



HOUSING JUSTICE

What the Experts are Saying

On New Yorkers' Right to Counsel in Eviction Proceedings

Excerpts from a public forum organized by the Right to Counsel NYC Coalition
and hosted by the Impact Center for Public Interest Law at New York Law School
on December 5, 2014

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INTRODUCTION

There is growing momentum for establishing a right to counsel in New York City for low-income people who face losing their homes in legal proceedings. The Right to Counsel NYC Coalition formed in 2014 to advocate for the right to counsel and its ranks have been steadily growing. New York City's political leadership has been outspoken on the importance of counsel in eviction proceedings and is taking major concrete steps to expand the availability of counsel. These include greatly increased funding for civil legal services and the City Council's passage, on May 27, 2015, of Intro 736, which establishes a first-ever Office of the Civil Justice Coordinator. Most importantly, the New York City Council and the de Blasio Administration are considering legislation that would make New York City the first jurisdiction in the United States to establish a right to counsel for low income people who face losing their homes in legal proceedings. The legislation, Intro 214, introduced by Councilmembers Mark Levine and Vanessa Gibson and co-sponsored by a wide majority of the members of the Council, would (with anticipated amendments) guarantee counsel to households below 200% of federal poverty guidelines in both eviction and foreclosure proceedings.

There are many compelling reasons for the City to take this bold and important step. Foremost among them are the enormous benefits it would bring to the families and individuals who face a threat to their homes through legal proceedings that are nearly impossible for the unrepresented to navigate. With a right to counsel, low-income people would be treated with dignity and respect, and would have a fighting chance in court to retain their homes by utilizing the laws that provide protections for housing conditions, limit rent increases, prohibit harassment, regulate subsidy programs, and place the legal burden on landlords to prove their cases.

The stakes are very high for low-income New Yorkers who face eviction. Close to 30,000 households are evicted by City Marshals each year, and an unquantified but much larger number give up their homes under the threat of eviction. All of these households are forced out of their homes into a housing market that leaves them few options. *Housing New York*, the Mayor's 2014 affordable housing plan, found that there are twice as many low income households as there are affordable housing units. Low-income people who are forced out therefore end up either homeless or in housing that is more expensive. Studies have shown that representation by counsel makes a huge, positive difference in outcomes. By enabling more people to stay in their homes, the right to counsel would protect and preserve the city's dwindling affordable housing stock and slow the loss of affordable housing.

By enabling people to stay in their homes, the right to counsel also saves the government money. Eviction is the largest single reason for homeless shelter entry, and the number of families in homeless shelters is at an all-time high. By preventing evictions and reducing shelter entry, the right to counsel would save far more money on sheltering homeless people than it would cost to provide counsel. But shelter costs are not the only way the City would save money: homelessness can also lead to other costs related to police/jails, claims for public benefits, and foster care for children.

Finally, we are living in a time of widely expressed concern that there are two New Yorks with two unequal systems of justice, one for the rich and the other for the poor. The de Blasio administration has made reducing economic inequality one of its major priorities. By guaranteeing a right to counsel, the City's political leadership can send a powerful message that basing access to justice on wealth, particularly with respect to something as important as loss of one's home, is simply unacceptable.

On December 5th, 2014 the Impact Center for Public Interest Law at New York Law School hosted *Housing Justice: A Public Forum on New Yorkers' Right to Counsel in Eviction Proceedings*. This all-day forum was organized by the Right to Counsel NYC Coalition to broaden and deepen the public discussion around the right to counsel and to provide an opportunity to hear from experts in law and public policy as well as from people with first-hand experience defending their homes in eviction proceedings. The forum included a series of panel presentations, in which bar leaders, judges, community members, members of academia and other experts presented and discussed their views. Panels addressed: the impact that the right to counsel would have on housing and homelessness, public welfare, and the administration of justice, as well as what could be learned from experiences throughout the country and around the world. This report contains excerpts from the day's discussions. All statements were reviewed and approved by the persons quoted.

We hope that this report will be of use to all who take an interest in this important issue, but especially to policymakers as they contemplate taking the bold, historic step of establishing a right to counsel for low-income people who face losing their homes.

