some of the delays could be alleviated through eliminating redundancies. For example, in Brooklyn, tenants facing nonpayment proceedings are generally directed first to HRA to apply for a One-Shot Deal prior to speaking to a legal service provider at intake. This results in unnecessary or premature applications that clog HRA's system. A tenant may be qualified for FHEPS or CityFHEPS and not need a One-Shot Deal. A tenant may not need a One-Shot Deal, instead they may just need HRA to reissue a handful of checks the landlord failed to redeem. A tenant may not require any public assistance as the legal service provider may discover a fatal certificate of occupancy issue that prohibits the landlord from collecting any rent at all. A simple procedural change that ensures tenants eligible for RTC speak to a provider before applying for a One-Shot Deal would cut down on a significant number of premature and/or extraneous applications HRA must process. Another example would be to consider eliminating the phone interview requirement for one-shot deal applicants who are represented by counsel and whose benefits advocacy is being handled through the legal services provider. Additionally, some courts have HRA offices set up to help assist clients and tenant advocates with application updates directly from the courthouse. While this is often useful and more efficient than having to wait or send a client to their HRA job center, not all boroughs have the same direct access to HRA in the courthouse. The RTC Workers Council believes that a closer look at HRA processes within the housing court system could help alleviate both administrative strain and the challenges that tenants and tenant advocates currently face.

Many cases in housing court are not the result of a tenant falling behind on rent but the result of administrative failures between HRA and the landlord payee. For example, HRA may fail to process a rent increase even though the tenant fully complied with recertification of their subsidy following a lease renewal and rent increase. HRA continues to send the same amount while arrears for that missing balance accrue. Instead of the landlord working directly with the tenant and HRA to rectify the issue, the landlord brings a nonpayment case to recover the arrears. The outcome is that the court system and legal services now must facilitate the rectification of an administrative issue that could have been resolved out of court directly with the agency.

Limitations on Repairs

Housing court was first created to address actions related to building maintenance and operations, which would ideally enable tenants to seek out repairs. However, while there are far fewer HP parts than Resolution parts due to less “demand” as defined by filings, we do not have adequate funding to pursue repairs in housing court. Nearly all tenants we represent need some repairs or have some conditions that must be addressed. Full funding for legal service providers to bring HP actions would be ideal, but an interim solution under the current RTC model could be funding for legal service providers to represent tenants in HP actions following the successful conclusion of their eviction case when egregious and dire repairs needs are present. This would help fulfill the goals of housing court while also creating mechanisms to help RTC meet the dire need for representation in HP actions that tenants deserve.

Positive Notes: Successes and Stories

We are proud of our work advocating for the tenants of New York City. While it is challenging, legal representation makes a massive positive impact in people’s lives. We want to emphasize the importance of our relationships to our clients. They are what

elevates RTC to more than just impressive data regarding case outcomes. As an example, one of our members had a client whose partner left her and their three year-old son. She was a full-time mother and unable to work due to her immigration status. Without the financial support of her partner, she fell behind on rent and was facing eviction. Through RTC, we were able to get her son, who has citizenship, on cash assistance which enabled the family to apply for FHEPS. Now this client and her son remain in their home and their rent fully covered. This would not have been possible without the trust and personal care provided by the attorney assigned this case. Stories like this are repeated across all of the organizations we work for.

Conclusion

The RTC Workers Council seeks a true Right to Counsel for all New Yorkers facing eviction. We are aligned with our employers in seeking full and adequate funding for the Right to Counsel program, with an interim equalization of the funding for all providers at the highest case rate currently being paid under the RTC contracts. When our employers speak of strained capacity we can affirm it to be true, as it is our capacity as workers that is being stretched beyond limit. We are the ones who have to tell tenants when they will not be getting an attorney. We are the ones working nights and weekends to make sure that everything possible to do in a case gets done so that clients receive the best possible outcome. When hundreds of our members were forced to go on strike this summer, key demands included a wage floor and workload relief. For those who withheld their labor, the short term pain of a strike was worth the long term benefits of improving our working conditions as it allows the ability to provide quality representation to our clients over the long term. Our work is the heart of the RTC program and we need it to succeed. We look forward to partnering with the Office of Civil Justice to ensure this happens.

December 9, 2025

Dear Civil Justice Coordinator, Masha Gindler,

The City can create all the affordable housing it wants to in the future, but unless it protects the tenancies of the millions of poor and disabled tenants now living in affordable housing, we will lose units as fast as we gain them. The Right to Counsel Law passed by the City Council in 2017 was an important step in the right direction. At the outset it reduced the percentage of tenants getting evicted when their cases went to Housing Court. But over the last eight years, the success of the program has waned, and as we have discovered, disabled New Yorkers have borne the brunt of the shortcomings in the program. Unless the problems are addressed, New Yorkers, especially disabled New Yorkers, will be back where they were in 2017.

