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## COMMUNITY BOARD NO. 2, MANHATTAN

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February 29, 2016

Hyun-Jung Kim, Esq.  
Lead Organizer  
CASA: Community Action for Safe Apartments  
New Settlement Apartments  
1512 Townsend Avenue  
Bronx, NY 10452

Dear Mr. Kim:

At its Full Board meeting on, February 18, 2016, Community Board #2, Manhattan (CB2, Man.) adopted the following resolution:

**Right to Counsel NYC Coalition** (RTCNYC) presentation on the bill Intro 214, which provides the right to an attorney in housing court in eviction and foreclosure proceedings for low-income tenants facing eviction.

### WHEREAS:

1. The Right to Counsel NYC (RTNYC) is made up of tenant organizing groups, tenant advocates, law school faculty and legal services organizations working to ensure that New York City's Housing Court is a place of fairness, justice and equity.
2. Intro 214 has been introduced in the New York City Council.
3. Intro 214 would establish a right to counsel for low-income tenants who face losing their homes through eviction proceedings in Housing Court and foreclosure proceedings in Supreme Court. Having this Right to Council would provide an attorney at no cost if the tenant cannot afford one.
4. Garrett Wright, a staff attorney at the Community Development Project (CDP) at the Urban Justice Center and Randy Dillard, a team leader for the Community Action for Safe Apartments (CASA), representing RTCNYC, appeared before the Land Use and Business Development Committee to present the case for adopting Intro 214 because of the detrimental effects of lack of representation on those who face losing their homes through such proceedings.
5. The collection of information that has been assembled by RTCNYC and that was presented to the Land Use and Business Development Committee is attached to this resolution for reference.
6. That collection of information makes clear that lack of representation has dramatically negative consequences for any residents – and especially for low-income residents – who cannot effectively assert their rights without counsel in complex, technical proceedings.

**THEREFORE, BE IT RESOLVED THAT**

CB2, Man. supports the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings and urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers in such proceedings.

Vote: Unanimous, with 35 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair  
Community Board #2, Manhattan



Anita Brandt, Chair  
Land Use & Business Development Committee  
Community Board #2, Manhattan

AB/fa

c: Hon. Jerrold L. Nadler, Congressman  
Hon. Brad Hoylman, NY State Senator  
Hon. Daniel L. Squadron, NY State Senator  
Hon. Deborah J. Glick, Assembly Member  
Hon. Sheldon Silver, Assembly Member  
Hon. Gale A. Brewer, Man. Borough President  
Hon. Corey Johnson, Council Member  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member



## **HOUSING JUSTICE:** *New Yorkers Should Have a Right to Counsel in Eviction Proceedings*

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

- More than 90% of landlords who bring eviction cases are represented by lawyers.
- More than 90% of tenants aren't.
- When people get evicted, they often go into the shelter system
- Eviction cases are complicated, move fast and are highly technical; it is very difficult, if not impossible, to defend an eviction case without a lawyer.
- The New York City Council is considering passing a law that would make NYC the first place in the country to establish a right to counsel for tenants who face eviction.

### **A right to counsel in eviction cases will provide equal justice.**

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

### **Evictions are devastating for low-income tenants.**

- Nearly 30,000 families were evicted in New York City last year; this is more than a 20 percent rise in the past decade.
- Surveys of homeless families have identified eviction as an immediate, triggering cause of homelessness for thirty-seven percent of those admitted to the New York City shelter system.
- Homelessness in New York City has recently reached the highest rates since the Great Depression of the 1930s.
- In September 2014, there were an all-time record 58,056 homeless people, including 13,922 homeless families with 24,631 homeless children, sleeping in the New York City municipal shelter system each night.

The Right to Counsel Coalition of New York City is made up of tenant organizing groups, tenant advocates, law school faculty and legal services organizations working to ensure that NYC's Housing Court is a place of fairness, justice and equity.



- At least 3,200 homeless individuals also sleep on the streets and subways each night.
- The current number of homeless New Yorkers is 87 percent higher than it was in January 2002, when former Mayor Bloomberg took office.
- Even tenants don't become homeless after an eviction, they face higher rents, disruption in their children's education, displacement from their communities and other traumatic consequences.

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

- Money spent on legal representation to prevent eviction would reduce annual shelter costs.
- Keeping families in their homes and avoiding homelessness will also avert long term costs associated with homelessness in health, education, employment and other areas.
- **The price of full legal representation in Housing Court is estimated at \$1,600-\$3,200 per case.**
- If we don't invest in lawyers for tenants, *it will cost us much more* to find housing for tenants who have been evicted: each bed in a New York City municipal shelter costs **\$36,000** per year; developing a single affordable housing unit costs over **\$250,000**.
- When households are evicted from rent-regulated units, landlords often exploit loopholes in the system to permanently raise the rent to market-rate for future tenants, thereby diminishing the number of affordable housing units and exacerbating the shortage of affordable housing.

**Why now?**

- With eviction and homelessness rates steadily rising, this is a critical issue in New York City right now.
- Elected City Council officials have introduced legislation that would provide legal counsel to low-income tenants facing eviction.
- The Mayor has made affordable housing and economic equity central themes of his administration.
- Elected officials, community activists, academics, legal service providers, bar associations, public policy experts and others have all come together to advocate for the establishment of this important right.

**Let's make history! With your help, New York City will become the first jurisdiction in the country to establish this critical right to counsel.**

The Right to Counsel Coalition of New York City is made up of tenant organizing groups, tenant advocates, law school faculty and legal services organizations working to ensure that NYC's Housing Court is a place of fairness, justice and equity.

▪ [www.RightToCounselNYC.org](http://www.RightToCounselNYC.org) ▪ @RTCNYC ▪