Andrew Scherer

Policy Director
Impact Center for Public Interest Law
New York Law School
May, 2015

IT MUST BE A RIGHT

Cathy Albisa

National Economic and Social Rights Initiative

“We have a history in New York of progressive activism, progressive ideas and social justice. New York has to lead the way.”

Andrew Scherer

Impact Center for Public Interest Law at NYLS

“Once people have a right, it is very hard to take a right away. Making it a right will make an enormous difference.”

“This is the next important step that needs to be taken; it’s such an important area of human rights and NYC can lead the nation in making it happen.”

Honorable Jonathan Lippman

Chief Judge for the State of New York

“Legal representation for the poor is as important as schools, hospitals, and all the things that we hold dear. Our government and our society have to make that commitment. We have to change people’s viewpoint about the importance of legal services to preserving the fundamentals of life.”

Debra Raskin

New York City Bar Association

“The NYC Bar Association for decades has been committed to the concept of access to justice; without meaningful legal representation there is in fact no access to justice. It’s essential that litigants who cannot afford a lawyer can obtain representation, someone with legal training to navigate the morass of laws that control proceedings in the Housing Court and allow people to protect fundamental rights.”

“Our support for the right to counsel is evidence-based policy. This is based on statistics. This is based on numbers. This is based on the realities in Housing Court.”

Martha Davis

Northeastern University School of Law

“Many of our peer nations recognize the ways in which lack of access to civil counsel exacerbates inequality and distorts democracy and they’ve responded aggressively in prioritizing the issue and recognize that housing is one of the most critical needs in this regard. The US lags behind these peers.”

Shanequa Charles

Community Action for Safe Apartments

“Housing should no longer be looked at like a commodity. It should be a human right to have a roof over your head. Funding the right to counsel is an absolute necessity.”

John Pollock

National Coalition for a Civil Right to Counsel

“The right to counsel and the right to housing are both critical. We have to make it clear when talking about both things that what is at stake in a housing case is not just your apartment. If people think that, they are not seeing and understanding the whole picture. And the right to counsel is the means to protect the really important right, the right to housing.”

“Does counsel make a difference in certain kinds of cases? Massachusetts completed a set of eviction pilots just a few years ago. The pilots studied two different courts, district court and Housing Court. Prior to these pilots, one study had found that Massachusetts tenants without counsel retained possession only 2% of the time. The pilot study found that at one of the sites, tenants with counsel retained possession 66% of the time. The group at that same site that got only ‘assistance’ instead of full representation did half as well as that. It was the full representation that made the difference.”

“If landlords knew ahead of time that every single tenant in that courtroom would have representation, do you think the bad landlords will still try doing whatever it is they are thinking about doing in the first place? They won’t bring the frivolous lawsuit; they won’t refuse to do the repairs, because they know if they go to court, they are going to lose. And the impression the study designers got in San Francisco was that the more systemic the representation, the more they saw landlord attorneys willing to negotiate instead of taking a hard line. That is systemic change. That’s why it is so important. Every tenant, every time, as long as they are indigent, should have the right to counsel. Period.”

Kate Donald

Center for Economic and Social Rights

“Under international human rights standards, access to legal aid or free legal assistance is required in civil cases when human rights are at stake, as they clearly are in tenancy disputes and eviction decisions.”

“The UN Special Rapporteur on the Right to Housing, an independent expert appointed by the UN Human Rights Council to monitor the enjoyment of that right, has clearly stated that providing legal aid is an important part of ensuring that human rights are not violated in eviction proceedings.”

Commissioner Steven Banks
New York City Human Resources Administration

“In terms of what it really means to implement the right to counsel — and I know that there are challenges as people grapple with our approach with the expansion of implementing a provision of counsel of program — we also have to understand the speed and the urgency of doing things and sometimes the perfect is the enemy of the good.”

Glenn Lau-Kee
New York State Bar Association

“It is the official policy of the NYS Bar Association to support a right to counsel for vulnerable, low-income people who face eviction or foreclosure from their homes and this is saying something.”