Housing Legal Services and the Disabled

As of 2023, New York City has over 2.3 million renter-occupied units, with the majority of households renting their homes. While the exact number of individual tenants is not available, the number of renter-occupied housing units provides an estimate of the tenant population, which is over 40% of the total population and is more than the number of people in most U.S. states.

Approximately 20% of New York City households include a person with a disability, and disabled individuals are over-represented in public and subsidized housing, with 43% of public housing and 35% of subsidized households including a disabled person. The City's Office for People with Disabilities states that there are nearly one million people with disabilities in NYC, which is about 11% of the total city population.

A 2023 Community Service Society Report lays out the data on housing as follows:

DISABILITY, BY HOUSING TYPE

Does Any Person in the Household Have a Disability?

	NYC	Public Housing	Subsidized Rental	Regulated	Unregulated	Shared-Equity Homeowner	Homeowner
Yes	22%	43%	35%	24%	14%	23%	30%
No	78%	57%	65%	76%	86%	77%	70%

The CSS continued in its report as follows:

- **New Yorkers with disabilities** are more than twice as likely to live in poverty as those without disabilities because of pervasive job discrimination and other barriers to employment like the inaccessibility of the City's public transit network.
- **Households living in public and subsidized housing are more likely to include seniors than market or rent regulated rentals.** One-third of households in New York City include a person over

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62 years of age. In public housing, 41 percent of households include a senior; the share is even higher in subsidized housing: 54 percent. [Seniors have higher percentages of disabilities.]

The CSS survey also shows housing in New York City is becoming more expensive and less habitable, with 24 percent of New York City homes reporting rodent infestations, 18 percent reporting leaks, 17 percent reporting cracks in ceilings or floors, 16 percent reporting winter heat outages, and 9 percent reporting mold. They reported: “If we treat these kinds of housing deficiencies as metrics of overall housing health, and we count the number of deficiencies reported by housing type, two clear trends emerge: owner-occupied private housing residents reported the fewest deficiencies, with 84 percent of respondents reporting 0 or 1 maintenance problem, while public housing residents reported the most deficiencies, with a majority of residents (61 percent) reporting 2-7 deficiencies. Of these, a staggering 15 percent (or nearly 1 in 6 public housing residents) reported having 5 to 7 maintenance deficiencies.”

Most of CIDNY’s consumers, or potential consumers, reside in subsidized housing or NYC Housing Authority (NYCHA) housing. Then there is a hybrid group: residents whose buildings were once NYCHA, but which have been “rented,” under a program called RAD/PACT, to private entities which run them as Section 8 developments. (NYCHA is under Section 9 of the US Housing Law of 1937.)

Right to Counsel Is In Trouble

Mark Levine, who will become City Comptroller in January, describes the Right to Counsel Program’s current problems ,on his website, as follows:

In 2017, New York passed a first-in-the-nation right to counsel law, which guarantees tenants a free attorney in housing court. The law succeeded at keeping the vast majority of tenants in their homes, and New York thankfully had an eviction moratorium in place during the first two years of the pandemic. But once the moratorium lapsed, eviction cases started to pile up. Now, the number of tenants who need representation has far outpaced the capacity of right to counsel attorneys, and tens of thousands of tenants are being made to navigate housing court on their own.

Forcing cases through the court system without securing tenants an attorney is a clear violation of the right to counsel law. We must act now to protect tenants from unfair eviction.

Slow the Calendaring of Eviction Cases

The legal services organizations that represent tenants facing eviction are at capacity, unable to take on more clients at the current pace. The Office of Court Administration must stop the breakneck speed and calendar cases at a pace that ensures that every tenant has access to the attorney the law promises. Cases where a tenant is unable to secure a right to counsel attorney must be administratively stayed and taken off the calendar until the tenant has an attorney under retainer.

Before CIDNY hired me as in-house General Counsel, the CIDNY staff would refer consumers with housing problems to legal services entities which got Federal or City funding to represent tenants, from Legal Service Corp providers (like Mobilization for Justice Legal Services) to the Legal Aid Society to not-for-profits like NY Lawyers for the Public Interest. But as Levine says, those entities are over capacity. In some courthouses a tenant in court for the first time will get sent to meet with a “Right to Counsel” attorney, only to find that they have reached their capacity for that day.

I recently went to Housing Court for a disabled client who was facing three separate eviction cases from the same landlord, Stanley Avenue Development, a RAD/PACT created entity now running two former NYCHA developments in Brooklyn. I looked up her case and found that **that same landlord, who had 1900 units, had eviction cases going against 190 tenants!** Only 10 of the 190 had lawyers, and that included my client. I asked my client, who is disabled, what percentage of their neighbors had disabilities, and she told me “over 50%.” All should be getting Section 8 benefits; many do not. They are likely eligible for DRIE or SCRIE, but have no idea. And the landlord wants to push them out so it can rent their apartments on the open market, which they believe that they can do.

