

**Testimony of Scott French, Administrator of the Human Resources Administration,
Department of Social Services
Before the New York City Council Committee on Oversight and Investigation
Oversight Hearing on the Right to Counsel in Housing Court**

October 30, 2025

Good morning. My name is Scott French and I serve as the Administrator of the Human Resources Administration (HRA) within the Department of Social Services (DSS). Joining me today is Masha Gindler, who serves as Assistant Deputy Commissioner and Civil Justice Coordinator at the Office of Civil Justice (OCJ). I would like to thank Chair Brewer and the members of the Committee on Oversight and Investigation for holding today's hearing on the right to counsel in housing court.

I want to begin by acknowledging the dedication of advocates, policymakers, legal services providers, housing court employees, and the public who worked to create – and are working each day to implement – New York City's Universal Access Law, also referred to as Right to Counsel, Local Law 136 of 2017. Local Law 136 established New York City as the first in the nation to offer free legal services to tenants facing eviction. I also want to recognize the Council has built on that law with Local 20 of 2023, expanding legal representation to people over the age of 60. It bears repeating that prior to our City's right to counsel law, less than 1% of tenants had the benefit of legal counsel. This law has meant more tenants have the benefit of legal advice, an understanding of what they face in housing court, and the alternatives open to them.

Action by New York City resulted in numerous municipalities across the nation and several states following our City's lead in this critical policy area of assisting tenants through a profoundly vulnerable moment. At HRA, we understand the importance of assisting vulnerable populations and we take our stewardship of the Universal Access Law seriously. Universal Access has transformed the landscape for tenants facing housing court – whether the tenant faces eviction, public housing authority termination of tenancy proceedings, landlord harassment, or other threats to their tenancies. Paired with our efforts to assist people long before a case arrives at housing court, we are acting diligently to serve New Yorkers and keep people in their homes.

As of September of this year, OCJ sits within the Homelessness Prevention Administration umbrella within HRA, which includes Homebase and other homelessness prevention

efforts such as one-shot deals for rental arrears. Our restructuring allows us to better coordinate across prevention services to address housing instability for individuals in community and housing court to keep people housed.

Our journey in implementing the Universal Access Law has not been a simple path. Initially envisioned as following a targeted, zip code by zip code path of implementation, the Universal Access Law began with twenty zip codes in the first phase. Understanding the scale of the COVID-19 crisis, the City pivoted and dramatically accelerate our timetable to offer Universal Access to tenants citywide two years ahead of schedule. That accelerated timeline allowed us to assist low-income New York City tenants through a challenging tsunami of cases when the eviction moratorium was lifted. All of those responsible for navigating that process, including OCJ, legal service providers, and the Office of Court Administration (OCA) have continued to learn, make adjustments, and guide Universal Access to where it is today.

In addition to the partnership and input from stakeholders I have mentioned, we also welcome the insights and expertise the Independent Budget Office (IBO) and NYC Comptroller Lander's office have offered in their recent reports and look forward to ongoing engagement as the program continues to develop. Universal Access, by force of larger events, has had to take account of dynamic circumstances and evolve over time. We aim to continue to bring a problem-solving ethos as we guide Universal Access through the years ahead.

We have reason to be optimistic. In fiscal year 2025, OCJ-funded legal organizations provided legal assistance to an estimated 110,000 New Yorkers in approximately 51,000 households across New York City. Furthermore, FY25 saw the highest number of clients receiving full legal representation in the program's history. Additionally, a higher percentage of tenants received full representation rather than brief legal services. Funding for Tenant services has increased by from \$165M to over \$228M, representing a 39% increase.

We recognize that important strides forward were made from FY24 to FY25. We also recognize we must continue to work to deliver on Universal Access for all those eligible. OCJ will continue to work hand in hand with civil justice system stakeholders to make legal assistance available and effective for NYC tenants in need.

There are two key focus points ahead I would like to briefly touch upon.

First, we anticipate publication of our next five-year strategic plan in the spring of 2026. This strategic plan will incorporate stakeholder input, lessons learned from the challenges right to counsel has encountered, and build upon recent successes.

A second key focus point ahead is our planning for the next round of legal services provider procurement. At present, we are in the middle of a three-year contract in which it is difficult to make large changes, but we will be approaching the procurement process for the next contract early in the new year. We aim to be thoughtful and intentional as we plan the procurement process. In addition to being sure tenants receive the legal services they deserve, we have to be mindful of being judicious stewards of the City funds we invest in making Universal Access a reality. That process includes hearing from IBO and the City Comptroller's team, as well as hearing from stakeholders, including the Council.

Both the five-year strategic plan and the procurement process aim to take into consideration prior pain points and community feedback, to further evolve the program to support the overall goal of providing full representation to those in need of the service while also addressing some key challenges including staff attrition, caseloads, and pay equity.

We welcome your questions.



October 30, 2025

Testimony on Behalf of the New York City Independent Budget Office

City Council Committee on Oversight and Investigations:

Hearing on Right to Counsel in Housing Court

Good morning, Chair Brewer and members of the Committee on Oversight and Investigations. My name is Sarah Internicola, Budget and Policy Analyst at the Independent Budget Office (IBO), and I am joined by Claire Salant, Lead Budget and Policy Analyst and Marla Simpson, Special Assistant to the Director of IBO. We thank you for the opportunity to testify at today's Oversight Hearing regarding the Right to Counsel in Housing Court.

As you know, with the passage by the City Council of Local Law 136 of 2017, New York City introduced a landmark program to provide access to legal services to tenants facing eviction in Housing Court, the first of its kind in the nation. Over the years, this initiative has come to be known as the Right to Counsel (RTC) program. The program is overseen by the City's Human Resources Administration (HRA), with services provided by nonprofit organizations through contracts with the City. IBO's recent [report](#) on the rollout and implementation of RTC reveals that—while the program has brought critical services to thousands of tenants—it is now struggling to meet its original intention of ensuring access to free legal representation to all low-income tenants facing eviction in New York City. At a time when rents continue to rise and many social safety net programs face massive federal funding cuts, eviction prevention remains one of the most significant tools the City has to promote housing stability.

Background: Changing Eviction Landscape

RTC was passed in 2017 with the goal of increasing representation rates among tenants facing eviction, thereby lowering eviction rates and helping tenants stay in their homes. The City began by rolling out the program in phases, starting in 15 zip codes with the highest eviction rates, including West Harlem, central Brooklyn, and parts of the Bronx. (RTC absorbed 10 zip codes from the initial 2016 pilot program and added 5 more for a total of 15 its first year.) The City added new zip codes each year, with the intention of expanding Citywide over five years. The gradual rollout was designed to give providers and the City time to build capacity as demand for services increased. Research on the early years of the program showed that it was effective in increasing representation rates and improving tenant outcomes.

