

**Joint Legislative Budget Hearing on Housing**  
**February 14, 2024**



Right to Counsel Coalition Testimony on Urgent Need to Fund and Pass Statewide Right to Counsel (S2721)

My name is Randy Dillard, and I am a tenant leader with CASA in the Bronx, a Community Board 4 Member, and a Steering Committee Member with the Right to Counsel Coalition. In 2013, I was connected with CASA because I had been looking for a lawyer. I had a non-payment case in housing court, for money that I didn't actually owe—it had been money owed by section 8, which they'd refused to pay because the landlord had not done the necessary repairs and my apartment had failed the inspection. Being a single parent with 5 kids, I didn't know what to do, but I found a CASA pamphlet and went to one of their legal clinics. I ended up getting an attorney and fought the case for two and a half years. There's no way that I could've won that case without my attorney. After being connected with CASA and Director Susanna Blankley, we started the Right to Counsel coalition and launched our campaign for tenants in New York City to have the right to a free attorney when facing eviction.

In 2017, we won our campaign to establish a Right to Counsel for tenants facing eviction in New York City. After this historic victory, 84% of tenants with an RTC lawyer have won their case and been able to remain in their homes. Evictions across the city are down by nearly 40%; landlords are suing tenants 30% less, and defaults dropped by more than 30%, which means more tenants are showing up in Housing Court to fight their cases. And we launched a nationwide movement: over 20 cities, states and counties have passed RTC laws since we won in 2017, with Westchester County passing RTC last year.

But we still haven't stopped fighting, because there are tenants all across New York State who don't have a Right to Counsel. Over 175,000 tenants statewide are facing eviction. 175,000. Most of those New Yorkers will be forced to enter a system that is designed for people with attorneys, but they will navigate that system alone, without ever speaking to a lawyer. In Albany, for example, in 2022, less than 2% of tenants had an attorney, while the vast majority of landlords were represented.

All of those unrepresented tenants will have to face down their eviction alone. Often they will not even know if they had defenses to raise. They will be bullied by the landlords' lawyers, disrespected by the judges. They will lose their cases when they could've won, if they'd had an attorney—and they'll be told this is justice.

A system in which most of the defendants cannot afford representation, while most of the plaintiffs can, cannot pretend to produce respectable outcomes. And yet we are paying for this system with our tax dollars. Meanwhile, landlords are systematically exploiting this imbalance of power in the courts to make a profit, and skirt the law. Does this sound like justice? It sounds to me like eviction rates climbing. Like countless New Yorkers remaining trapped in substandard housing, with nowhere to go, and no recourse to get repairs. It sounds like families being pushed out of the neighborhoods they helped, across generations, to build, and being forced to leave this state.

But we have a solution. We are now working with over 100 statewide partners to pass a Statewide Right to Counsel for ALL New Yorkers. S2721, introduced by Senator Rachel May, would guarantee the right to a free lawyer for ALL tenants facing eviction across New York State. And we are asking \$260 million in funding this year to begin implementing this Right to Counsel statewide.

\$260 million is going to enable a wholesale change in our court system. It's going to allow for tens of thousands more tenants to be represented. It's going to equip attorneys to fully litigate their cases and help ensure long-term housing stability for tenants. It's going to transform workplace conditions for legal providers and help us to compete nationally, attracting the next generation of civil legal talent to New York State. It will support organizers who are working hard to ensure tenants know what their rights are and how to use them. And it will establish a new state agency, the Office of Civil Representation, to oversee the Right to Counsel.

Join our movement. Help us pass and fund Statewide Right to Counsel this year. As a society, we cannot stand by any longer while New Yorkers are forced into the court system without the most basic right to representation. We know that establishing this right will keep New Yorkers in their homes, prevent the destruction of our communities, and save our state money in the long run. We are counting on your leadership to ensure that Right to Counsel is passed and funded in the budget this year. Thank you.