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JUSTICE, JUSTICE SHALL YE PURSUE

Honorable Jonathan Lippman

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Andrew Scherer
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Fidèle Menavanza

PRISONERS' RIGHTS

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TORT LIABILITY

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WOMEN'S RIGHTS

Catherine Carr

ALTERNATIVE MODELS

David Udell
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EXPANDING
ACCESS TO
JUSTICE**



The Fight for Justice in Housing Court: From the Bronx to a Right to Counsel for All New York City Tenants

Susanna Blankley¹

Introduction

We have a real housing crisis in New York City. Developers are clamoring to build luxury condos and international investors are buying up properties.² Meanwhile more than half of New York City renters pay more than 30 percent of their income in rent, and many households pay more than 50 percent of their income.³ In February 2016, more than 60,000 individuals were in our city's shelter system each night.⁴

In May of 2014, New York City Mayor Bill de Blasio, who ran on a campaign to end the housing and homelessness crisis, released his housing plan, laying out the goal to build and preserve 200,000 units of affordable housing over 10 years.⁵ Of the 200,000 units, the Mayor's goal is to construct 80,000 new units of affordable housing. To build new housing in New York, you either need to build taller buildings in places where you are allowed to build housing, or find land where you aren't currently allowed to build housing and get the laws that govern the use of that land changed. Either way, you need to go through a rezoning process. Upon releasing his plan, the Mayor also announced his plans to rezone 15 neighborhoods across New York City, with the explicit goal of changing the land use laws to facilitate the construction of new residential housing.

In New York City, the most lucrative form of real estate you can own is residential housing. Changing the use of land changes the value of land. Changing the value of land, changes landlords' and developers' behavior. Recognizing that the rezoning will increase land values and speculation as well as harassment of existing tenants, the de Blasio administration has dedicated tens of millions of dollars to increase the number of lawyers available to represent tenants in Housing Court in the neighborhoods being rezoned.⁶ In addition to this, recognizing that many evicted

¹ Director, Community Action for Safe Apartments (CASA).

² See Louis Story & Stephanie Saul, *Stream of Foreign Wealth Flows to Elite New York Real Estate*, N.Y. TIMES, Feb. 7, 2015, http://www.nytimes.com/2015/02/08/nyregion/stream-of-foreign-wealth-flows-to-time-warner-condos.html?_r=0.

³ See *2014 New York City Affordable Rental Housing Landscape*, NYU FURMAN CENTER, Apr. 23, 2014, <http://furmancenter.org/NYCRentalLandscape>; UNIVERSITY NEIGHBORHOOD HOUSING PROGRAM, NOWHERE TO GO: A CRISIS OF AFFORDABILITY IN THE BRONX 11-12 (2013), available at <http://unhp.org/pdf/NowhereToGo.pdf>.

⁴ See *Basic Facts About Homelessness: New York City*, COALITION FOR THE HOMELESS, <http://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/> (last visited April 7, 2016).

⁵ See CITY OF NEW YORK, HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN (2014), available at http://www.nyc.gov/html/housing/assets/downloads/pdf/housing_plan.pdf.

⁶ Press Release, Office of the Mayor, City of New York, De Blasio Administration to Help Prevent Homelessness by Adding Resources to Keep New Yorkers in Their Homes (Sept. 28, 2015), <http://www1.nyc.gov/office-of-the-mayor/news/653-15/de-blasio-administration-help-prevent-homelessness-adding-resources-keep-new-yorkers-in>; *Text of Mayor de Blasio's State of the City Address*, N.Y. TIMES, Feb. 3, 2015, <http://www.nytimes.com/2015/02/04/nyregion/new-york-mayor-bill-de-blasios-state-of-the-city-address.html>.

families go straight into the shelter system and that eviction prevention decreases homelessness, the Mayor identified neighborhoods where the highest number of people enter the shelter system directly from evictions, and allocated an additional \$12 million to provide legal services to prevent evictions in those neighborhoods.⁷

As more lawyers are hired to represent tenants, we are in the middle of an incredible moment in our city's history. New York City's Mayor has explicitly acknowledged that preventing tenant displacement through legal counsel is central to our expansion and growth as a city. For many years, advocates and tenants throughout New York City have been advocating for New York to establish a Right to Counsel—a right for New Yorkers facing the loss of their home to have an attorney to defend them even if they are too poor to pay for counsel. From a funding perspective, we are closer to a Right to Counsel than we've ever been. But a right is so much more than just funding.

