

Office of the Mayor Health and Human Services

Mayor's Office for Economic Opportunity | December 2021



Photo credit: DSS

Right to Counsel

Agencies: **Department of Social Services (DSS)/Human Resources Administration (HRA)**

Context

The housing affordability crisis in New York City puts thousands of New Yorkers at risk of eviction every year. More than nine in ten renter households in poverty had contract rents that were at least 30 percent of their income, and 83 percent had contract rents that were at least half of their income in 2017, according to the most recent NYC Housing and Vacancy Survey. Often, rent-burdened individuals cannot afford legal representation to fight evictions and risk becoming homeless. Prior to this Administration, only 1% of households in an eviction proceeding in housing court had legal representation, while historically more than 90% of landlords bringing eviction cases have been represented by lawyers in court.

Response

With the enactment of Local Law 61 in 2015, the Office of Civil Justice (OCJ) was established as a permanent office within DSS/HRA, tasked with establishing, managing, overseeing and monitoring the City's civil legal services programs. This has included exponentially expanded free legal assistance for New Yorkers in danger of eviction via New York City's first-in-the-nation Right-to-Counsel (RTC) law, which OCJ is tasked with implementing under Local Law 136 of 2017 (recodified as Local Law 54 of 2021). Under this initiative, funding for legal services for tenants increased more than 26-fold, from roughly \$6 million in FY13 to \$166 million in FY22 – the largest annual investment ever by a mayoral administration in legal services for tenants. The local law mandates full legal representation for households below 200% of poverty and offers brief legal assistance to those above that level. In FY21, OCJ contracted with 20 non-profit organizations to offer these services.

Results

- Evictions dropped by 41% and thousands of New Yorkers were able to stay in their homes from 2014 through 2019 because of reduced evictions – while evictions were on the rise across the country.
- Dramatically expanded legal representation for tenants, helping to level the playing field in eviction cases, by increasing the percentage of tenants facing eviction in housing court who had legal representation from 1% in 2013, according to state court officials, to 71% at the end of FY21. During the COVID-19 pandemic DSS/HRA reached full implementation of the right-to-counsel law ahead of schedule and legal services providers have been deployed to offer full representation to all tenants facing eviction at or below 200% of the federal poverty level as well as representation or advice to other tenants without their own legal representation.
- More than 540,000 New Yorkers have received free legal representation, advice, or assistance in eviction and other housing-related matters since 2014 as part of this initiative.
- In FY21, of the tenants receiving City-funded counsel in cases where they were facing eviction, 84% were able to keep their homes.

Beneficiary Stories

Northern Manhattan Improvement Corporation (NMIC) represented Carmen Chavez in a non-payment proceeding that was started against her by her landlord in 2016. The landlord claimed that the apartment was a market-rate unit and that she was behind in rent. After investigating the case, NMIC discovered that her apartment had been fraudulently deregulated and that she had been overcharged.

NMIC appeared in court on Ms. Chavez's behalf more than 30 times, submitting successful motions to dismiss the landlord's petition, conduct discovery, and gather documents regarding the overcharge claim and the apartment's rent-stabilized status. Ultimately, the court determined that

the landlord had fraudulently deregulated the apartment and granted Ms. Chavez a total judgment of \$195,973.95 in compensation. The court also determined that Ms. Chavez was entitled to a rent-stabilized lease and that her rent should be lowered. As a result of this proceeding, Ms. Chavez was able not only avoid eviction but ensure the long-term affordability and security of her home.

Next Steps

Implement Local Law 53 of 2021 to provide tenant outreach and education about the availability of counsel in eviction cases via DSS/HRA's contracted community-based organizations.

Additional Metrics

- Over 540,000 New Yorkers facing eviction and other housing-related legal challenges have received City-funded free legal assistance since 2014.
- In FY15, over 9,000 households received tenant legal services funded by HRA; by FY21, that number grew to over 42,000.
- Approximately 92,000 New Yorkers (37,900 households) accessed OCJ legal services in FY20 and 99,000 (42,200 households) accessed services in FY21. Overall, in 2020, 100 percent of tenants with calendared eviction cases had access to legal services, and 71 percent of tenants who appeared in Housing Court had full representation by attorneys – nearly double the pre-pandemic rate of 38 percent, and an exponential increase over the 1 percent of tenants who had lawyers in 2013.
- Of households represented in FY21 housing court legal proceedings, 38% were in the Bronx, 27% were in Brooklyn, 18% were in Queens, 12% were in Manhattan and 5% were in Staten Island.

Relevant Publications

- 2020 Annual Report found [here](#)
- 2021 Annual Report found [here](#)
- OCJ's Universal Access to Legal Services [Reports](#)