However, the Housing Court environment has transformed significantly since the creation of the program. Many of the changes to Housing Court were outside the City's control. In 2019, the State Housing Stability and Tenant Protection Act (HSTPA) expanded tenant protections and added time to different steps of the eviction process. While these new protections helped delay or prevent evictions, one result was that eviction proceedings took longer to move through the court process. Shortly after, the COVID-19 pandemic began and the State enacted a moratorium on evictions through January 2022, greatly limiting the number of eviction cases that could proceed in court at all. Following the moratorium, the State established the Emergency Rental Assistance Program, which further reduced eviction cases through 2023. Altogether these interventions successfully prevented many evictions but altered the context in which RTC was rolling out, including temporarily reducing the need for representation in court.

Eight years after the program was initially established, it is increasingly clear that the RTC program is not well-aligned with the new environment. The eviction process is different today, so if the goal remains ensuring legal services for all tenants facing eviction in Housing Court, further changes to the RTC program may also be needed.

IBO recently released a [detailed analysis](#) of the RTC program. Today, IBO would like to highlight several major ways that eviction cases have changed, how that has created a mismatch between current contracts and program needs, and the impact on tenant representation in Housing Court.

Changes Since 2017: Expanded Eligibility and Longer Cases

First, IBO found many more cases are now eligible for RTC in court than in the program's earlier years. RTC expanded citywide more than two years ahead of schedule in 2020, from 25 zip codes to the entire city. However, since this expansion took place during a period when there were far fewer eviction cases moving through the courts, the scope of this expansion was not immediately apparent. Several years later, the total number of eviction filings now remains lower than it was before the pandemic, but far more tenants are now eligible for the program. Overall, IBO estimates that the number of cases eligible for RTC grew 222%, or more than tripled, from the program's introduction in 2017 through 2024. Once eviction filings began to pick back up in 2023, it became clear that the program had not scaled up or adapted to meet citywide demand.

Over this period following RTC's citywide expansion, IBO also found that eviction cases are taking much longer to resolve. Slower court operations following the pandemic as well as changes to the eviction process by HSTPA have contributed to



this trend. From 2017 through 2019, 97% of cases reached a first major decision within one year, and 93% within six months. More recently, from 2023 through 2024, only 87% of cases had a first major decision within one year, and just 54% within six months. The growth in both program eligibility and case lengths have major implications for attorney capacity.

Mismatch Between the Need for Services and the Terms of the Contracts

In today's environment, there is a mismatch between the structure of the program and the scale of current program needs. For example, increasing case lengths no longer fit the time limits imposed on service providers. Through the end of 2022, providers could "roll over" up to 15% of cases from the previous year, meaning they could count cases from last year towards the current year's deliverables. This allowed providers to continue to receive funding for a case even when it took longer than a year. This is a key provision, even if it then covered only a relatively small share of cases, since most cases prior to 2022 took less than a year. However, at the end of 2023, just as case lengths were increasing, HRA announced it would no longer allow rollovers at all. By ending this practice, HRA's intention was for providers to take on more new cases rather than having rollovers take up all the contract deliverables. However, attorneys are generally required to see cases through to their end, and with case lengths increasing, the net effect of this change is that providers have to work on these longer cases without full compensation.

Further, IBO found that City spending on RTC has not kept pace with the growth in program demand. From 2022 through 2024, the number of RTC-eligible cases grew by 110%, more than doubling, while spending increased by only 33%. Funding leveled off at a time when eviction filings began to pick back up and program needs were higher than ever.

Declining Representation

The result of expanded eligibility, longer case lengths, and stagnant funding is clear: fewer households are now receiving legal representation in court through RTC. Overall representation rates for tenants in Housing Court have collapsed in the last few years, from a peak of around 50% in 2020 to only a third in 2024. Specifically for tenants served by RTC, fewer households are receiving legal representation while many more are receiving one-time brief assistance. From 2017 through 2019, 90% of tenants served by RTC received full representation, while 10% received brief assistance. In 2023 and 2024, however, over half of tenants served received brief advice and continued to have no representation in court.



Additional Considerations

There are several other key factors that impact the program. First, the new 2025 contracts introduced a performance-based component. Previously, all contracts were expense-based, but now 10% of the provider's compensation is based on a performance scorecard, which is evaluated twice a year. While this was intended to increase accountability, it can be challenging for providers to budget when they do not know how much total funding they will receive. Moving from a fully reimbursement-based approach to a partly performance-based one is especially challenging, when so much of the service delivery process is not within the provider's control—most notably, the pace at which a case moves through the court.

This uncertainty is exacerbated by late payments. In 2025, providers were unable to invoice for almost three quarters of the year for services already performed. The City issued a second advance, but providers were still uncertain when invoicing would begin, which left them stretching advances or using other sources to cover payroll. Providers also have to figure out how to cover any costs they accrue related to these late payments, since the City does not reimburse for expenses caused by delays. For example, if providers can access commercial loans, there are associated borrowing costs.

The other major challenge for the program is staffing. The civil legal services field has faced significant issues with attrition and turnover due to high caseloads and lower pay than other legal fields. As staff leave, remaining attorneys take on the cases left behind, which tend to be older and more complicated. Staffing turnover and increasing caseloads can create a cycle of burnout, and thus even more turnover.

Conclusion

The RTC program showed potential for success in the early years of its implementation, with improved tenant representation rates and outcomes in court. Today, the program's goal of full representation for all low-income tenants remains unfulfilled. The City now faces several choices in deciding how to improve the program and fulfill its mandate.

One clear challenge is funding. Local Law 136 of 2017 referred to this as a program to provide access to legal services, and expressly noted that its scope was subject to appropriation. The mismatch between expanding eligibility and stagnant funding has strained capacity and led to more reliance on one-time brief advice. While that type of service was always included in the program's design, it was not intended to



make up the majority of cases and does not have the same demonstrated outcomes as representation in court.

The City must also consider the length of time for which providers may be funded for each case they accept. With the reality of longer case lengths, both provider organizations' capacity and each individual attorney's capacity are stretched further. Whatever its funded scale, the City should consider how to prevent attrition and attract additional attorneys to this work in order for the RTC program to be sustainable.

Finally, the housing affordability crisis continues to worsen, and at the same time, the federal government appears poised to cut some social benefit programs, like the Supplemental Nutrition Assistance Program and Low-Income Home Energy Assistance Program, that help low-income families stay afloat. It is likely that the need for access to counsel in Housing Court will only continue to grow. In addition to meeting existing need, any plans for the RTC program going forward should address this likely increased future demand.

We thank you for the opportunity to testify and are happy to answer any questions you may have.



Read "The Expansion of New York City's Right to Counsel Program."





**Testimony of Peter Estes, Senior Housing Policy Associate, ANHD
Before the New York City Council Oversight and Investigations Committee regarding the
Right to Counsel in Housing Court**

October 30, 2025

Thank you, Chair Brewer and members of the committee, for the opportunity to testify today on New York City's Right to Counsel program. My name is Peter Estes, and I am the Senior Housing Policy Associate for the Association for Neighborhood and Housing Development (ANHD).