The High Stakes of Housing Court

To illustrate how a right is different than greater access to resources, allow me to use a recent experience that my husband Jon and I had with another one of the city's courts—Traffic Court. As part of the preparation for a three-week vacation, we parked our car in a part of the city that has no alternate side parking restrictions (yes, they do exist!). When we came back to get the car, it wasn't where we had parked it and it was nowhere to be found. We went online and found that we had racked up close to \$1,000 in parking tickets and that the car had been towed. Jon took time off work to investigate, went back to the neighborhood where we had parked the car and went door to door and business to business to find out what may have happened. He slowly pieced it together—the street had been repaved, and the city had moved our car to an avenue and parked it there. Obviously we weren't paying the meters we didn't know about and the car racked up tickets and eventually was towed. To get the car out of the lot where it had been towed, we had to pay the fines and fees. The women at the impound lot were very nice to Jon and encouraged him to fight the case and go to Traffic Court. They explained to him what he needed to bring to court and what and how he should argue. With their encouragement, he decided to go. The next day, armed with information he had gathered himself, he argued his case before a judge. The judge agreed and within a few weeks, we were fully reimbursed. It was a bizarre experience and cost us money, time and effort, but at the end of the day, we got justice in the court.

But we didn't get justice just because we were right. We got justice in part because of how privilege and power play out. We had the resources to pay the fines up front. Jon's boss was understanding and allowed him to take two days off work, with pay. He was able to walk through a neighborhood, investigate and be well received. He was received as a victim of a city's bureaucracy and not as a lazy person who wasn't following the rules or worse, as a criminal. He got the same treatment in the impound lot with the women who explained his rights and encouraged him. And he got the same treatment from the judge, whose language he spoke both in terms of English and class, and whose respect he instantly had. Jon is an exceedingly nice guy, but he is also white and middle class. And in this case, both his class and his whiteness gave him an advantage to argue his case and to navigate the court. And he learned that he can fight and win, which reinforces his place in society—as a white citizen with rights who gets a fair shot. He learned that the city's systems of justice work, at least for him.

⁷ See Press Release, *supra* note 6; Erin Durkin, *De Blasio Launches \$12.3M Plan to Help Tenants Fighting Off Evictions Get Legal Aide*, N.Y. DAILY NEWS, Sept. 28, 2015, <http://www.nydailynews.com/news/politics/de-blasio-launches-12m-plan-tenants-avoid-eviction-article-1.2377842>.

But he also got justice because Traffic Court is relatively easy to navigate. It sees a relatively small number of cases. The laws that govern traffic violations are relatively simple and straightforward and the stakes are low. Even with all of Jon's advantages, the complicated nature of housing laws in New York City, and the nature of the court itself with its high volume of cases and heavy traffic in the hallways, would have made it impossible for him to do in Housing Court what he did in Traffic Court. He can't investigate his own case, because he doesn't have access to the landlord's files and he certainly can't walk in to see a judge. Not to mention that he went into Traffic Court confident partly because losing would not have had a huge impact on our lives. Contrast this with the weight of losing your home, of making your children homeless, of needing to pack and store all of your belongings in a matter of days, rearrange your mail and your bills and find a new place to live. Even with all of his advantages, Jon would never just walk into Housing Court like he walked into Traffic Court. He would get an attorney.

The more than 200,000 New Yorkers who go through our city's Housing Courts every year⁸ learn quite a different lesson about justice, their rights and roles than Jon did in Traffic Court. Right to Counsel isn't just about evictions, displacement and affordable housing—though it is about all of those things. It is about how we treat our mostly Black, Brown, poor and female members of this city as they face the loss of one of their most important necessities—their home.

CASA's Housing Court Reform Campaign

In New York City, over 200,000 families are sued in Housing Court every year by their landlords. In the Bronx alone, 2,000 people are in the Bronx Housing Court every day.⁹ Twenty to thirty thousand families lose their homes every year in New York City through a formal eviction process, with about a third of evictions occurring in the Bronx.¹⁰ Almost all of them are Black or Brown, many of them are women and almost all of them make less than \$48,000 a year for a family of four (200 percent of the poverty line and below). And for almost everyone, housing court is a humiliating, degrading and horrific experience. Thousands more never brave the housing court but lose their homes through an informal eviction process, moving out when an eviction is looming or threatened, when papers are served, when basic services like heat and hot water are denied.