Lewis Tesser
New York County Lawyers’ Association

“New York County Lawyers Association has a justice center which each year addresses the most substantial public problems that we face. This past October marks the tenth anniversary of NYCLA’s justice center conference exploring issues facing NY’s Housing Court crisis in the 21st century. In the aftermath of that conference, NYCLA passed one of the first policy resolutions calling for a right to counsel for all New Yorkers facing eviction proceedings who could not hire an attorney. In the ten years since we passed that resolution, NYCLA has reaffirmed that commitment on multiple occasions calling for greater representation of low income tenants.”

John Pollock
Coordinator
National Coalition for a Civil Right to Counsel

There cannot be any question that housing is a basic human need, and that the loss of housing can affect other basic human needs, such as health, safety, and child custody. Nor should there be any question that something needs to be done for the thousands of New Yorkers who struggle through the eviction and foreclosure process without a lawyer to defend them. This problem is made worse by the fact that banks and landlords are represented virtually all of the time while low-income homeowners and tenants rarely are.

When homeowners and tenants have counsel, they are far more likely to preserve their housing, and it makes the proceedings more fair. But also, when cities and states refuse to pay for counsel, they instead can wind up paying even more money in other ways, such as on safety net services like shelters and hospitals for those who are removed from their homes. It’s penny wise and pound foolish.

The states and cities across the

country have taken steps to protect the right to counsel in some kinds of civil proceedings. For instance, most states guarantee counsel in cases involving termination of parental rights or the involuntarily commitment of those with mental illness. The City of San Francisco passed an ordinance declaring its goal to become the first civil right to counsel city and launched a pilot project to expand pro bono representation in foreclosure proceedings. And there are

ambitious pilot projects in California, Iowa, Boston, and Mississippi that are gathering data on the benefits of providing counsel to low-income litigants in cases involving housing, children, and domestic violence. But we have a long way to go as a country: a recent report by the World Justice Project ranked the United States 65th in the world on access to civil justice, tied with Uganda and Mongolia. This groundbreaking New York City legislation would make the city the first place anywhere in the country to guarantee counsel to low-income people in any sort of housing matter. New York State has been a national leader on the right to counsel in other areas, being the only state that guarantees counsel for all domestic violence and custody matters. Now New York City can become a pioneer in its own right, and we in the Coalition sincerely hope that it does so.

Tom Waters

Policy Analyst

Community Service Society

I agree with Chief Judge Lippman and all the other speakers that the most important reason to provide a right to counsel for tenants facing eviction in housing court is the incredible harm done to tenants by evictions – for many low-income people it is just as bad as being locked up. But I am here to talk about the effect that evictions have on housing in New York as a system, and therefore the harm that it does, not to individuals, but to society as a whole.

In order to see these effects, we need to see housing in New York as a dynamic system, with the various stocks of housing – public and subsidized housing, rent-regulated housing, unregulated rentals, owner housing, and group quarters, and two kinds of flows. One kind of flow is the movement of apartments from one stock to another when their status changes – from subsidized to unsubsidized or from regulated to unregulated, or when housing is built or torn down. The other kind of flow is the flow of people from one apartment to another. Both kinds of flows are reshaping the stocks of housing all the time.

There are more than 3 million low-income people in New York City living below 200 percent of the poverty line. They are distributed widely over the types of housing like this:

- About 850,000 live in rent-regulated apartments without subsidy.
- About 750,000 live in public or subsidized housing, including those with Section 8 vouchers.
- About 650,000 live in unregulated, unsubsidized rentals.
- About 250,000 are owners.
- A couple hundred thousand more live in group quarters like jails, shelters, nursing homes, and group homes.

There are significant regulatory flows between these pools of housing. Probably somewhere between 10,000 and 20,000 regulated apartments become unregulated each year. And during the ten-year housing boom before

the crisis of 2008, 30,000 to 40,000 subsidized apartments left their subsidy programs.

But the flow of people is even larger. In 2010, about 120,000 low-income households, or 300,000 people, moved.

When a low-income family moves, if it's a family in public or subsidized housing, they will almost certainly face a loss of affordability, unless they are taking a Section 8 voucher with them or they are moving to a different subsidized apartment. But the apartment that they vacate will be affordable to the next tenant, except in the case of vouchers.