About the Association for Neighborhood and Housing Development (ANHD)

ANHD is one of the City's lead policy, advocacy, technical assistance, and capacity-building organizations. We maintain a membership of 80+ neighborhood-based and city-wide nonprofit organizations that have affordable housing and/or equitable economic development as a central component of their mission. We are an essential citywide voice, bridging the power and impact of our member groups to build community power and ensure the right to affordable housing and thriving, equitable neighborhoods for all New Yorkers. We value justice, equity, and opportunity, and we believe in the importance of movement building that centers marginalized communities in our work. We believe housing justice equals economic justice equals racial justice.

ANHD's work directly supports the needs of our members who develop, manage, and organize to preserve affordable housing, and who fight to bring equity into low-wealth and historically disinvested communities in New York City. Our groups rely on us for technical assistance and capacity-building resources that allow them to maximize their resources, skills, and impact. The support services, research, analysis, public education, and coalition building we do helps to identify patterns of local neighborhood experiences and uplift citywide priorities and needs. Our work translates into the capacity to win new programs, policies, and systems that ensure the creation and preservation of deeply and permanently affordable housing, and economic justice.

Right to Counsel: Overview & Need

Alongside many of our members, ANHD was part of the campaign to pass the Universal Access Law that established the City's Right to Counsel program in 2017, and we continue to support the work to realize the law's full potential. We're here today to testify in support of the Right to Counsel program and to call on the city to fully fund and support the program.

In establishing a Right to Counsel for tenants facing eviction in 2017, New York City took a bold step forward to do what had to be done and spurred a national movement in process. Though odds in eviction cases are stacked against tenants, Right to Counsel quickly proved itself to be an effective tool in leveling the playing field – approximately 80% of represented tenants have



been able to remain in their homes and evictions remain below where they were prior to the creation of Right to Counsel. Evictions destabilize communities, jeopardize tenants' physical and mental health, and lead to increased city spending on social services – so stemming the tide of evictions is a good thing not just for each tenant that remains housed, but for our city at large. For years now, though, Right to Counsel has not been adequately funded, while Housing Court cases have moved too fast to ensure that all eligible tenants receive representation. We are at risk of forfeiting our progress entirely.

Gaps in Funding and Implementation

Since the end of the eviction moratoria in January 2022, evictions have surged to pre-pandemic levels, yet, over the same time period, only 40% of tenants have had legal representation. From July 1, 2024 to July 1, 2025, the percent of tenants facing eviction with legal representation fell from only around half – already unacceptable – to less than 1 in 4. More than 100,000 households are facing eviction alone, and most of them are eligible for RTC ([NYC Eviction Crisis Monitor](#)).

Most of these tenants, who are effectively being denied RTC, are low-income Black and brown tenants. According to data from the Community Service Society, rental assistance recipients and single parents report experiencing eviction attempts at roughly double the rate of New Yorkers more broadly ([CSS](#)). All in all, these are some of the same groups most likely to face discrimination in securing housing and to experience homelessness. With 1 in 7 students in New York public school experiencing homelessness last school year – a number that has steadily climbed year-to-year – the stakes are incredibly high ([City Limits](#)).

Though the law was slated to be fully implemented by 2022, RTC has never been adequately funded ([City Limits](#)). As need grows again, we must provide robust funding to hire and retain enough attorneys to represent all eligible tenants. ANHD joins the RTCNYC Coalition in calling on the City to fully fund Right to Counsel by adding at least \$350 million to the annual budget. In the short-term, it's essential that the Office of Courts Administration paces cases deliberately, to allow all tenants a real opportunity to secure an attorney through RTC.

Beyond Right to Counsel, New York City should continue to build on the work that has been done to increase upstream interventions to prevent evictions before they ever reach housing court. The Council has led on funding for CityFHEPS vouchers; in the face of federal austerity, New York must invest in this program. Robust outreach efforts through local community organizing groups – the most trusted messengers – and the Office of Civil Justice are needed to ensure tenants are aware of their rights and supported in exercising them. We have to reach tenants before they self-evict or face silent evictions, leaving their homes without their day in court. Councilmember Nurse's bill to include unlawful evictions as a criteria for the Certificate of No Harassment program is another important step to ensure that tenants do not face frivolous evictions. Lastly, the City should closely watch the results emerging from the Home4Good program, a project driven by Enterprise, RiseBoro, and L&M, and consider supporting similar



pay-for-success models ([Enterprise Community Partners](#)).

Thank you again for the opportunity to submit testimony. If you have any questions or would like more information, please contact Peter Estes: peter.e@anhd.org.



October 30, 2025

Chair Brewer and Members of the Committee:

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 CSC continued in its report as follows:

"Keep your face to the sunshine and you cannot see the shadows."

"The true test of character is to face hard conditions with the determination to make them better."

—Helen Keller

- **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 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 CSC 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.**
- **The City has to expand its Housing Voucher program, as we see Federal Funds, already inadequate, cut back.**
- **The laws against tenant harassment need to be strengthened; Stanley Avenue Preservation wouldn't be trying to evict 190 tenants, 10% of its tenants, if there were stronger provisions making them pay for this abuse.**
- **Far greater enforceable requirements need to be put in place so that New Yorkers with disabilities can find affordable, accessible housing. In fact, we recommend that all statements about "affordable housing" be amended to "affordable, accessible housing."**

Let's Get It Done!

**Arthur Schwartz
General Counsel**

**Mbacke Thiam
Housing and Health Community Organizer**

Thank you to the New York City Council's Committee on Oversight and Investigations for holding an Oversight hearing about the Right to Counsel in Housing Court.

My name is Oksana Mironova and I am a senior policy analyst at the Community Service Society of New York (CSS), a nonprofit organization that promotes economic opportunity for New Yorkers. We use research, advocacy, and direct services to champion a more equitable New York and to address the effects of the state's housing affordability crisis.

For decades, we've tracked eviction trends in New York. In our 2025 report, [*Preventing Eviction in New York State: A Snapshot of What Works and What Doesn't*](#), our analysis of the New York State Unified Court System's data showed the striking impact of Right to Counsel on tenant stability. Eviction filings declined by 49 percent between 2017 and 2024 to 114,000. This is an indicator of changing landlord behavior, likely resulting in a reduction of informal displacement in New York City. Between 2017 and 2024, court-ordered evictions declined by 26 percent, falling to 15,400. Right to Counsel (RTC), local anti-harassment laws, and strengthened rent regulation are working in tandem to lower eviction rates in New York City.

At the same time, underfunding hampers the implementation of the city's Right to Counsel law from reducing evictions further. Anywhere from a fifth to a third of income-eligible tenants face housing court without legal counsel because systemic underfunding of the program has resulted in a dire shortage of tenant attorneys. Bronx tenants are facing the biggest challenge in accessing legally mandated representation.

In non-payment cases, which make up the majority of evictions heard in housing court, legal defense is intricately tied to emergency assistance programs administered by the Human Resources Administration (HRA). RTC attorneys help tenants navigate application processes for emergency rental assistance (One Shot deals), FHEPS (Family Homelessness & Eviction Prevention Supplement), and other eviction prevention services. This effectively supports HRA's capacity and prevents backlogs.