For those who make it to court, here is what a typical day looks like:¹¹

8:30 a.m.: Two tenants arrive at Bronx Housing Court. Tenant #1 has been to Housing Court before. Tenant #2 is at Housing Court for the first time. They both wait in the security line in the rain to get into the Housing Court building.

⁸ See Housing Court Answers, Inc., Eviction Trends (1998-2015), <http://cwtfhc.org/wp-content/uploads/2009/06/EvictionTrends1998to20151.pdf>.

⁹ NEW SETTLEMENT APARTMENTS' COMMUNITY ACTION FOR SAFE APARTMENTS (CASA) & COMMUNITY DEVELOPMENT PROJECT (CDP) AT THE URBAN JUSTICE CENTER, TIPPING THE SCALES: A REPORT OF TENANT EXPERIENCES IN BRONX HOUSING COURT 1 (2013), available at http://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Report_CASA-TippingScales-full_201303.pdf.

¹⁰ See Housing Court Answers, Inc., Eviction Trends (1998-2015), <http://cwtfhc.org/wp-content/uploads/2009/06/EvictionTrends1998to20151.pdf>. For annual eviction data for the Bronx and other counties in New York City, see *Marshals Evictions*, HOUSING COURT ANSWERS, <http://cwtfhc.org/evictions-marshals-documents/>.

¹¹ This segment about a "typical day" is excerpted from NEW SETTLEMENT APARTMENTS' COMMUNITY ACTION FOR SAFE APARTMENTS (CASA) & COMMUNITY DEVELOPMENT PROJECT (CDP) AT THE URBAN JUSTICE CENTER, TIPPING THE SCALES: A REPORT OF TENANT EXPERIENCES IN BRONX HOUSING COURT (2013), available at http://cdp.urbanjustice.org/sites/default/files/CDP.WEB.doc_Report_CASA-TippingScales-full_201303.pdf. A survey and the methodology used to obtain the data reported here are described *infra* and in the report, and the survey appears as an appendix to the report.

- 9:00 a.m.: After going through the long security line, both tenants finally get into the Housing Court building. Tenant #1, who has been to Housing Court before, goes directly to the courtroom to wait for it to open at 9:30 a.m. Tenant #2 doesn't know where to go specifically so she wanders around and then stands in the wrong line before learning of the correct courtroom.
- 22% of tenants don't know where in the court building they need to go.
 - 54% of tenants were NOT helped by court personnel to find the correct room.
- 9:30 a.m.: The courtroom opens but the Judge doesn't immediately take the bench. Tenant #1 has checked in with the court clerk using the calendar number and is waiting for the landlord's attorney to arrive. Tenant #2 hasn't checked in with the court clerk because she did not know she needed to.
- 32% didn't know they needed their calendar number before going into the courtroom.
 - 24% didn't know they needed to check in with the court clerk.
- 10:00a.m.: Tenant #2 isn't sure what is going on, and so talks to the court clerk to find out what she should be doing. The court clerk tells her to get her calendar number so the court clerk can mark that the tenant is in court. Both tenants sit and wait in the courtroom.
- 11:30a.m.: Tenant #1 finally hears the landlord's lawyer call out her name. They step out into the noisy hallway. Tenant #1 knows her rights, so after some conversation, she tells the landlord's attorney that she wants to speak to the court attorney or judge about her case. The landlord's attorney agrees, but tells Tenant #1 that he is going to "take care" of all his other cases first, and then leaves. Tenant #1 goes back into the courtroom to sit down and wait.
- 12:00 p.m.: Tenant #2 finally hears someone calling her name. This person asks Tenant #2 to step into the hallway, and then begins to talk to Tenant #2 about her case. After several minutes of conversation, Tenant #2 realizes that she is talking to the landlord's attorney. Tenant #2 is scared, so she agrees to sign the agreement suggested by the landlord's lawyer, even though she doesn't understand it.
- 12:30 p.m.: Tenant #2 waits until the court attorney calls her case. The court attorney reviews and approves the case in a quick, perfunctory manner, so Tenant #2 leaves court without fully understanding the stipulation that she signed.
- 27% of tenants reported that no one explained the stipulation to them.
- 1:00 p.m.: Court adjourns for lunch, but Tenant #1 is still waiting for her landlord's attorney to return. There isn't any food available in court, so Tenant #1 just waits in the hallway.
- 2:15 p.m.: The courtroom reopens, so Tenant #1 goes back to the courtroom to sit and wait.

2:30 p.m.: The landlord's attorney finally comes back. The judge calls Tenant #1's case. Tenant #1 and the landlord's attorney go before the judge. An adjournment is issued for Tenant #1's case. A new court date is set.

