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**** *FOR IMMEDIATE RELEASE****

Legal Aid: OCA Must Limit the Calendaring of Housing Court Cases to Ensure that New Yorkers Facing Eviction Have Lawyers

Due to Overwhelming Caseloads, Legal Aid is Now Unable to Take New Housing Court Cases in Manhattan and Brooklyn for the Remainder of April

(NEW YORK, NY) - The Legal Aid Society reaffirmed its call on the New York State Office of Court Administration to [limit the calendaring of housing court cases](#) to ensure that low-income New Yorkers facing eviction have legal representation, as intended by New York City's Right To Counsel (RTC) initiative.

Due to overwhelming demand, Legal Aid [announced](#) today that attorneys will be unable to take new Housing Court cases in Manhattan and Brooklyn for the remainder of the month, a problem created by OCA's refusal to address this post-pandemic reality.

Legal Aid estimates that for the rest of April, 130 cases in Manhattan and 100 cases in Brooklyn will proceed without counsel.

Legal Services NYC is also unable to take Housing Cases in Brooklyn.

Earlier this month, Legal Aid and other RTC providers [announced](#) they had to reduce intake in Queens, yet OCA moved tenants' eviction cases forward anyway without legal representation.

According to recent [reporting](#), there are currently more than 200,000 eviction cases pending in New York City Housing court, with 6,382 cases filed in February and another 7,740 filed in March, per OCA [data](#).

This past November, RTC providers notified stakeholders, including OCA, about these looming issues.

During the pandemic, the City abandoned RTC's staggered rollout by zip code, instead opening up RTC citywide, including to those households earning more than 200 percent of the federal poverty level to keep New Yorkers safely housed. RTC providers met the challenge, representing all tenants who needed help in response to the extraordinary circumstances created by the COVID-19 pandemic, even with constant changes in the law. Now

providers are at capacity, and OCA's unwillingness to cap the calendaring of cases to provider capacity is compromising RTC's ability to provide competent, client-centered representation.

Through discussion with the New York City Department of Social Services' Office of Civil Justice, RTC providers have requested that OCA calendar cases according to capacity to ensure universal representation for low-income tenants.

Prior to RTC's implementation, only one percent of tenants were represented by an attorney in eviction cases, which contributed to a massive power imbalance between landlords and tenants.

According to an annual [progress report](#) on RTC released last November, 100 percent of tenants with calendared eviction cases had access to legal services, and 71 percent of tenants who appeared in Housing Court had full representation by attorneys – an exponential increase over the one percent of tenants who had lawyers in 2013.

New York's Right To Counsel law has been highly effective at keeping tenants in their homes. Over the last four years, [84 percent of tenants](#) who received representation under Right To Counsel won their cases and stayed in their homes.

Moreover, the Community Service Society released a recent [report](#) revealing that, since implementation of RTC in 2017, the program has led to a decline in eviction filings by about 30 percent, keeping families housed and protected against homelessness.

When tenants do not have an attorney, they often do not know their rights and defenses or how to assert them, resulting in otherwise preventable evictions, which are destabilizing and traumatic for vulnerable families with long-term collateral consequences that affect employment, education, and health outcomes as well

However, when a tenant has counsel, all stakeholders benefit. Often, attorneys are able to identify and secure resources for the tenant to address rental arrears; proceedings are more efficient for the court when attorneys for the parties are involved; and there is a return on investment for the City when tenants can remain in their homes and do not have to contribute to the City's already burgeoning homeless shelter population.

“Since 2017, Right To Counsel has helped tenants across New York City remain in their homes, but now, due to the lack of meaningful action from OCA, this invaluable and proven program hangs in the balance,” said **Adriene Holder, Attorney-In-Charge of the Civil Practice at The Legal Aid Society**. “Our request to OCA is simple: limit the calendaring of these cases, according to provider capacity, so all tenants at risk of eviction have legal representation. The Court has done so when it experiences similar backlog and judicial staffing capacity issues in other courts, and Housing Court should be no different. We still have hope that OCA will do right by these vulnerable New Yorkers, and we call on other stakeholders, including City Hall, to defend the Right to Counsel initiative and urge the Court to make this necessary change.”

“Now more than ever, vulnerable New York City tenants need access to legal help to stay in their homes and avoid eviction,” said **Raun Rasmussen, executive director of Legal Services NYC**. “But in order for that to happen, the courts must slow down the calendaring of cases so tenants have an opportunity to be matched with an attorney. Until then, tenants will continue to be forced through a system designed to evict them. We continue to encourage the courts to come to the table to help create solutions that give tenants a fighting chance.”

“It is unfortunate that OCA values ‘contractual obligations’ but not internationally recognized human rights including due process and the right to housing. Legal service providers’ inability to provide universal representation under present conditions is a direct result of the crisis manufactured by OCA’s insistence on unnecessarily speeding up the eviction assembly line, a policy decision contrary to the legislative determination that keeping people in their homes is a public health imperative as well as sound social and economic policy,” said **Kenny Schaeffer, Board Chair of Met Council Action**.

“We are outraged at OCA’s response to attack our rights as tenants and deny us legal representation, a fundamental right the Right to Counsel NYC Coalition organized and won in 2017. Under the direction of Chief Judge DiFiore, state courts are rushing to clear their dockets demonstrating a clear disregard for the city’s RTC law. We know OCA has the power to slow down cases and we demand they put a cap on eviction cases. We call on OCA, specifically Judge DiFiore, to adopt the simple solution of lowering the volume of cases to match legal services provider capacity in order to remain in compliance with the RTC law. All New Yorkers deserve quality representation and the Right to Counsel to ensure they stay in their homes, ” said **Randy Dillard, RTCNYC Steering Committee Member and CASA Leader.**

“We are fighting to keep families in their homes and communities intact but cannot keep pace with OCA’s unrelenting calendaring of cases. The true cost of tenants going unrepresented in housing court will be a significant rise in evictions and homelessness, much of which could be prevented if advocates had the time and resources necessary to ensure the universal representation of low-income tenants,” said **Lisa Ohta, President of the Association of Legal Aid Attorneys - UAW2325.**

“OCA's actions are gutting the intentions of RTC. NYC tenants deserve representation, and legal workers throughout NYC should have manageable caseloads,” said **Corinthia A. Carter, President of Legal Services Staff Association - LSSA 2320.** “The statistics clearly show the vitally important impact representation has had on tenants when they receive effective counsel. Legal service providers must do what is necessary to maintain manageable caseloads and effective assistance of counsel as OCA continues to turn its back on New Yorkers facing the brutality of eviction and homelessness.”

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org