Some of our Consumers who are fortunate enough to receive a 70% housing subsidy are lucky because these housing subsidies are not abundant for people with disabilities. Additionally, under the Olmstead decision, CIDNY’s transition and housing specialists are tasked with helping consumers transition from nursing homes to independent communities living with disability-related support. All of these consumers must pay 30% of their income for these accessible apartments. Most of our consumers receive social security income (SSI) or social security disability income (SSDI). For most disability types, the maximum payment is a little under \$920 per month. This amount must cover consumers’ day-to-day needs, including 30% of their rental income while living in New York City.

When examining this housing dilemma, our consumers are very challenged living in an extremely expensive and inaccessible city. When housing situations become legal matters—involving courts, landlord disputes, accessibility violations, or eviction proceedings—most tenants consumers hit a wall. Our consumers consistently report that they appear in Court, go to the Right to Counsel office, and are told that the lawyer or lawyers there are “at capacity.” Those who seek a lawyer from Right to Counsel grant recipients find that . organizations that provide free legal assistance have long waiting lists and may have limited knowledge of the housing accessibility needs for people with disabilities.

CIDNY’s housing work has a significant impact—in 2024-25 we helped 2,655 people with housing assistance and saved New York State \$6,660,348 by helping people transition out of nursing homes or avoid institutional placement altogether. Additionally, our benefits counseling team works with numerous consumers who are experiencing challenging housing needs. But we are seeing too many cases which both our housing specialists and benefit counselors simply cannot handle without legal expertise and interventions. And Right to Counsel is NOT filling that need.

Why This Matters Now

New York City’s housing crisis hits people with disabilities especially hard. Our consumers are not accurately represented in housing court by the Rights to Counsel (RTC) Program because there is not enough city funding allocated to sustain this program to properly address the needs for people with disabilities. Our consumers face the double burden of limited affordable options and landlords who often

ignore accessibility requirements, despite clear legal mandates outlined in the Americans with Disabilities Act and the State and City Human Rights Laws.

What Needs to Be Done

- **The Right to Counsel Program must be expanded at least 5-fold. When I look at a list of 190 cases from one landlord, and find that only 10 have lawyers, we have a crisis.**
- **Until the Right to Counsel program is expanded, the City Council and our new Mayor must declare an eviction moratorium. When only 10 of 190 Stanley Avenue Preservation tenants being sued for eviction have counsel, this is a crisis. And from my assessment, most of these cases are either baseless or easily resolved. Open the door for unscrupulous landlords, and they will run right through, with greedy lawyers, who handled 40-50 eviction cases a day, following closely behind.**
- **The City has to make existing housing programs for the poor and disabled better known. DRIE can be a lifeline for disabled tenants, but few know about it.**
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Let's Get It Done!

**Arthur Schwartz
General Counsel**

**Mbacke Thiam
Housing and Health Community Organizer**



October 30, 2025

Chair Brewer and Members of the Committee:

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**Arthur Schwartz
General Counsel**

**Mbacke Thiam
Housing and Health Community Organizer**

Dear Office of Civil Justice,

I am writing to share my comments for the annual public hearing regarding New York City's Universal Access to Counsel Law. As a volunteer housing advocate, I want to express both my appreciation for this historic program and my concern about the current shortage of legal representation available to tenants facing eviction.

Comment 1: The Reality of "Access" Without Representation

As a volunteer housing advocate, I witness tenants navigate this system completely alone every single day. From the very first intake call, court attorneys tell them, *"You can only get legal advice—there are not enough attorneys to represent everyone."* That is not true access to counsel. If the law guarantees representation, then funding and staffing must match that promise. No tenant should face eviction or termination alone in a system that was built to protect their rights.

Comment 2: The Urgent Need for Expansion and Enforcement

Universal Access to Counsel was a groundbreaking law, but implementation has fallen behind the crisis. We need more attorneys, stronger partnerships with community-based advocates, and better communication between OCJ and the courts. Every delay or shortage undermines the intent of this law—and leaves families vulnerable to eviction. If the City is serious about preventing homelessness, it must fully fund and enforce the right to counsel across all boroughs.

Thank you for your time and commitment to this critical program. I appreciate the opportunity to share my observations and recommendations from the field.

With respect and understanding,

Graciela "Grace" Torres

Volunteer Housing Advocate

FORMER Guardian Ad Litem Volunteer for Civil Courts of the City of New York

CURRENT NYS Assembly Employee

929-386-4001