- 41% of tenants never spoke to a judge about their case.

3:00 p.m.: After spending the entire day in Housing Court, Tenant #1 finally leaves.

This day in court is based on an average day for two single, English-speaking people who can easily get around. There are many other factors that would make this day look different.

- If a tenant has a child:
 - If the child is in a stroller, the tenant waits an additional 10 minutes once inside Housing Court to use the elevator. If the child makes any noise in the courtroom, the court clerk asks the tenant to leave, so the tenant misses the first time the landlord's attorney calls out their name to negotiate.
- If the tenant is in a wheelchair or is unable to walk up the many stairs:
 - The tenant must wait an additional 10 minutes once inside Housing Court to use the elevator.
- If the tenant is a non-English speaker:
 - Since all the signs are in English it takes the tenant an extra 20 minutes to figure out where to go in court. If the tenant is Spanish-speaking, an additional 30 to 60 minute wait is necessary for an interpreter to be available at the same time as the landlord's attorney. If the tenant speaks a language other than English or Spanish, they must get an adjournment for another court date so that the court can arrange for an interpreter. The tenant will lose another day of work and much-needed income.

If someone is nice to you and explains your rights and options and encourages you to fight in the court, you are one of the lucky ones. If you have a lawyer, you are one of the lucky ones. If you speak to a judge, you are one of the lucky ones. And if you resolve your case in one day and you win, you are the luckiest.

It really would feel like that—like luck, like an exception, a miracle, like all of the pieces came together in the right way—it wouldn't feel like justice. How could it when close to 2,000 people next to you, who look like you, don't have the same outcome?

In 2012, members of Community Action for Safe Apartments (CASA), a tenants' rights organizing project in the Southwest Bronx, voted to start a campaign to reform the Bronx housing court out of concern about the lack of justice in housing court and the high rate of evictions.¹² While there have been many reports about housing court reform and access to justice, there had never before been a report from the perspective of the people who go through housing court every day. CASA members decided to take on this task.

In partnership with the Community Development Project (CDP) at the Urban Justice Center, we spent a year doing participatory action research. Members created a survey of tenants' experiences and were trained on how to collect surveys. In a few months, we collected 1,055

¹² See *Campaign For Justice in Housing Court*, COMMUNITY ACTION FOR SAFE APARTMENTS, <http://casapower.org/campaign-to-reform-housing-court-2/> (last visited April 8, 2016).

surveys. Upon analyzing the data, members concluded that we lacked two things: a description of the courtroom experience itself and narratives from tenants. Members therefore created focus group questions and an observation survey. After being trained in both courtroom observation protocol and facilitating focus groups, members conducted 15 judge observations and facilitated three focus groups with 25 participants.

Our data revealed four main findings:

1. Housing Court is confusing and difficult to navigate for most tenants.
2. The vast majority of Bronx tenants do not have legal representation to help them navigate the system.
3. Pro se tenants are at a huge disadvantage in housing court.
4. Judges have the ability to do more to even the playing field for tenants.

Policy Recommendations

Initially, as members began to outline what they would change in housing court if they could, almost everything centered on how they were treated. People described being yelled at, being talked to like they were less than human, not being able to find anyone who could speak their language in a dialect and form that make them feel comfortable (not all Spanish is the same), being threatened by their landlord's attorney with immigration, with eviction, and so much more. Members felt like if they were just treated better, their outcomes would have been different.

As we began to analyze how decisions are made in the housing court and who has control over how it functions, we began to focus on the systems of power within the court, instead of individual people's behavior. We understood that individual court personnel's attitudes and behavior would be hard to change unless the conditions change. The people who work at housing court, who are mostly people of color themselves, have an overwhelming caseload and work under incredibly stressful conditions. As tenants pour out their hearts, tell their stories, voice frustration and anger, it's the court personnel, not the landlords, who hear and receive all of this. Tellingly, when we were talking to the union that represents the court staff about one of our demands—to require the court personnel to wear visible identification as a court employee so that tenants don't mistakenly think the landlord's attorney they are negotiating with works for the courts (which happens more often than you would think)—the union said court staff didn't want the tenants to know their names for fear that they would follow them out of court, and attack them. We were able to compromise to get the employees to wear IDs that don't state their names, but this is an incredible reflection of how inhumane and dire the relations are in housing court. Anyone who can come to work on a daily basis under these conditions and be compassionate, patient and kind for years on end, is a remarkable person. Eventually the most kind-hearted, well-intentioned people will lose their patience. Changing systems and structures that create such a hostile environment, would benefit the people who work in the courts as well as the tenants who are facing eviction.