There is also the issue of housing quality—represented tenants are more successful in resolving repairs and maintenance issues during their housing court settlement. Unrepresented tenants generally do not have the expertise to negotiate with landlords' attorneys for repairs.

New York City must do more to defend and uphold Right to Counsel. We join legal service providers and the RTCNYC Coalition in calling for full funding for the Right to Counsel law. Full implementation requires, at a minimum, an additional \$350 million in funding, which will help ensure there are enough attorneys to represent everyone entitled to RTC.

Thank you for the opportunity to testify. If you have any questions about my testimony or CSS's research, please contact me at omironova@cssny.org.

**JOINT TESTIMONY OF RIGHT TO COUNSEL LEGAL SERVICES PROVIDERS
FOR THE NEW YORK CITY COUNCIL, COMMITTEE ON OVERSIGHT AND
INVESTIGATIONS, RIGHT TO COUNSEL IN HOUSING COURT HEARING**

October 30, 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)
Queens Defenders
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 the program is in trouble and 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

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 October 25, 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 October 25, 2025.

below will provide a roadmap and ready solutions for the City, the Housing Court, and the Office of Civil Justice to act now to protect this invaluable program.

Fully and adequately funding the Right to Counsel program remains the first priority for clients 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 robust 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 but rather makes a one-time payment for cases that are litigated over the course of two, three, four years or more. The stark truth is that RTC providers cannot subsidize the work at such a 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 to 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 hampered by 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

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 October 25, 2025 (the "IBO Report").

⁴ The IBO Report at 16.

<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 October 25, 2025 (the "IBO Report").

⁵ The IBO Report at 9.

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

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 two-thirds of eligible tenants facing eviction are facing it alone.⁷

For example, 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 nearly 90,000 eviction filings, so far this year.⁸ And the rate of evictions has increased to the highest-ever levels since the COVID-19 pandemic began.⁹ 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 immediately increase funding for the Right to Counsel (RTC) program to ensure that every eligible tenant has access to counsel.

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

⁷ The IBO Report at 2.

⁸ Statewide Landlord-Tenant Eviction Dashboard, <https://ww2.nycourts.gov/lt-evictions-33576>, last accessed October 23, 2025.

⁹ "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 October 26, 2025.

complexity of eviction defense. Additionally, collective bargaining agreements and increasing costs of healthcare and benefits have continued to make staff hiring, retention, and support more expensive. Providers are being asked to do more without corresponding increases in funding that from the outset was insufficient for most providers to meet their baseline costs.

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.¹⁰ And with the 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 are not being met with a corresponding rise in 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.¹¹ 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.

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.

¹⁰ IBO Report at 2.

¹¹ "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 October 23, 2025.

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 8 SRO units. As a result of this representation, the couple was not only able to stay in their home, but was now able to benefit from 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.¹² 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. 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

¹² *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.).

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 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. The City must also recognize 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 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 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 as expenses are incurred 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 INTAKE SYSTEMS AT COURT

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, 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 to legal services providers 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 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.¹³ However, the court has since significantly increased the number of holdover cases being heard for the first time each day. Holdover cases, unlike nonpayment cases, are routinely more complex, time consuming, 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 representation in their eviction case. In places where 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 over 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 limiting the available space. Providers received no notice that this was happening. When Manhattan providers raised concerns about it, the court stated that the

¹³ FY24 OCJ Annual Report at 7.

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 after she had filed her third Pro Se Order to Show Cause. She was not able to connect with counsel through the intake part and proceeded to default numerous times, failed to assert many crucial defenses, and was facing imminent eviction. After obtaining counsel, the provider sought to vacate the stipulation, judgment, and warrant and are currently assisting her in reinstating 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 provider in the last fiscal year, approximately 520 tenants sought legal representation, while only 240 tenants were provided with representation (because that was the number the City contracted with them to provide). 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.

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 implementation challenges 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 and the current government shutdown 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. Specifically, going to the courthouse alone, 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 implementation challenges to ensure that all eligible New Yorkers are being afforded the opportunity to connect with counsel 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 56 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.

QUEENS DEFENDERS

Queens Defenders is one of the leading legal service providers in Queens. Established in 1996, as a public defender organization, Queens Defenders provided high quality legal representation

to more than 500,000 New Yorkers, continually adapting to meet the evolving needs of our communities. Since its founding in 1996, Queens Defenders has enjoyed a strong working relationship with the Office of Children's services, the Mayor's Office of Criminal Justice, Criminal Court Judges and other staff members. We earned a reputation as a dependable and committed provider of indigent legal services among court staff. That relationship changed. In July 2024, Queens Defenders was granted the Housing Court contract to represent clients under the RTC program. Our innovative model is designed to provide individuals facing eviction with free, high quality legal representation in Housing Court, address looming housing insecurity for individuals facing eviction and reduce the likelihood of entering the shelter system and alleviate the Court's calendar through alternate holistic services. In 2025, Queens Defenders restructured our Organization and we now focus our work on housing related issues, ensuring that individuals and families have the support they need to remain safely and securely in their homes.

Queens Defenders also brings a holistic approach to justice, offering support that extends beyond traditional legal defense. Through our work in the community, we help participants resolve underlying challenges, connecting them with vital resources and opportunities for stability. By combining legal advocacy with compassionate service, we continue to make justice accessible and meaningful for the people of Queens.

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.

**NYC Council Committee on Oversight and Investigations
Right to Counsel in Housing Court
Public Hearing
October 30, 2025**

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

**Prepared by: Michael Diller, Chandler Hart-McGonigle, Atusa Mozaffari, Robert
Soriano-Hewitt**

INTRODUCTION

Thank you to the City Council Committee on Oversight and Investigations for the opportunity to provide testimony, and thank you for your commitment to improving the programs that provide access to counsel for New York residents facing eviction. 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.

Out the outset, we would like to note that we fully support the joint testimony of the Right to Counsel (RTC) Legal Service Providers. Most notably, we are in agreeance that a substantial increase for 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 people with varying immigration status presents a significant barrier for that population to access the counsel and resources they are entitled to. 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, it allows us to provide critical support with immigration advice, representation, and other resources.

Evictions 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 which revealed 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 market, if you need an apartment for under \$1,100, the vacancy rate is only .39%.⁴

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.

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%9494by%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>

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 troubling 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 or NYCHA subsidy portion not attributable to the tenant, or subsidy payments that had been suspended temporarily due to the landlord's failure to maintain housing quality standards;
- 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;
- 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.⁵ 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%.⁶ As a result, the main factor influencing whether 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

⁵ New York City Office of Civil Justice, *FY24 Annual Report*, 24 (2024), https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2024.pdf

⁶ 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), <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>

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 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, as 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 24.⁷ 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.⁸ 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 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

⁷ *Supra* n.2 at 6; *supra* n.4 at 6.

