



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

## Testimony of Senator Hoylman-Sigal Before the Office of Civil Justice on Universal Access to Legal Services for Tenants Facing Eviction

BRAD HOYLMAN-SIGAL February 24, 2023

| ISSUE: **RIGHT TO COUNSEL**

Thank you for the opportunity to provide testimony on the city's historic right to counsel program. I'm State Senator Brad Hoylman-Sigal, and I represent the 47<sup>th</sup> Senate District, which includes the Upper West Side, Hell's Kitchen, Chelsea, and parts of the West Village. I have been a long-time supporter of the city's right to counsel law.

In the years since the law has passed, we have seen enormous success for those who have been able to obtain counsel through the program. In 2021, the Office of Civil Justice found that 84% of households represented by lawyers in court were able to remain in their homes and communities. Because of the success of the right to counsel here in New York City, I have pushed to expand access to representation for tenants statewide.

Despite the successes of those with an attorney, I am very concerned about the number of tenants who are not receiving representation. Since the expiration of the eviction moratorium in January 2022, over 17,000 tenants have faced eviction in court alone, without representation, and thousands of tenants have been evicted. I frequently hear from my constituents who are being sued by their landlords in court and are struggling to find a legal organization that can take their case. Our legal service providers work diligently to represent

as many tenants as they can, but they are simply unable to represent all the cases coming through housing court. And the crisis is getting worse, with the percentage of tenants represented dramatically falling. In September 2022, according to an analysis from the Right to Counsel coalition, less than 10% of new cases were assigned a lawyer. As a result, thousands of tenants are being denied their right to a lawyer and being evicted.

These effects are not felt evenly, and communities of color are disproportionately impacted. Since the start of the COVID pandemic, eviction rates were twice as high in neighborhoods whose residents were majority people of color. And evictions do not only impact people's living situations, but also their health, education, employment, relationships and more.

I ask the Office of Civil Justice to help stem this tide and ensure that tenants are not denied their legal right to representation. The Office of Civil Justice must do more to fulfill your mandate to uphold right to counsel. I ask the Office of Civil Justice to increase funding for the right to counsel program and fully fund the program, something I am also working to do on the state level. This also includes fully funding and implementing Local Law 53, which supports tenant organizing. Too often, tenants are left in the dark about their right to an attorney or are scared or intimidated in exercising this right. Tenant organizing empowers tenants and ensures that they know their rights and can fight their cases and is essential to the successful implementation of this program. Lastly, I ask the Office of Civil Justice to work with the Housing Court to adjust the calendaring process so cases are not moving ahead with eligible tenants unrepresented.

I also want to take a moment to thank the fantastic legal service providers who defend and advise tenants in my district. Further, I want to acknowledge the Right to Counsel Coalition for all their efforts to fight for the law and ensure that it is upheld. Thank you again for the opportunity to testify, and I look forward to our continued work together to ensure that no New York tenant is ever unfairly evicted from their home.