CASA members worked with an Advisory Committee of attorneys, policy experts and advocates to help turn our findings into concrete policy recommendations to change these systems and structures. After an intense process of analysis and prioritization, members narrowed it down to 23 recommendations and released our report in March of 2013.¹³

¹³ See NEW SETTLEMENT APARTMENTS' COMMUNITY ACTION FOR SAFE APARTMENTS (CASA) & COMMUNITY DEVELOPMENT PROJECT (CDP) AT THE URBAN JUSTICE CENTER, *supra* note 9.

In the Bronx, CASA is leading a campaign to ensure that these recommendations are implemented, and we've had some success. In the year after the report was released we saw three of our recommendations implemented: a bilingual PowerPoint plays in every courtroom explaining tenants' rights and basic court procedures; all court personnel are required to wear visible identification so that tenants know when they are talking to someone who works for the court and when they aren't (like a landlord attorney); and when judges take the bench every morning, they give an overview of what to expect during the day and review some basic rights, as well as where tenants can go for more in-depth help. The changes the court implemented as a result of our campaign weren't just implemented in the Bronx, but in all of the housing courts throughout the city.

We are proud of this progress and believe that these recommendations, implemented alongside other administrative changes that the court can make as outlined in our report, will go a long way towards changing unrepresented tenants' experiences in housing court and reducing evictions. However, the court cannot and should not shoulder the responsibility of the incredible lack of equity in the court system.

One of our main recommendations, passing a law making it a right for tenants to have an attorney in housing court, is at the core of changing the nature of what housing court is and could be. Currently, housing court is the center of displacement for tenants. It could be the place where tenants go to find justice. That's what housing court reform and Right to Counsel are all about.

Right to Counsel NYC Coalition

In March of 2014, we were excited to learn that New York City Councilmember Mark Levine was working on introducing Intro 214, a piece of local legislation that would make the city responsible to make it a right for tenants to have an attorney in Housing Court. Because the court system in New York City is part of the state court system, we had always thought that any law changing the nature of how the court worked, would have to be done on the state level. Pro-tenant legislation has been almost impossible to pass in New York State for the last 30 years. The prospect of a city council bill meant we might actually win. Intro 214 does not challenge the power of the state; instead it places the obligation on the city to provide counsel. If the city fails to do so, a tenant has the right to sue the city.

As we rallied to support this important and critical bill, we recognized the need to form a new coalition, independent of the legislature, that would build a citywide movement not for increased funding for representation, but for New York City to be the first city in the nation to establish a RIGHT to counsel for tenants in housing court. We formed a coalition rooted in principles of equity, humanity, diversity and justice. We are working to develop and champion a new legal services model that can be implemented when a comprehensive bill passes. We are working towards a bill that will be fully funded and that will do justice to those facing eviction in housing court so that tenants have qualified, dedicated and experienced housing attorneys who can devote the time they need to their cases.

The Right to Counsel NYC Coalition is made up of advocates, tenants, academics and legal services providers in support of a Right to Counsel for low-income tenants who face eviction in

New York City.¹⁴ Many of us have been working on issues of affordable housing, tenant power and housing court reform for decades.

As a Coalition, our main goal is to make sure that people stay in their homes and communities with dignity and respect and for housing court to be a place where justice is applied equitably. We believe that a Right to Counsel for tenants is a key piece in making that goal a reality.

For over a year and a half, the Coalition has been working to educate tenants, advocates and allies about the issue. In December of 2014, we put together a day-long conference that drew over 450 people and featured prominent speakers such as then Chief Judge Jonathan Lippman, New York City Human Resources Administration Commissioner Steven Banks and many more. We subsequently released a report citing the findings of this conference.¹⁵ We put together a compelling video citing the statistics that support a Right to Counsel.¹⁶ We've held four town halls in four different boroughs, which educated and engaged over 500 tenants and dozens of elected officials. We've developed a 3-year phase-in plan for Right to Counsel, taking into consideration the time it will take to develop the infrastructure to support such a critical change in how housing court works. We've developed a logistical plan, thinking through how Right to Counsel would be implemented at every step in the process. There has been a great amount of press that connects Right to Counsel to the crisis of homelessness in our city and how cost effective it is.¹⁷

In just a year and a half, we've made incredible progress. While money was initially a significant concern, those concerns have lessened as funding has increased and the gap from what we currently fund to what we'd need to fund to have a full right, continues to close. In regards to funding, no one will be thinking about the cost of Right to Counsel in 10 years, it will just be the way we operate, just the cost of providing justice and due process for close to half a million people every year.