If the family is leaving a regulated or unregulated rental, they will also suffer a loss of affordability, because the cheapest apartment you can find is almost always the one you are in. Even if the family moves to a less expensive or less desirable neighborhood, they will probably pay a much higher rent, because apartments that are vacant and available are more expensive than already-occupied ones.

And the apartment that they leave behind will also become less affordable, because of the large rent increases that occur on vacancy in New York in both regulated and unregulated housing. In some neighborhoods today, the new tenant may have a much higher income and thus find the new apartment affordable. That's the gentrification scenario. But in many other neighborhoods, the new tenant will be not too different from the people who just moved out,



except that the new tenant will be paying not just 45 percent of income like the old tenant, but 55 percent or higher.

Likewise, in many neighborhoods, and not just in Manhattan, when people move out of a rent-stabilized apartment, the apartment is deregulated. In other places, the apartment remains subject to rent stabilization, just with a much higher rent. These are the key processes that are transforming the city's housing stock, and making it so much less affordable.

We have 28,000 evictions a year now in the narrow, legal sense, and most of those involve low-income tenants. But when regular people use the term eviction, they are also including all the times that the landlord says get lost and the tenants just go because they don't think they have the power to fight back. There must be at least as many of these evictions without a judge and a marshal as there are of the other kind.

Evictions could easily be accounting for half of all moves by low-income people, when you consider how strong the economic incentive to stay put is now. This means that evictions are a significant point of leverage for doing something about our housing system. By cutting down unnecessary evictions through a tenant's right to counsel, we can slow the process that's destroying affordability in the city as a whole, and I'd like to offer that as an additional reason to support a right to counsel.

IMPACT ON THE CITY

Maria Cortes
Make the Road New York

“There are rising rents and the issue of eviction is affecting particularly the Latino communities and other minority communities and this is something that we are facing in all of the neighborhoods in the state of New York.”

Matthew Desmond
Harvard University

“Eviction is commonplace in the city’s African-American neighborhoods. If evictions weren’t so common, poor families would not exhibit such high rates of residential instability, which often bring about other forms of instability in families, schools, communities, compromising the life chances of kids and adults.”

“Providing stable housing by lowering evictions is a human capital investment, analogous to education or job training and one that would decrease child poverty and child homelessness and stabilize families, schools and neighborhoods. If we want to give poor kids a fighting chance to realize their full potential, we have to provide them with a stable place to live.”

Honorable Jonathan Lippman
Chief Judge for the State of New York

“We are making a lot of progress in the housing area. What could be more important than a roof over somebody’s head? It is a fundamental necessity of life. Allowing people to fall off the cliff and lose their homes and become a burden to society because they cannot access legal services is counter-productive. We in the judiciary are proud of the grants that we have been able to get on the state level to help in this area.”

Dean Anthony Crowell
New York Law School

“This is an important subject and I think one of the things that we have to understand is that there is an incredible urgency to address housing justice issues especially with the acute rise in evictions and the persistent challenge of homelessness that we are faced with.”

Edwina Francis Martin
Network of Bar Leaders

“More than 3 million New York City residents have incomes lower than 200% of the federal poverty level yet fewer than 800 of the 75,000 lawyers in NYC are dedicated to providing legal services to the poor. As a result of this and lack of legal funding for civil legal services the Chief Judge’s Task Force on Expanding Access to Civil Legal Services has consistently found that less than 20% of the legal needs of New Yorkers are being met.”

Joshua Goldfein
Legal Aid Society

“The last (mayoral) administration did not invest enough resources in eviction protection and cut off its own supports for families to move out of the shelter system. When you don’t provide sufficient anti-eviction services and don’t provide housing subsidies to shelter residents, then you will continue to watch the homelessness problem expand.”

“If the city does not offer services to prevent people from having to come into the shelter system and doesn’t help people move out of the shelter system, we will continue to see the shelter system grow and expand forever. This is what we have seen in the recent past, the continuous expansion of the number of homeless people as a direct result of short-sighted housing policy by the prior administration.”

Susanna Blankley
Community Action for Safe Apartments

“Since the mayor took office, he has built 23 new shelters to deal with a 13% increase in homelessness. We can’t build our way out of this crisis.”