⁸ *Supra* n.6 at 9.

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 and emergency assistance services to tenants, and (ii) fund access to counsel for affirmative cases for tenants seeking remedies for hazardous living conditions.

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.

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.

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.

Though our testimony focuses primarily on the ways City Council can improve the Right to Counsel program, 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 Before the New York City Council Committee on Oversight and Investigations
October 30, 2025 – 10:00 AM**

Oversight – Right to Counsel in Housing Court

**Presented by: Hon. Shahabuddeen Ally, Administrative Judge, New York City Civil Court,
Hon. Jack Stoller, Citywide Supervising Judge, New York City Housing Court &
Tanya Faye, Chief Clerk, New York City Civil Court**

Good morning, Chairperson Brewer, and Members of the Committee:

Thank you for the opportunity to appear before you today. My name is Judge Shahabuddeen Ally, and I am proud to serve as the Administrative Judge of the New York City Civil Court. Joining me are Judge Jack Stoller, the Citywide Supervising Judge of Housing Court, and Tanya Faye, our Chief Clerk. On behalf of our entire Court, we are grateful to share our perspective and look forward to continued collaboration.

We thank the City Council for holding this important hearing and for its continued attention to the Universal Access to Counsel (UAC) program. The function of the Housing Court is deeply intertwined with the success of the UAC program. By shining a spotlight on the challenges faced by tenants seeking representation, the Council is helping to ensure that the program will function as intended and deliver on its intended promise. As a court system, we are committed to seeing the UAC program and city's broader eviction prevention efforts succeed. For that to happen, these programs must be supported and fully funded to meet the scale and urgency of the need.

New York City Civil Court is a sprawling institution that touches the lives of hundreds of thousands of New Yorkers each year. With three divisions—Civil, Small Claims, and Housing—our Court spans five counties, seven court buildings, and a remarkable team of 106 judges supported by hundreds of court officers, clerks, court attorneys, interpreters, and reporters. Housing Court, in particular, operates at the epicenter of the city's ongoing struggle with homelessness, affordability, habitability, and fairness in housing. In 2024 alone, our Housing Court docket saw more than 131,000 new residential landlord-tenant filings, alongside over 130,000 motions and more than 100,000 Orders to Show Cause.

We recognize the significant impact our work has on housing stability and take that responsibility seriously. Over the past several years, landmark reforms and societal reckonings have reshaped the way Housing Court functions—legally, operationally, and culturally. But we also realize that Housing Court requires more attention and assistance.

Additionally, the broader housing support system, especially access to rental assistance from the New York City Human Resources Administration (HRA), has also struggled to keep pace with the need, often prolonging cases and compounding stress for litigants. These systemic issues highlight the need for continued investment and coordination to ensure that the promise of UAC and other programs designed to avoid unnecessary evictions is fully realized.

Moving Beyond the “Cattle-Call Culture”

Housing Court has long been a high-volume court. High-volume courts are susceptible to “assembly-line justice” -- or a “cattle call culture” as Jeh Johnson described the NYC Housing, Family, Civil and Criminal Courts in his 2020 Equal Justice report. The situation has improved markedly in recent years, though difficulties remain. For historical perspective, in 1994, Housing Court reported 330,000 cases for 35 judges, or 9,429 cases per judge per year. The addition of 15 new judgeships in 1999 mitigated that volume somewhat, although as late as 2014, Housing Court filings still reached 7,000 cases per judge per year. In 2024, that number was down to less than 2,400 cases per judge per year.

Two of the best ways to combat the adverse effects of a high-volume Court are to: 1) increase judicial and non-judicial staff and other resources, and 2) to reduce the number of cases being filed so more time and effort can be devoted to each case. We have increased the number of Housing Court judges from 50 to 55, which became fully effective in September 2024, and have also increased staffing levels for non-judicial personnel as well. The 131,000 cases filed in 2024, represents a substantial drop in housing case filings. We don’t know t why, but one substantial factor may be that the City’s Universal Access to Counsel law has discouraged the commencement of meritless eviction cases. In addition, the Housing Stability and Tenant Protection Act of 2019 (HSTPA) and the Good Cause Eviction law passed in 2024 introduced stronger tenant protections and removed key incentives for landlords to pursue evictions, such as vacancy decontrol. While it’s still too early to assess the full impact of the Good Cause law, we’re hopeful it will contribute to a continued decline in eviction filings.

Beyond the data, Housing Court leadership remains closely connected to the experiences shared by our judges, staff, and the people they serve. Through regular conversations, we consistently hear that both landlords and tenants feel overwhelmed by the process and wish it were more understandable and efficient. Many also express frustrations with the broader challenges of finding affordable, accessible housing—issues that, while beyond our control, we deeply understand.

We remain fully committed to making Housing Court a more welcoming place in which landlords and tenants alike can come to obtain the courts’ assistance in resolving their disputes. Our focus is on ensuring that everyone who comes before us receives meaningful help with their problems and feels seen, heard, and respected.

The Impact of Universal Access to Counsel

The UAC program has significantly reshaped Housing Court. With significantly more tenants now receiving legal representation, we’ve seen a marked increase in motion practice and a need

for deeper judicial engagement in each case. To support this shift, we've restructured how cases move through the system—introducing intake calendars and adjusting workflows to ensure legal service providers have the time and space they need to effectively counsel clients. Throughout this process, we've worked closely with HRA and the Office for Civil Justice (OCJ) in a spirit of collaboration and practical problem-solving to respond to challenges and support the program's success.

These operational changes reflect steps towards a broader transformation: from a high-volume eviction forum to a more deliberative, justice-centered court focused on housing stability and fairness for all parties.

Limitations of Universal Access to Counsel

While UAC has brought transformative change to Housing Court by expanding tenant representation, its implementation has not been without challenges. UAC applies only to those persons living at or below twice the federal poverty level, or \$64,300 for a family of four. In New York City, many families earning more than twice the federal poverty level are struggling to get by, yet they are ineligible for UAC assistance when facing eviction.¹ Even as to those earning less than the federal poverty level, approximately half of those eligible for UAC assistance actually receive it. Legal service providers continue to face significant resource and staffing constraints, which have limited their ability to meet the growing demand for representation. In addition to the lack of funding that would allow legal service providers to expand their coverage to all eligible persons, the fact that employees of legal service providers are underpaid when compared to other attorneys in the public sector makes the turnover rate in those positions very high, which in turn diminishes the experience and effectiveness of those attorneys who represent clients in housing court.

Even for those who are able to secure counsel through the program, delays in assignment or first appearance challenges can be pivotal. These gaps have created inconsistencies in access and outcomes, undermining the law's full potential.

Unrepresented respondents often face steep procedural and linguistic barriers. Legal documents are complex. Courtrooms can be intimidating. And for many litigants—especially those with low literacy or limited English proficiency—the mere act of participating in a case can be overwhelming. We continue to expand Help Centers, offer plain-language materials, and provide interpreters, but additional court-based navigators and simplified processes are needed.

