Right to Counsel

This tool ensures an attorney to represent low-income tenants being taken to housing court for eviction. The intent is to shift the balance of power in housing court, which currently weighs heavily towards landlords.

**For NYC:**

**POLICY OBJECTIVE:**

The objective of Right to Counsel is to ensure tenants who are being brought to housing court for eviction proceedings are represented by a lawyer. Almost all cases in housing court are initiated by landlords, the vast majority of whom are represented by attorneys. The opposite is true for tenants. Landlords often take tenants to court without a legitimate case, but tenants' lack of access to a lawyer puts them at risk of losing their home. Right to Counsel changes that dynamic by giving tenants representation.

**HOW DOES IT WORK?**

New York City’s Right to Counsel law, passed in 2017, ensures a housing lawyer for tenants being taken to court for evictions who make 200% of the federal poverty line or less. It is being phased in by zip code over the course of five years. By 2022, the law will apply citywide. Tenants can connect with nonprofit legal service providers on their first court date. Right to Counsel also guarantees access to a legal consultation for tenants who do not meet income qualifications.
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WHO BENEFITS?

Right to Counsel benefits all types of low-income renters being sued for eviction; the law currently applies only to certain zip codes, but by 2022 it will apply citywide. It particularly benefits tenants in regulated units, who are more likely to be sued for eviction to remove them from their apartment illegitimately in order to deregulate it.

HOW WAS IT ENACTED?

The Right to Counsel legislation was passed by the City Council in August 2017.

HOW IS IT ENFORCED?

The Human Resource Administration's Office of Civil Justice is responsible for implementing the Right to Counsel program, also known as Universal Access to Legal Services.

WHO'S INVOLVED?

- The Right to Counsel NYC Coalition
- New Settlement's Community Action for Safe Apartments (CASA)
- Council Member Vanessa Gibson
- Council Member Mark Levine
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Example Policy: San Francisco, CA

HOW DOES IT WORK?
San Francisco was the second city after New York to pass Right to Counsel legislation guaranteeing tenants the right to a lawyer when being taken to housing court for eviction. Prior to the passage of the law, called Proposition F, San Francisco funded some eviction-related legal services and representation to tenants meeting certain age, income, and health status criteria. But the new law expanded the right to representation against eviction for all tenants. Funding for the program is subject to San Francisco’s budget process.

WHO BENEFITS?
The San Francisco law guarantees all tenants a lawyer, regardless of income.

HOW WAS IT ENACTED?
Proposition F was passed by voters in June of 2018, with 56% in favor.

HOW IS IT ENFORCED?
The Mayor’s Office of Housing and Community Development is responsible for implementing the program, but the Mayor and Board of Supervisors are responsible for allocating funding toward it and an ordinance cannot bind them to do so.