Shanequa Charles
Community Action for Safe Apartments

“The shelter reporting is not the accurate amount of homeless folks. Those are only the ones in the shelter. We are not talking about the families that are bunched up underneath the bridge, trying to find good pieces of cardboard, and children that are getting sick, and can’t focus on school, and mommy can’t work because she has to take care of the sick baby.”

John Pollock
National Center for a Civil Right to Counsel

“In San Francisco they completed a study that examined about 800 cases altogether. They found that full representation was more effective than limited or no representation. When they estimated how much this representation saved the city, it turned out to be about \$1 million.”

Glenn Lau-Kee
New York State Bar Association

“We’re focusing in New York City here, but obviously in the NYS Bar Association we’re focused also on the rest of the state. We’d like to see what happens here because obviously this is not an isolated problem. It is very acute in New York City but it’s also a problem throughout New York State.”

ACCESSING JUSTICE

Lewis Tesser

New York County Lawyers' Association

"Approximately 90% of tenants are unrepresented. This enormous imbalance correlates with higher eviction rates and higher homelessness rates. NYCLA has found that tenants who have counsel have been more successful in opposing eviction."

"As part of our research concerning the challenges facing litigants in Housing Court, NYCLA has studied the changing social and economic demographics of the city, high rates of homelessness, substantive legal issues affecting housing conditions, hold-overs, and non-payments. One of NYCLA's findings is the discrepancy between representation of landlords and that of tenants despite the work of the Legal Aid Society, non-profit organizations, and law school clinics."

Alan Rothstein

New York City Bar Association

"According to the Chief's Justice Task Force on Civil Legal Services, nearly 2 million people walk into NY courts every year to handle their legal matters without lawyers. This problem is particularly acute in the city's Housing Court, where 90% of tenants have no lawyer and over 90% of landlords have counsel. The organized bar is quite aware of and concerned about the lack of counsel in Housing Court."

Joshua Goldfein

Legal Aid Society

"Having more tenant lawyers benefits everyone, including the courts. Judges would much rather deal with lawyers than pro se litigants, and most other lawyers would as well, courts run more efficiently that way. At least 90% of the landlords are represented in housing court compared to less than 10% of the tenants. Therefore, judges spend most of their day talking to unrepresented tenants, without having the time to fully assure themselves that the tenant understands what is happening."

Matthew Desmond

Harvard University

"Even after accounting for how much tenants owed their landlord and several other factors, the presence of kids in the household almost triples your odds of receiving an eviction judgment. Far from being a mitigating factor, children are an aggravating factor in eviction court."

Edwina Francis Martin

Network of Bar Leaders

"We keep talking about being in recovery but where is it happening? The percentage of those living below poverty went from 18.4% in 2008 to 20% in 2012."

Sateesh Nori

Legal Aid Society

"The landlord's attorney really wins either way whether there is an attorney for the tenant or not, but tenants have so much to lose if they do not have an attorney and it's really their lives that are at stake."

"How would the Right to Counsel change my practice, the practice of lawyers like me? We would be able to use our limited resources better. We would need to engage in less triage, less screening ideally, and we would be able to take on cases right away, eligible cases, viable cases where we could make a difference immediately. We would be able to take on more cases at strategically significant points in the case."

Martha Davis

Northeastern University School of Law

"While our peers in Europe stand out in terms of their commitment to providing civil representation, Japan has also recently expanded its civil legal aid scheme and provides free representation and, on occasion, loans to those who cannot afford counsel but need legal assistance. In sum, this is really a case of negative exceptionalism by the United States."

Andrew Scherer

Impact Center for Public Interest Law at NYLS

"The wealth gap has been rising in a very alarming way. Federal district courts have 1200 judges and magistrates to deal with their cases and the NYC Housing Court has 50 judges to deal with the same number of cases. Federal courts have a budget of \$2.6 billion and NYC Housing Court has a budget of about \$32 million. So the federal courts are spending almost 80 times as much per case as Housing Court and the Housing Court judges handle about 140 times as many cases as do the federal court judges."

Susanna Blankley

Community Action for Safe Apartments

"A year and a half ago we released a report, called 'Tipping the Scales' and it was the first report in the city to come entirely from tenant experiences of Housing Court in the Bronx. More than 2,000 people go through that court every day. One of the main demands that came out of that report, is that the most important thing that we need to do to tip the scales of justice in the Housing Court system is to make it a right for folks to defend their homes."

