



THE CITY OF NEW YORK
COMMUNITY BOARD 9
MANHATTAN

Morningside Heights
Manhattanville
Hamilton Heights
Sugar Hill

3291/3295 Broadway
New York, NY 10027
Phone: (212)864-6200 Email:
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November 20th, 2023

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

Andrea Stewart-Cousins
Majority Leader Speaker
The New York State Senate
250 Broadway, Room 1930
New York, NY 10007

Carl E. Heastie
Speaker
The New York State Assembly
LOB 932
Albany, NY 12248

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

At its regularly scheduled General Board Meeting held remotely and in-person, on Thursday, October 19th, 2023. Manhattan Community Board No. 9 passed the following resolution re: **Support of a Right to Counsel for ALL New York State Residents Who Face Losing their Homes in Legal Proceedings** by unanimous consent with 32 members present.

WHEREAS a substantial number of people facing eviction and foreclosure proceedings across New York State live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented, while the vast majority of NYS landlords have counsel; and

WHEREAS eviction and foreclosure proceedings are technical legal proceedings in which lawyers generally appear for the petitioners and the rules of evidence and procedural and substantive law all apply and are consequently very difficult for unrepresented parties to navigate; and

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WHEREAS representation by counsel in eviction and foreclosure proceedings keeps people in their homes and communities and out of the homeless shelters and provides fundamental fairness and due process for those who face losing their homes; and

WHEREAS in New York City and in the 20 plus cities, states and counties with a Right to Counsel in eviction proceedings, statistics have borne out these benefits of Right to Counsel, and have also demonstrated that Right to Counsel reduces default evictions, and overall eviction filings, with a report from the New York City Office of Civil Justice finding that 84% tenants represented by a Right to Counsel attorney in eviction proceedings were able to remain in their homes; and

WHEREAS the consequences of eviction and foreclosure are dire for low-income people as there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave and suffer from loss of employment, missed schooling and damage to physical and mental health; and

WHEREAS these dire consequences for those who lose their homes in turn result in huge costs to the City and State of New York in providing shelter, social services and other services, such that Right to Counsel, in reducing these costs, would pay for itself in the long term, while also preventing multiple, compounding harms to New Yorkers; and

WHEREAS though many New York City residents have a Right to Counsel, Right to Counsel legislation establishing a Right to Counsel across New York State would bring many benefits to New York City residents, ensuring all New York City residents have a right to counsel, strengthening mandates on our court system to enforce tenants' rights, and conferring counsel in tenant-initiated cases; and

WHEREAS Assembly member Latoya Joyner and State Senator Rachel May have introduced A1493/S2721, which would create the New York State Office of Civil Representation and create a Right to Counsel in eviction proceedings for all New Yorkers and is currently pending in the State Legislature and, last session, passed by 90 votes in the Assembly, and had 28 Senate cosponsors, with a majority of the State Senate and State Assembly delegations from New York City cosponsoring the legislation; and



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WHEREAS since the lifting of the pandemic-era eviction moratorium on January 15, 2022 has resulted in a surge of eviction filings that has continued into 2023, with a 53% increase over the prior year; and

WHEREAS the surge in eviction filings has outpaced the capacity of Right to Counsel legal service providers, resulting in only an estimated 36% of tenants facing eviction in 2022 receiving legal representation, despite an estimated 82% of tenants facing eviction qualifying for free legal services under Right to Counsel; and

WHEREAS in New York City, tenants who are entitled to counsel under the City's Right to Counsel program but have not yet been assigned an attorney to represent them have found themselves appearing in Housing Court without legal representation before judges unwilling to grant adjournments of the case until such time as the tenants receive the legal representation to which they are entitled; and

WHEREAS Senator Brad Hoylman-Sigal and Assemblymember Linda Rosenthal have introduced A4993/S3245, which would grant litigants who are entitled to free legal representation but who have not yet received such representation the right to adjourn their cases until such legal representation is obtained; and

WHEREAS, West Harlem is home to many owner occupied small properties held in a variety of entities, homeowners, and cooperators who face the threat of foreclosure without any guarantee of legal representation, jeopardizing their homes and threatening them with homelessness; and

WHEREAS the threat of foreclosure both puts the small property owner, homeowner and cooperators at risk of homelessness and also results in substantial destruction of generational wealth, particularly for low- and moderate-income homeowners and homeowners of color;

THEREFORE BE IT RESOLVED THAT Manhattan Community Board 9 supports the passage and enactment of A1493/S2721, which would create a statewide Right to Counsel for all New Yorkers who face losing their homes in eviction proceedings and urges the State Assembly, State Senate and Governor to pass and fully fund Statewide Right to Counsel in the FY 2025 budget; and

THEREFORE BE IT FURTHER RESOLVED THAT Manhattan Community Board 9 supports the passage and enactment of A4993/S3245, which would create a right to adjournment for New Yorkers facing eviction who are entitled to free legal representation but who have not yet

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received such representation and urges the State Assembly, State Senate, and Governor to pass and sign such legislation as soon as possible; and

THEREFORE BE IT FURTHER RESOLVED that Manhattan Community Board 9 calls upon the State Legislature and Governor to create a similar right to free legal counsel for small property owners, homeowners and cooperators facing foreclosure who cannot afford legal representation or obtaining such counsel would result in economic hardship, and to fully fund such legal services required to provide free legal representation to eligible owner occupants in New York State.

If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board office (212) 864-6200. Sincerely,

Victor Edwards
Chair

cc:

Hon. Eric Adams, Mayor
Hon. Brad Lander, NYC Comptroller
Hon. Mark Levine, Manhattan Borough President
Hon. Cordell Cleare, New York State Senate
Hon. Daniel J. O'Donnell, Assembly Member
Hon. Inez Dickens, Assembly Member
Hon. Al Taylor, Assembly Member
Hon. Shaun Abreu, City Council Member
Hon. Kristin Richardson-Jordan, City Council Member
Mr. Zead Ramadan, Executive Director, West Harlem Development Corporation