Housing Part or HP actions—cases brought by tenants to compel landlords to make repairs, address emergency conditions or provide essential services—remain one of the most powerful tools tenants have to enforce their right to a safe and habitable home. These cases allow tenants to seek repairs and accountability—even without an attorney—and they often result in meaningful court orders and stipulations. However, success depends on timely inspections by the New York City Department of Housing and Preservation Department (HPD), strong follow-up, and the ability of tenants—many of whom are pro se—to persist through the process. In particular, tenant harassment cases, remain difficult for unrepresented tenant to navigate due to

evidentiary burdens and the need for legal support. Continued investment is required to ensure these critical cases don't fall through the cracks.

What's Still Needed

To strengthen Housing Court from within, we're pursuing the following operational changes to improve efficiency, accessibility, and the overall court experience.

- Modernize court operations through expanded virtual hearing access, hybrid calendars, digital filings, and automated reminders.
- Provide plain-language materials, simplified procedures, and clear guidance for navigating the court system.
- Offer user-friendly resources like e-filing guides, pamphlets, and in-person workshops.
- Increase access to in-court navigators to assist unrepresented litigants.
- Renovate courtrooms to create more welcoming, stress-reducing environments with clear signage, private meeting areas, and child-friendly spaces.
- Expand training for judges, clerks, and staff on trauma-informed practices and cultural competency.
- Advance procedural justice through performance metrics.
- Scale up alternate dispute resolution (ADR), especially in harassment and small property cases.
- Partner with community organizations to provide holistic support, particularly for underserved populations.

We also respectfully advance the following policy considerations for the City Council to consider when evaluating future policy changes and funding needs:

- Stabilize, fully fund, and expand the UAC program and close eligibility gaps.
- Strengthen the enforcement of housing standards with better compliance enforcement and agency coordination with HPD.
- Provide HRA the resources needed to efficiently resolve rent arrears cases.
- Explore means by which HRA and other public benefit agencies can pre-emptively resolve rent arrears issues and thus spare tenants the trauma of an eviction proceeding, spare landlords more litigation than necessary, and preserve Housing Court as a forum for bona fide landlord/tenant disputes.

Conclusion

Housing Court is no longer the same institution it once was, thanks in large part to the UAC program. It is more aware, more compassionate, and more committed to equity. But we are not done. The complexity of housing law, the scale of our docket, and the stakes for our litigants demand continuous innovation and partnership.

We also want to extend an invitation to you and your staff to visit Housing Court and our other courts. We periodically host tours to offer a closer look at the day-to-day operations of the court, including many of the initiatives we've undertaken to improve access to justice, enhance efficiency, and better serve the public. We would be glad to welcome you for a firsthand look at our operations.

On behalf of the New York City Civil Court, we thank you for your leadership and for recognizing that justice—in housing, as in all areas—begins with a system that sees, hears, and respects every person it serves.

We welcome your questions and look forward to continued collaboration.



**Right to Counsel Coalition Testimony
NYC Council Committee on Oversight and Investigations Hearing
October 30, 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 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 failing to meet its mandate. Since January 2022, **more than 107,000 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. They were transparent, responsive, and committed to upholding RTC. Under the Adams administration, OCJ has retreated from that role – capitulating to the courts' position instead of enforcing tenants' rights.

The City must act now to fund, enforce, and help strengthen RTC.

1. Fully Fund Right to Counsel

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. To meet current demand, the city must:

- 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.

2. Ensure OCJ's Effective 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, those reports have been delayed, and hearings have been postponed and held virtually, limiting public access and transparency. OCJ must:

- Resume in-person annual hearings on Right to Counsel.
- Release timely public reports each year.
- Meet regularly with our Coalition – not only with contracted legal providers – to ensure RTC implementation addresses the needs of tenants facing eviction.

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

3. Uphold Tenants' Rights in Housing Court

The courts must do their part to uphold tenants' legal rights. The Office of Court Administration (OCA) must:

- Reduce the volume of eviction cases on court calendars so the number of cases matches the capacity of legal service providers.
- Work 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.

The City Council must join us in putting pressure on OCA to enforce these basic protections.

4. Support Statewide Right to Counsel

To permanently solve this crisis, the state needs to pass our Statewide Right to Counsel legislation (S6772 / A4669). This bill 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. We are calling on the City Council to be RTC champions and publicly defend tenants' Right to Counsel. In summary, we ask that you:

- Add at least **\$350 million** to the city budget to fully fund RTC.
- **Hold OCJ accountable** for enforcing and reporting on the law, urging OCA to uphold it, and collaborating with our Coalition to ensure RTC's success.
- Urge the State Legislature to pass **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



SMALL PROPERTY OWNERS OF NEW YORK

The Committee on Oversight and Investigations Regarding Right to Counsel in Housing Court

The Small Property Owners of New York (SPONY), a trade association representing the interests of small housing providers in NYC and NYS, respectfully submits this testimony regarding the City's Right to Counsel (RTC) program in Housing Court.

SPONY supports the underlying purpose of the RTC initiative, ensures that all participants in the housing justice system have meaningful access to legal representation and that proceedings are fair, transparent, and consistent with due process.

While the RTC program has had significant benefits in promoting housing stability for tenants, SPONY urges the Committee to consider modifications and expansion to the program. SPONY recommends that the Committee expand eligibility for legal assistance to include small property owners who meet defined financial criteria and screening requirements for all candidates.

Small property owners- often retirees, working families, or individuals who own and manage one- to three-family homes-form the backbone of a large part of New York City's naturally occurring affordable housing inventory. Owners with majority rent stabilized buildings are also providing affordable housing to many New Yorkers despite they themselves facing record-high costs for property taxes, insurance, water and heat bills. Unlike institutional landlords, these types of owners lack the financial resources to retain counsel and rely solely on rental income to meet mortgage, tax, and maintenance obligations.

As noted by real estate professionals and recent litigation filed against the New York State Court System, Housing Court cases are severely prolonged-frequently extending for many months and even years, despite the statutory framework availing both landlords and tenants to expedited summary proceedings. As a result, small building owners are experiencing severe financial hardship from exploding legal expenses due to the delayed court administration. If landlords do not retain counsel, they face unfamiliarity with complex procedural requirements, adjournments, and administrative inefficiencies that can result in the loss of both property and livelihood. If they do retain counsel they are paying legal fees out of pocket for countless appearances and adjournments to try and resolve disputes with no alternative mechanism for resolution of housing disputes.

An expanded Right to Counsel framework, offering legal assistance to small landlords who fall within certain income thresholds or hardship criteria, would advance the same principles of fairness and access to justice that underpin the tenant RTC program. Equal access to counsel benefits the system as a whole by promoting informed participation, reducing procedural errors, and enabling more efficient adjudication. Many of these property owners are in financial distress, having financial circumstances that mimic the same tenants who are eligible for RTC.

SPONY recognizes that the challenges facing Housing Court extend beyond representation.

