



CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

424 West West 33 Street, Suite #580  
New York, NY 10001  
tel: 212-736-4536  
www.nyc.gov/mcb4

**JEFFREY LEFRANCOIS**  
Chair

**JESSE R. BODINE**  
District Manager

October 11, 2023

Right to Council  
C/O Fund for the City of NY  
121 6<sup>th</sup> Avenue, 6<sup>th</sup> Floor  
New York, NY 10013

Dear Katy Lasell,

On April 20, 2023, at Manhattan Community Board 4's (MCB4) Housing, Health and Human Services (HHHS) committee HHHS monthly committee meeting, Mr. Alex Yong from the Right to Counsel NYC Coalition (RTC) presented an overview of the RTC law in New York City, including some of the challenges currently faced by tenants in Housing Court who are unable to secure legal services despite the RTC law, and the importance of expanding the right to counsel for housing court tenants to all New Yorkers, not just those living in NYC.

At MCB4 regularly scheduled Full Board meeting on May 3, 2023, 36 members voted in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, to

1. thank Alex Yong from the Right to Counsel NYC Coalition for his presentation about the importance of legal services for tenants in Housing Court;
2. support the adoption of S3254/A4993, sponsored by State Senator Hoylman-Sigal, which will allow NYC tenants in Housing Court to have their cases adjourned until they are able to secure legal representation; and
3. support the adoption of the Statewide Right to Counsel, S2721/A1493.

### **Background**

In 2017, New York City became the first city in the U.S. to commit to providing access to free legal services to all tenants facing eviction proceedings in housing court and public housing authority termination-of-tenancy proceedings. The New York City RTC law requires the Office of Civil Justice (OCJ) of the NYC Department of Social Services, to arrange free legal representation for every tenant - whose household income is at or below 200% of the Federal Poverty Guidelines - facing eviction in Housing Court as well tenants of the New York City Housing Authority (NYCHA) facing administrative proceedings.

The NYC RTC law went into full effect in all 5 boroughs in mid-June, 2021. Data shows that the RTC law has been very effective at reducing evictions. For example, in Housing Court eviction and NYCHA termination cases resolved by OCJ's legal services providers in 2022, 78% of households represented in court by lawyers were able to remain in their homes.<sup>1</sup>

Despite the existence of the RTC law, there are still many tenants who show up in Housing Court and NYCHA termination cases without the presence or advice of a lawyer. Put simply, OCJ's capacity to arrange for legal representation for all qualified low-income tenants has been overrun. Since the expiration of the eviction protections which were put in place during COVID, housing courts have been moving quickly to address the backlog of tenants' cases. As a result, low-income tenants are having their cases called in Housing Court long before they get a lawyer assigned to advise them. Not too surprisingly, the landlords are almost always represented by lawyers. NYC's RTC law is a local law, but courts are NY State entities, so judges have individual discretion whether to grant or deny requests for adjournments, even when a tenant explains that they don't have a lawyer.

### **Strengthening Tenant Protections**

To address the inequity of having only one party represented by a lawyer in Housing Court, State Senator Hoylman-Sigal has proposed legislation (S3254/A4993) that would require judges to adjourn Housing Court proceedings until the tenant is provided legal services. A tenant's right to counsel becomes meaningless if a tenant can be required to show up in Housing Court before the tenant is able to secure legal advice, especially when the landlord is almost always represented by legal counsel. At the same time, tenants should not be allowed to use their right to counsel in Housing Court as an excuse to indefinitely postpone proceedings in Housing Court. We are glad to see that the draft State Senate Bill S3254/A4993 says that cases should be adjourned "*when an unrepresented party to an eviction proceeding is eligible under local law for free legal counsel and has attempted in good faith to secure that counsel but has been unable to obtain counsel through no fault of their own.*" Housing Court cases should be adjourned until low-income tenants secure legal representation, so long as such tenants are making a good faith effort to obtain such legal representation and so long as no allegations have been submitted to the Housing Court that such a delay might jeopardize the health of any tenant.

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<sup>1</sup> Universal Access to Legal Services: A report on the year five implementation in NYC  
Pg8

[https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2022.pdf](https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2022.pdf)

During Mr. Yong’s presentation to HHS on April 20, 2023, Mr. Yong spoke about the efforts of the Right to Counsel NYC Coalition to expand the legal right to counsel in eviction and foreclosure proceedings to *all* New Yorkers, regardless of income, and throughout the state.<sup>2</sup> The Statewide Right to Counsel legislation (S2721/A1493) is drafted to achieve the same benefits as NYC’s RTC law, namely a reduction in both default evictions and overall eviction filings. The Statewide Right to Counsel legislation also seeks to establish a State Office of Civil Representation, similar to NYC’s Office of Civil Justice. We support these efforts as statewide adoption of the Right to Counsel which further strengthens NYC’s right to counsel for tenants facing eviction and foreclosure proceedings.

We believe strongly that no tenant should face eviction without representation. It is analogous to defendants in criminal cases – they never have to face the possible loss of their right to freedom without the benefit of legal representation. Tenants should not face the possible loss of their home without legal representation, whether they live in NYC or elsewhere in the state of New York. For these reasons, we support the right to adjournments in NYC housing cases where tenants have tried to obtain legal counsel, as well as the Statewide Right to Counsel for all New Yorkers who face losing their homes in legal proceedings, and urge the State Assembly, Senate and Governor to pass and fully fund these rights.

Sincerely,



Jeffrey/LeFrancois  
Chair  
Manhattan  
Community Board 4



Joe Restuccia  
Chair  
Housing, Health, Human Services  
Committee



Maria Ortiz  
Chair  
Housing, Health, Human Services  
Committee

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<sup>2</sup> Statewide Right to Counsel Info sheet

[https://assets.nationbuilder.com/righttocounselnyc/pages/1294/attachments/original/1675905876/Statewide RTC 2-page - Updated 1-27-23.pdf?1675905876](https://assets.nationbuilder.com/righttocounselnyc/pages/1294/attachments/original/1675905876/Statewide_RTC_2-page - Updated_1-27-23.pdf?1675905876)