"For the last few days, we have been chanting that black lives matter and that systemic racism has got to go. The reality is that right to counsel is a racial justice issue. The majority of people that get evicted from our system's courts are people of color. Right to counsel can stop making people homeless, it can stop making people poor."

Glenn Lau-Kee
New York State Bar Association

“It is further resolved that in view of the NYS Bar Association’s commitment to the goal of a civil right to counsel and legal matters affecting basic human needs, the NYS Bar Association urges the NY State Legislature to expand the civil right to counsel in New York by enacting legislation providing the following protections, and the first one is to provide a right to counsel for vulnerable low-income people who face eviction or foreclosure from their homes.”

Carmen Vega-Rivera
Community Action for Safe Apartments

“If it wasn’t that I had legal representation, it doesn’t matter your income, it doesn’t matter your size, it does not matter your education, I would have been homeless.”

Debra Raskin
New York City Bar Association

“One of the other areas the NYC Bar Association works on is pro bono representation, that is, having lawyers represent individuals without payment. We strongly support that, although, it is very clear from our work over many years in pro bono representation, that is far from sufficient for a crisis of the magnitude of the housing shortage here and the problems in evictions and Housing Court.”

Maria Cortes
Make the Road New York

“We have had a lot of experiences with evictions and what we need in the Housing Court are more interpreters and lawyers. There aren’t enough interpreters and when we ask for one, they treat us very rudely. Another problem is that the interpreters speak too fast or they do not interpret appropriately.”

David Udell
National Center for Access to Justice

“New models ask our judges to be proactive and engaged in order to protect the tenant who does not have legal representation. Judge Lippman and Judge Fisher are to be commended for trying everything possible to make the system work better, given that so few people have lawyers. In fact, the courts in New York and in other states are also trying to simplify the laws and to simplify procedures. Courts are also committing more resources to having interpreters and translators. But, none of these efforts should be equated with the importance of having a lawyer.”

Bar Leaders Discussing Right to Counsel
Edwina Francis Martin, Lewis Tesser, Glenn Lau-Kee, Debra Raskin, Alan Rothstein



Honorable Sabrina Kraus New York City Housing Court

People sometimes forget that when the Housing Court system was created in the 1970s the original purpose was to provide tenants with a forum to prosecute requests for repairs against landlords. Although that is what housing court was originally started for, that now makes up a very small percentage of the cases. Most of our cases are tenants facing evictions.

The biggest challenge for judges in housing court is to walk the line between being a neutral arbitrator in an adversarial system premised on the fact that both sides will have counsel.

We are supposed to adjudicate what the counsel are arguing in a system where in reality we have one side with no counsel; and now we have been asked to change the traditional model of a judge and to take on the responsibility of “leveling the playing field” and making justice accessible to pro se litigants. That is a huge challenge.

In his 2012 op ed article, Matthew Desmond describes an eviction room in Cambridge, Massachusetts and he states, “It’s easy to tell who is going to win in eviction court. One side of the room sits tenants, men in work uniforms, mothers with children, wearing second-hand coats, confused and crowded together on hard benches. The other side, often in a set aside space, are not landlords but lawyers, dark suits doing crossword puzzles, joking with the bailiff as they casually wait for their cases to be called.” While he is describing a court room in Cambridge, Massachusetts, that description could easily be applicable to court rooms in NYC.

Although I have the role of a judge now, I have had the role of a litigant. I have been in the situation where I walked into a court room where the judge is going to make decisions that are essential to me about my family, and I was terrified. I have a law degree, the resources to have hired competent counsel, and a good education. So when I put myself in the shoes of the people standing in

front of me that don’t have those advantages, I can begin to imagine the kind of intimidation someone feels when they are in court without a lawyer.

We’ve been under a huge amount of pressure both from OCA and various sources to step off the traditional role of the judge and to do things that will help pro se litigants have access to justice. In 1997 OCA issued an advisory notice that was reissued in 2007. It tells us step by step what we should do in every case that is settled by an agreement where one party is not represented by counsel. There are nine steps.

