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Legal Aid: Recently Issued City Procurement Requests Would Gut Landmark Legal Services for Tenants Fighting Eviction, Landlord Harassment and More

NYC's Landmark Right to Counsel Program, along with other Similar Programs, at Serious Risk of Discontinuing Should City Refuse to Revise Procurements

(NEW YORK, NY) – The Legal Aid Society submitted a formal protest to the City over three separate problematic procurement requests for citywide housing contracts that together fund critical legal services that protect low-income tenants facing eviction or harassment from landlords across New York City.

The solicitation, if implemented, would gut New York's widely successful Right to Counsel program, which represents tenants facing eviction; the Anti-Harassment Tenant Protection program, which represents tenants on affirmative cases against landlords addressing building conditions and/or harassment; and a hotline for tenants in need of legal advice.

In a letter sent to HRA, Legal Aid called on the agency to amend or re-issue a "Request for x" (RFx) solicitation which grossly undermines New York City's Universal Access Law (UA), also known as Right to Counsel - which provides universal access to lawyers for tenants in housing cases - and erodes any legal services provider's ability to protect tenants from eviction. HRA is legally obligated by UA to plan and implement programs that would provide all tenants facing eviction in New York City Housing Court whose household income is at or below 200 percent of the Federal Poverty Guidelines.

The letter states:

“In its current form, HRA’s solicitation for legal services for tenants facing potential eviction is the antithesis of the intent of the Universal Access (UA) Law, which was enacted to ensure that eligible tenants have access to counsel in eviction proceedings. The City Council in a landmark move passed the Universal Access to Counsel Law in 2017, the first of its kind in the nation. This law has been critical in keeping thousands of low-income tenants, often tenants of color, in their homes. The current solicitation, if unchanged, would dismantle the momentum providers and tenants have made in shoring up this very important law. Funding the right to counsel is part of the solution to the housing affordability crisis plaguing this City and this solicitation as structured turns a blind eye to the very serious problem of housing affordability.”

Specifically, the solicitation does not fully fund Right to Counsel, which is already at its **breaking point**. The document cites a case rate of \$3,063 per unit of service for full representation, which is woefully insufficient. It also fails to account for recent changes in tenant protection laws and their complex impact on tenant defense and eviction prevention. Funding full representation cases at such a low case rate will not allow attorneys the time and resources needed to properly litigate these complex matters.

Moreover, the solicitation does not incorporate an upcoming case cap study by the Office of Court Administration (OCA), which could dramatically change the cost and funding structure of the Right to Counsel program. The forthcoming study is expected to introduce a uniform case standard (the number of cases that an attorney should be assigned each year) for the Right to Counsel program. The current solicitation does not incorporate the new OCA case standard – which is due to be released imminently – nor does it provide a funding structure that is adequate or flexible enough to allow for any changes occasioned by the case standard.

The letter also requests that HRA convene an informal conference that includes The Legal Aid Society and all the other providers to discuss the solicitation.

"The Right to Counsel program, along with other vital housing legal services, is New York City's most critical tool for defending vulnerable tenants from eviction, preserving affordable housing, and preventing mass displacement," said **Adriene Holder, chief attorney of the Civil Practice at The Legal Aid Society**. "The City's solicitation, as is, would effectively eviscerate the program and disempower low-income tenants amid an unprecedented housing and homelessness crisis. The City must amend or rescind their procurement requests to fully live up to its obligation under the law."

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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 over 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

