

September 6, 2023

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New Report from OCA's Universal Access to Justice Caseload Working Group Underscores Urgent Need to Establish Housing Court Caseload Standard to Ensure Robust Representation for Tenants Facing Eviction

In Response, Legal Aid Calls on City to Overhaul Problematic Solicitations for Right to Counsel and Similar Housing-Related Programs Serving Low-Income New Yorkers

(NEW YORK, NY) – The Legal Aid Society praised the [release](#) of a [report](#) from the New York State Office of Court Administration's (OCA) Universal Access to Justice Caseload Working Group on the number of cases that can be effectively handled by an experienced attorney under New York City's first-in-the-nation Universal Access (UA) program (commonly referred to as [Right to Counsel](#)) for tenants who are facing eviction.

The Working Group recommends a case cap of 48 full legal representations for experienced attorneys in New York City Housing Court. There has never been an OCA determined case standard in housing court, despite the City requiring providers to represent all eligible tenants. This study is the result of the City requesting OCA to conduct a comprehensive quantitative and qualitative analysis to help establish a practical caseload.

In August, prior to this report, the City issued [three immensely problematic RFXs](#) for [Right to Counsel](#) and [two other housing initiatives](#) serving low-income tenants.

In response, The Legal Aid Society submitted a formal protest and called on the City to postpone the response time allotted to legal services providers and amend these RFXs, which would reverse years of progress the City has made in protecting tens of thousands of New York City tenants.

The Caseload Report adds further support for The Legal Aid Society's protest. Per the report, the Caseload Working Group recommends that:

- an experienced full-time UA attorney can be assigned 48 full legal representations in NYC Housing Court eviction proceedings in a one-year period.

The report further states that:

“Our recommendation is based on both quantitative and qualitative data and should be viewed as a benchmark to help the City of New York and its legal services provider partners determine how many attorneys are needed for the program to function effectively, to help in assessing the staffing and resources needed to support and implement the program, and, importantly, for tenants served by this innovative program to receive high quality legal representation.”

“We welcome OCA’s recommendations as a first step towards ensuring that Right to Counsel remains a lifeline for the tens of thousands of New Yorkers who face eviction each year,” said **Adriene Holder, chief attorney of the Civil Practice at The Legal Aid Society**. “New York City is in the midst of an unprecedented affordable housing crisis, and these RFXs, as written, would jeopardize Right to Counsel and further evictions and homelessness throughout the five boroughs.”

Right to Counsel RFX Additional Background

In Fiscal Year 2022, legal services providers represented 23,483 tenant households in eviction cases, despite the myriad of [issues](#) facing the Right to Counsel program. In almost all of these cases, providers are either preventing evictions or delaying evictions to ensure that families can safely transition to new housing. Without the legal intervention of the provider community these families would end up homeless, and their once affordable apartments lost to rental to other low-income families.

The current solicitation requires providers to represent 44,000 tenant households in the first year of the contract, a significant increase over the recently demonstrated capacity of providers without an adequate increase in funding. Given the ongoing crisis of unprecedented attrition of staff attorneys doing this work, it is not feasible for providers to hire enough staff to represent the number of households outlined in the Anti Eviction: Full Representation RFX.

Moreover, the solicitation’s proposed funding is flat, providing no additional funding for salary increases, cost-of-living adjustments, rent increases, health insurance increases and other costs. Across all provider groups, attorneys are resigning because they cannot afford to stay. When an attorney resigns, they often leave behind clients and cases that need to be picked up by other attorneys or transferred. These transfer cases are an additional strain on providers’ already limited capacity and limit a provider’s ability to take on new matters for representation.

The City is legally obligated by the Right to Counsel law to plan and implement programs that would provide all tenants facing eviction in New York City Housing Court with access to counsel. Ignoring the recommendations of the experienced tenant and legal services provider community who have been doing eviction prevention work for decades is a guaranteed way to dismantle this once successful program.

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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