Conclusion

A detriment of having increased funding levels is that it presents a danger that we will stop there. Not only does dependence on funding make us vulnerable to the funding priorities of a future administration, but increased funding alone does not address the fundamental question of how we value the lives of the people who not only go to housing court, but who see housing court as a very real threat to their ability to stay in their homes.

People are afraid of their landlords precisely because their home is such a valuable, intimate cornerstone of their lives that they must protect and also because they know that landlords have more power in the court system than they do. With almost all of the cases in court initiated by landlords and with most of the landlords represented by counsel while most of the tenants are not, how could anyone draw any other conclusion?

¹⁴ See *Home*, RIGHT TO COUNSEL NYC COALITION, <http://www.righttocounselnyc.org/> (last visited Apr. 7, 2016).

¹⁵ See RIGHT TO COUNSEL NYC COALITION, HOUSING JUSTICE: WHAT THE EXPERTS ARE SAYING ON NEW YORKERS' RIGHT TO COUNSEL IN EVICTION PROCEEDINGS (2015), available at https://d3n8a8pro7vhmx.cloudfront.net/righttocounselnyc/pages/23/attachments/original/1433269447/FINAL_expert_report.pdf?1433269447.

¹⁶ See *Right to Counsel-The Facts! New Settlement Apartments Community Action for Safe Apartments* (Dec. 6, 2014), available at <https://www.youtube.com/watch?v=IrlsSrRCuyg>.

¹⁷ See, e.g., Mark D. Levine & Mary Brosnahan, *How to Fight Homelessness*, N.Y. TIMES, Oct. 19, 2015, http://www.nytimes.com/2015/10/19/opinion/how-to-fight-homelessness.html?_r=1.

People's relationship with eviction isn't just in the courts. The very real threat of eviction looms every time they think about calling the city to report housing code violations, withholding rent for lack of repairs, forming a tenants' association or exercising their rights. Having rights and knowing those rights enables people to take action. If tenants knew that housing court was a place to find justice, if they knew they'd have an attorney to represent them, they'd be more likely to report housing code violations, form a tenants' association, file an overcharge complaint and even take their landlord to court. We would see an incredible change in the primary function of housing court as well as a change in tenant organizing and activism. This new balance of power would make our city safer—it was tenant organizing that helped and continues to help shape laws about code violations that keep all New Yorkers safe. Every time a tenant doesn't report a maintenance or building code violation, like a gas leak, because they are afraid of being evicted, we are all at risk.

As New York City gets closer to the levels of funding needed to provide a full Right to Counsel, how we do it is just as important as what we do. The earlier example of Traffic Court presents us with a challenge. How do we institutionalize justice? How do we make it so that all tenants leave court feeling like their voices were heard and their rights were protected? If we implement Right to Counsel, will we do it in a way that respects the full dignity of everyone who is faced with the challenge of going to housing court? Will we do it in a way that teaches people that our city's courts are a place of justice, dignity, fairness and respect? Will we teach tenants that they are equal citizens under the law? Will we teach them that they have rights that our courts and our city respect and uphold? Will we teach them that they have a place in our society to fight for their rights?

If so, then Right to Counsel needs to be fully funded. It needs to be phased in so that the providers have the capacity they need and so that tenants are well informed. It needs to be done in consultation with an incredible and diverse coalition of academics, tenant organizers, activists and attorneys who have been working on these issues for the better part of a generation—the Right to Counsel NYC Coalition.

If we don't do it this way, if we throw money at the problem without a comprehensive strategy and plan, outcomes might be better for some tenants, but they will still learn that they are second class citizens as they navigate one new bureaucracy to access free legal services after the other. Many tenants won't be affected at all, because they will never make it to court.

Right to Counsel cannot just be about meeting numbers—numbers of cases represented, numbers of people served, numbers of homes protected, numbers of dollars saved for every dollar invested, numbers of shelter residents reduced. Those are important numbers, but they cannot be the goal of this initiative. How people are treated must be at the foundation of this—as it is at the foundation of the movement for a Right to Counsel.

Increased funding increases the pool of people who get lucky. By contrast, a fully funded and a well implemented Right to Counsel, is a strong step forward in the path towards institutionalizing justice. •