Chronic delays, repeated adjournments, and an overwhelmed docket hinder the effective resolution of disputes and impose undue burdens on all parties. These systemic inefficiencies not only prolong housing instability for tenants but also jeopardize the financial viability of small property owners to continue to sustain the burden of providing the city's most affordable housing options.

Providing legal representation to small landlords would support Housing Court operations by improving case preparedness and facilitating earlier settlements. It would also assist in ensuring that both landlords and tenants advance legally viable positions in litigation. Both sides represented by counsel are better positioned to engage in productive negotiations, narrowing the issues before the court and reducing overall caseload pressure.

While SPONY fully supports the mission of the Right to Counsel (RTC) program and recognizes the critical role it plays in preventing unjust displacement, it is equally important that the program's limited resources be used effectively and equitably to ensure the continued stability of New York City's housing market as a whole. We respectfully urge the Committee to consider implementing reasonable eligibility safeguards to help prevent potential misuse of the program by either tenants or landlords. In particular, tenants who repeatedly utilize RTC representation in multiple eviction or nonpayment proceedings without demonstrating a material change in circumstance could be subject to review or temporary ineligibility. The 2019 rent law amendments, combined with the good cause eviction standards, have already made it significantly more challenging for landlords to enforce lease agreements in good faith. Without balanced measures, ongoing noncompliance may continue to strain the already limited financial resources of small property owners.

The RTC program was established to protect tenants facing genuine housing instability. Based on SPONY's understanding, it was not intended to serve as an ongoing litigation mechanism to delay proceedings or exploit procedural backlogs, inadvertently forcing housing providers to bear mounting legal costs. Chronic or repeated use of the program not only increases burdens on the courts and legal aid organizations but can also create inequities for small property owners, many of whom rely on timely rent payments to meet mortgage, tax, and maintenance obligations. Additionally, some tenants have become increasingly familiar with "one-shot deals" and similar assistance programs that, while well-intentioned, can result in repeated and costly legal processes before relief is granted. Establishing a review mechanism could help ensure fairness, preserve limited legal aid resources, and maintain the RTC program's long-term sustainability for those who need it most.

Finally, SPONY recommends that the City explore alternative dispute resolution mechanisms or administrative systems that would allow certain cases—particularly nonpayment disputes involving good-faith landlords and tenants—to be resolved outside of Housing Court. The program could be structured through:

- A neutral, trained mediator to facilitate resolution between the tenant (and, where applicable, their HRA representative or counsel) and the landlord (or their designated representative).
- Agreements reached through mediation could address arrears, repairs, or lease outside of HPD complaints, and modifications and would be reduced to writing, enforceable if necessary in court.

- Mediation sessions would be time-limited and standardized to ensure accountability and prevent undue delay.

Such a program could resolve a substantial portion of housing disputes before formal court filings occur and before rent arrears become significantly high. Judicial resources could also be conserved and spent on cases that truly need to be adjudicated rather than straight forward non-payment and eviction proceedings.

The Small Property Owners of New York reiterates its support for the Right to Counsel program as an essential tool for achieving equity in the housing justice system. We respectfully submit that the goals of fairness and access would be further advanced by:

1. Expanding eligibility for legal assistance to small property owners who demonstrate financial need;
2. Implementing a structured mediation or alternative dispute resolution mechanism to resolve disputes prior to Housing Court intervention;
3. Implement a review mechanism for chronic RTC users, flagging tenants who repeatedly file or appear in Housing Court under the program without material change in circumstance.
4. Continue investment in Housing Court staffing and case management reforms to address ongoing delays and backlogs that harm both tenants and small property owner

These measures would strengthen the integrity and efficiency of the system, alleviate court congestion, further support good faith small landlords and support the long-term preservation of New York City's affordable housing stock.

SPONY appreciates the Committee's consideration of these recommendations and stands ready to work collaboratively with City officials and stakeholders to advance a balanced and sustainable approach to housing justice. Should any further statement or expansions on the suggested practices be required, representatives are ready, willing and able to present additional testimony

CONTACT:

Ann Korchak
Board President
Small Property Owners of NY
ann@spony.org

From: [Oliver Benjamin](#)
To: [Testimony](#)
Cc: [Asthania Lefevre](#); [Jodie](#); [Yonatan Tadele](#); [Timothy Paulson](#)
Subject: [EXTERNAL] Committee on Oversight and Investigations 10/30/25
Date: Friday, October 31, 2025 3:45:11 PM

Transcript of Testimony

Thursday, October 30, 2025

Committee on Oversight and Investigations Gale A. Brewer, Chairperson

Oversight – Right to Counsel in Housing Court.

250 Broadway, 8th Floor – Hearing Room 3

This is Asthania Lefevre, & my name is Oliver Thayer. We share the experience & hard-earned understanding of what I'm about to share with you.

We live in a stabilized unit in Manhattan under a shadow landlord who has made a post-pandemic hobby out of well documented harassment, negligence and for over a year now, dragging us to court.

At the courthouse, the line of people waiting to go through security to face eviction wraps around the entire block.

All of us are defendants in a city that currently has 150,000 open HPD violations. Before seeing a judge, most of us will be speaking to the plaintiff's attorneys in the chaotic hallways, isolated & defenseless.

We are hard-working New Yorkers, diverse in ethnicity and backgrounds. We blow into our hands in the frozen morning air, all facing the same threat. Most of us don't know how the justice system works, what the laws are, or our rights. We don't know what resources exist, or what their purposes are.

As a result, we are controlled by the fear of the very thing that is happening to us; subservient and cowering beneath a building our tax dollars pay for.

Hours go by, & we're told by a jaded court clerk to run as fast as we can from the courtroom to an elevator. With a little luck, we'll catch the attention of one of the few attorneys present before they leave the building indefinitely at noon; sometimes later, sometimes earlier.

Once upstairs, we ask overworked, underpaid, exhausted lawyers to please explain the situation, to please help us, to please help our families. But why would we be chosen over anyone else from that long winding line outside?

"Don't call us, we'll call you." We overhear a conversation about a new taqueria truck on White Street.

Rather than being honored by this city as is mandated by law to protect tenants, Right to Council is treated similarly to the homeless. Stepped over & forgotten to get to shinier things. Stepped over & forgotten by a brutal court system grinding through tenants as quickly as possible on behalf of landlords.

We're told there's a housing crisis. But one person's crisis is another's windfall, so whatever you do, thoroughly document all proof of landlord negligence, harassment and financial fraud committed through an ever shifting network of shell companies whose owners rely on & profit from the displacement of New Yorkers.

Survival has a steep learning curve when our only recourse is to be our own Council in the face of those unwilling to be held accountable for a system they intentionally break. They will not break us.

Right to Counsel hearing
Tim Paulson testimony

On a 9-degree morning on January 23, 2025 I woke to a hard knock on the door. A few minutes later I found myself facing a City Marshal who broke into my kitchen with a credit card and some WD40—and no warrant. I said I was sick. He said he'd get an ambulance. 10 minutes later there were a bunch of FDNY and NYPD backing up warrantless break-in guy.