The administration is telling the judges it is our obligation to figure out what their claims and defenses are and make sure that at least these issues have been raised.

And this is considered to be a minimum of what a judge has to do before approving a stipulation on one of a 100 cases that may be on that judge’s docket for the day. In 2009 the state legislature took it further and they enacted RPAPL746 which statutorily requires judges to allocute stipulations for unrepresented parties. There is a statutory mandate to judges, again, to step off the traditional role and to take on the role that is more generally associated with an advocate. That is a very tough thing for a judge to do and still be a judge.

One of the challenges I face with a pro se litigant is first getting the litigant to deal with all of this. A lot of times the litigant’s pressing concern is to get out of court as quickly as possible. Sometimes I receive resistance when I insist



that the litigant read the agreement before I approve it.

For the court, if a majority of the litigants had counsel, the court could stop trying to be a neutral arbitrator and also insure that the rights of the litigants are being heard and leave the advocacy to an advocate, which is the way our system was intended to run, and the burden would be significantly less on the courts.

The drain on court resources and trying to meet the need of the pro se litigants is extensive and would be greatly lessened if there were counsel in these cases.

Another problem I often get: if you get the tenant to actually go through the allocution and understand what the options are, then the tenant looks at you and says “Judge what should I do?” “Should I take the stipulation?” “Should I go to trial?” I can’t answer that question. The court is not meant to meet those purposes, and in trying to meet them in a less than ideal world that we are dealing with now, it presents a myriad of difficulties that I think would be relieved if everyone had a right to counsel.

THE TENANT EXPERIENCE

Commissioner Vicki Been
New York City Department of Housing
Preservation and Development

“Home represents stability, it provides a base from which we all learn to navigate and harness the opportunities that the neighborhoods offer us. Home is the hub of our social network, it provides the refuge that we need to relax, raise our kids, form relationships, enjoy our hobbies, to do all of the things that allow us to build and shape the lives that we each want to live. Homes make the difference between health and safety and security on the one hand or fear and tension and stress and danger on the other. Homes are about all of those critical issues of fairness, decency, and human rights.”

Shanequa Charles
Community Action for Safe Apartments

“There is nothing that can be said that can clearly demonstrate the emotional impact on a family when you are facing losing your home. When the marshal is at your door, then you have about three minutes to grab those kids and get something that is very important to you and head out the door, because your landlord has evicted you. Your dream is over. Grab your stuff and go. By the way, the marshal is not a nice guy. By the way, the marshal stands there and treats you as if you are a criminal until you get your things and you get out of that apartment. We are now faced with this bad dream every single day. At least 30,000 times in 2013, that happened to someone. It doesn't have to.”

Debra Raskin
New York City Bar Association

“We focus, in particular, on eviction cases because of the high consequences of loss of a home, and family disruption and homelessness that follow from that. As you've heard, over 90% of the individuals who appear in housing court as tenants do so without a lawyer, and it's inexcusable.”

Carmen Vega-Rivera
Community Action for Safe Apartments

“I want heat and hot water every day, not just when he (the landlord) feels like it. I want a working elevator, because I pay for it. Not that I have to miss appointments because I can't get up and down the steps. I am one in less than 10% that has legal representation.”

“We don't fit into a box of: we look alike, we talk alike, we dance alike, we eat alike. We are quite diverse. We have something in common, the process of being evicted and the trauma that it causes someone and their family.”

Monica Ross
New York Legal Assistance Group

“I am part of a growing trend of military women coming back from combat that are facing homelessness. My experience in Housing Court was frightening at first because I did not have legal representation. I met with the landlord's attorney and the first thing he told me was pay this money or we are going to evict you. The first thing on an attorney's mind is ‘We want you out so we can get somebody else in.’”

Joshua Goldfein
Legal Aid Society

“When a tenant sees us (tenant lawyers) in court, they know they have rights and that the others lawyers in the building do not represent them.”

Mary Zulack
Columbia Law School

“Many people describe the Housing Court as somewhat like a Halloween Funhouse. The Housing Court Answers table sort of turns on the light, shows you what's happening, they give you some help, and make it a very different and much brighter place.”

