



NEW YORK
CITY BAR

Hon. Kathy Hochul
Governor of the State of New York
New York State Capitol Building
Albany, NY 12224

April 1, 2024

Hon. Carl Heastie
Speaker
New York State Assembly
Legislative Office Building 932
Albany, NY 12248

Hon. Andrea Stewart-Cousins
Majority Leader
New York State Senate
Legislative Office Building 907
Albany, NY 12247

RE: Passage of legislation to guarantee the Right to Counsel for all tenants facing eviction in New York State

Dear Governor Hochul, Speaker Heastie and Majority Leader Stewart-Cousins:

On behalf of New York City Bar Association (the City Bar) we write to urge you to prioritize the inclusion of Statewide Right to Counsel legislation (S.2721 Sen. May) and funding of \$260 million in the FY 2025 budget.

Losing one's home is one of the most devastating consequences of judgments in our civil court system. The City Bar has long supported the principle that tenants who face eviction from their homes should have a right to counsel.¹ We were co-sponsors of the 2005 American Bar Association resolution calling for a right to counsel in civil matters where fundamental human needs are at stake. We actively supported passage of New York City's groundbreaking right to counsel law that passed in 2017 and we have been supporting the expansion of right to counsel statewide since legislation to that effect was introduced a couple of years ago.²

¹ See in general Civil Right to Counsel Task Force, <https://www.nycbar.org/committees/task-force-on-civil-right-to-counsel/?back=1>.

² See *i.e.* "Report supporting legislation to provide the right to counsel in eviction, foreclosure and/or ejection cases in New York City which can result in the litigant's loss of shelter," Feb. 27, 2015, <https://www.nycbar.org/reports/report->

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 23,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world.

New York has always been a leader in promoting safe, decent affordable housing for all and in taking measures to address access to justice and the prevention of homelessness. A right to counsel in eviction proceedings advances all of these goals. All the accumulating data demonstrates that a right to counsel keeps tenants in their homes, assists them in securing necessary repairs and essential services, and protects them from illegal rent overcharges. Judges in New York City have welcomed having counsel on both sides in eviction proceedings because it helps them understand the issues and resolve conflicts.

Since passage of New York City’s right to counsel law in 2017, four states and eighteen local jurisdictions, including Westchester County, have adopted eviction right to counsel legislation.³ It’s time for New York State to take a leadership role in this critical issue. We urge you to support the effort to add eviction right to counsel in the state budget.

Respectfully,



Susan Kohlmann, President

Alison McKinnell King

Alison McKinnell King, Co-Chair
Task Force on the Civil Right to Counsel

Andrew A. Scherer

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Task Force on the Civil Right to Counsel

Sara Nicole Wagner

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Task Force on the Civil Right to Counsel

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[supporting-legislation-to-provide-the-right-to-counsel-in-eviction-foreclosure-and-or-ejectment-cases-in-new-york-city-which-can-result-in-the-litigants-loss-of-shelter/?back=1](https://www.nycbar.org/reports/written-testimony-of-the-new-york-city-bar-association-in-support-of-int-214-a-providing-a-right-to-counsel-in-housing-court/?back=1); “Written Testimony of the New York City Bar Association in Support of Int. 214-A, Providing a Right to Counsel in Housing Court,” Sept. 26, 2016, <https://www.nycbar.org/reports/written-testimony-of-the-new-york-city-bar-association-in-support-of-int-214-a-providing-a-right-to-counsel-in-housing-court/?back=1>; “Expanding Right to Counsel for Tenants in New York City Housing Court,” Feb. 23, 2020, <https://www.nycbar.org/reports/expanding-right-to-counsel-for-tenants-in-new-york-city-housing-court/?back=1>; “Testimony on the Right to Counsel,” Feb. 28, 2024, <https://www.nycbar.org/reports/testimony-on-the-right-to-counsel-program/?back=1>; and “Hearing Testimony for Universal Access to Legal Services Law,” March 27, 2023, <https://www.nycbar.org/reports/hearing-testimony-for-universal-access-to-legal-services-law/?back=1>.

³ “Current Tally of Tenant Right to Counsel Jurisdictions,” National Coalition for a Civil Right to Counsel, http://civilrighttocounsel.org/highlighted_work/organizing_around_right_to_counsel (last visited March 29, 2024). See also “The Right to Counsel for Tenants Facing Eviction: Enacted Legislation,” National Coalition for a Civil Right to Counsel, Nov. 2023, at 3, http://civilrighttocounsel.org/uploaded_files/283/RTC_Enacted_Legislation_in_Eviction_Proceedings_FINAL.pdf.