I was evicted. By mistake. Possibly unlawfully. But what was I going to do?

I needed a stay from a judge. I went to housing court only to find a hand-written sign saying there would be no free public lawyers for the days of my case. I wound up facing the judge and my rapacious landlord's attorney on my own.

I had no way of knowing these guys had moved so fast they grabbed the wrong template—they said my rent-stabilized home of 37 years was not rent-regulated. The case could have been thrown out. But I'm not a lawyer. I didn't know.

That hour in court was ugly as the eviction.

I later got back into my place and had my stuff restored to me—cats included—solely due to the sweat and genius of the legal aid society. Pro Bono lawyers who clock overtime.

If equality under the law is the bedrock of democracy, the right to counsel is what it sits on. When the poor have to go it alone in court, there's no justice possible. The defense the rich buy becomes just a commodity. A transaction.

Today, in our City, the Right to Counsel remains an unfunded mandate. We need that right funded to have it all. I make this demand as a New Yorker: Fund the Right to Counsel.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: SARAH INTERNICOLA

Address: 110 William

I represent: IBO

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: TANYA FAYE

Address: 111 CENTRE ST. NY NY 10013

I represent: NYC CIVIL COURT

Address: 111 CENTRE STREET, NY NY 10013

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CLAIRE SALANT

Address: 110 William

I represent: IBO

Address: same

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: _____ *Joanna Laine* (#7)

Address: _____

I represent: _____ *Legal Aid Society*

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: _____ *Jonathan Fox* (#6)

Address: _____

I represent: _____ *NY Legal Assistances Group*

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: _____ *Alfred Toussaint* (#5)

Address: _____

I represent: _____ *CAMBA Legal Services*

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

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☐ in favor ☐ in opposition

RTC Panel

Date: _____

(PLEASE PRINT)

Name: Jerome Enerson (#4)

Address: _____

I represent: Bronx Works Inc.

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

RTC Panel

Date: _____

(PLEASE PRINT)

Name: Philip Dunbar (#3)

Address: _____

I represent: NMTC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

RTC Panel
RTC Panel

Date: _____

(PLEASE PRINT)

Name: Rosalind Black (#2)

Address: _____

I represent: Legal Services of NYC

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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☐ in favor ☐ in opposition

RTC Panel

Date: _____

(PLEASE PRINT)

Name: Christopher Helwig (#1)

Address: _____

I represent: Neighborhood Defender Service of

Address: Harlem

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: OCTAVIA SOLANO

Address: 1749 GRAND CONCOURSE

I represent: CASA / NEW SETTLEMENT

Address: _____

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Peter Estes

Address: _____

I represent: ANHD

Address: _____

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THE CITY OF NEW YORK

Appearance Card

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☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Michele Anne Blondmaireville

Address: #

I represent: Lead for Humanity

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: October 30, 2025

(PLEASE PRINT)

Name: Jesse Lang

Address: 1 Centre Street Floor 19

I represent: Manhattan Borough President Mark Levine

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: OLIVER THAYER

Address: [REDACTED] NY, NY 10009

I represent: Cooper Square Committee

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/2025

(PLEASE PRINT)

Name: Asthanica LeFevre

Address: [REDACTED] 10009

I represent: Cooper Square Committee

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: AdalKy Capellan

Address: [REDACTED]

I represent: Right to Counsel

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: MARLA SIMPSON

Address: 110 William

I represent: Independent Budget Office

Address: 110 William

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/2025

(PLEASE PRINT)

Name: Alfred Toussaint

Address: [REDACTED] Roselle Park, NJ 07204

I represent: CAMBA Legal Services

Address: 20 Snyder Ave, Brooklyn, NY 11226

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Rosalind Black

Address: 40 W 4th St, Ste 606, NY, NY

I represent: Legal Services NYC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Joanna Laine

Address: [REDACTED] 111 Livingston St, 7th fl Brooklyn

I represent: The Legal Aid Society

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Chris Helwig

Address: [REDACTED] Astoria NY 11106

I represent: Neighborhood Defender Service of Harlem

Address: 317 Lenox Ave. 10th Fl. NY, NY 10027

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/2025

(PLEASE PRINT)

Name: Jenny Laurie

Address: 50 Broad St NYC 10004

I represent: Housing Court Answers

Address: Above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Beth Frankel

Address: 750 Mudd

I represent: AAAP

Address: 750 Mudd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

RTC

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: October 30, 2025

(PLEASE PRINT)

Name: Chandler Hart McGonigle (group)

Address: 50 Bway 1600 NY NY 10004

I represent: ALAA 2325 (UAW) LASAU

Address: 50 Bway 1600 NY NY 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

RTC

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: October 30, 2025

(PLEASE PRINT)

Name: Michael Diller (group)

Address: 50 Bway 1600 NY NY 10004

I represent: ALAA 2325 (UAW) LASAU

Address: 50 Bway 1600 NY NY 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

RTC

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: October 30, 2025

(PLEASE PRINT)

Name: Atosa Mozaffari (group w/ Chandler + Michael)

Address: 50 Broadway #1600 NY NY 10004

I represent: LASAU - ALAA 2325 (UAW)

Address: 50 Broadway #1600 NY NY 10004

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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Masha Grindler

Address: _____

I represent: HRA Civil Justice Coordinator

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Scott French

Address: _____

I represent: HRA Administrator

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Jack Stoller / Panel

Address: [Redacted] Brooklyn

I represent: Office of Cont Administration

Address: 111 Centre St, NYC

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: KATARZYNA DOVER

Address: _____

I represent: BRONX NY 10471
myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: DAN EVANS

Address: _____

I represent: GODDARD RIVERSIDE

Address: 593 COLUMBUS AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Judge Shahabuddin Aliy

Address: 111 Centre Street, NY NY 10013

I represent: NYS Courts

Address: 111 Centre Street, NY NY 10013

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Philip Duncan
Address: 45 Wadsworth Ave NY NY 10033

I represent: NM1C

Address: 45 Wadsworth Ave NY NY 10033

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Jonathan Fox
Address: [REDACTED] Brooklyn NY

I represent: New York Legal Assistance Group

Address: 100 Pearl St, 19th Fl, New York, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Norma Ginez
Address: [REDACTED] - BX

I represent: CASA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/30/2025

(PLEASE PRINT)

Name:

Address:

I represent:

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name:

Address:

I represent:

Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name:

Address:

I represent:

Address:

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☒ in opposition

Date: 10/30/2025

(PLEASE PRINT)

Name: Laura Golan

Address: 10101 6399 BX, NY 10451

I represent: CASA

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: OCT 30, 2025

(PLEASE PRINT)

Name: TIMOTHY PAULSON

Address: [REDACTED]

I represent: MYSELF

Address: [REDACTED] NYC 10003

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 10/30/25

(PLEASE PRINT)

Name: Christopher Johnson

Address: [REDACTED]

I represent: SELF

Address: _____

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