Maria Cortes
Make the Road New York

“In my particular case, what we are asking for is respect and dignity. We want to live like everyone else in the world. We have a right to have housing, to be able to participate in the society as citizens. The question is, do they just want all people of color to pack up and get out of the city?”



How Tenants Experience Housing Court
Maria Cortes, Shanequa Charles

Matthew Desmond

Professor
Harvard University

It had been a difficult year ever since that snowball. Joey and his cousin had been cutting up tossing snowballs at passing cars. Joey packed a tight one and let it fly and a car jerked to a stop and this man jumped out. The boys ran inside and locked the door and the man kicked it in, but he left before anything else happened. When the landlord found out, he evicted Joey's mother Arlene and her two boys for damaging his property. Arlene cursed at Joey because she couldn't curse at the landlord.

Evictions have become common place in poor neighborhoods due to rising cost, falling income and the failure of federal policy to bridge the gap. In our survey of Milwaukee renters we counted formal evictions, informal evictions, landlord foreclosures, and building condemnations. We found that about one out of eight renters in the city of Milwaukee were evicted in the past two years. Once we accounted for forced moves we found that poor renters do not exhibit higher rates of mobility than anybody else.

If eviction wasn't so common, poor families would not exhibit such high rates of residential instability, which often bring about other forms of instability in families, schools, communities, compromising the life chances of kids and adults.

Arlene took her two sons to a Salvation Army shelter which everyone in Milwaukee calls a "lodge," so you can tell your kids we are staying in the "lodge" tonight, like it's a hotel. From there Arlene looked for another house. She found one on 19th Street. It often didn't have any water and Joey would have to bucket out what was in the toilet. "It was quiet," Arlene remembered. "It was my favorite place."

Renters whose previous move was an eviction were almost 25% more likely to exhibit long term housing problems than renters that didn't experience a recent forced move.

The city found Arlene's favorite place unfit for human habitation and it was condemned. She was again on the hunt for housing. She told Joey, "we take whatever we can get." A drab apartment complex on Atkins Avenue accepted her application. Arlene soon learned that the whole block was totally drug soaked. She feared for her boys, especially Joey who was hungry to prove himself just like he did with that snowball. Why she moved into a really bad neighborhood was because of how she

moved there.

Bottom line is families being forced out of their homes move into worse neighborhoods than they lived in before.

Arlene moved away from the crack alleys of Atkinson Avenue as fast as she could. She found a two bedroom on 13th Street. The rent in one of the worse neighborhoods in one of America's poorest cities would take 88% of Arlene's welfare check. Not long after moving in Arlene's sister died. She helped pay for the funeral costs. She didn't have the money but neither did anyone else. Arlene would have been ashamed of herself if she hadn't pitched in. In eviction court, Arlene thought of the broken window and the sporadic hot water, the grimy carpet and she told the commissioner "I would say something, but I'm not going to go there." That was her defense. But at least she showed up, unlike 88% of Milwaukee's tenants. Arlene had to be out. After her eviction Arlene took her two boys to a domestic violence shelter. She lied about being abused so she could get a bed. From there she began again looking for another apartment. Landlords weren't calling back and part of the reason, besides her poverty, had to do with her eviction record, which was easily accessible and free on-line thanks to Wisconsin's open record laws. Finally the ninetieth landlord that Arlene called said yes. She settled in and enrolled her boys in a new school. Joey and Jafaris had missed long stretches of school. At his new school, Joey began acting out. After a teacher yelled at him, he kicked her and ran home. The school called the police and the police followed him to the apartment. When the landlord heard about this he told Arlene and the kids they had to go.

Kids can prolong the time you are homeless after the eviction, owing to family discrimination. And they are sometimes the reason for your eviction. We found that, even after accounting for how much tenants owed their landlord

and several other factors, the presence of kids in the household almost triples your odds of receiving an eviction judgment. Far from being a mitigating factor, children are aggravating in eviction court.

Arlene was beginning to unravel. Arlene said "it's like I have a curse on me. It won't stop for nothing. Sometimes I find myself trembling. I'm tired but I can't sleep. I'm fitting to have a nervous breakdown."

Eviction doesn't spare your mental health. We found that evicted mothers report 20% higher rates of depression compared to observationally identical mothers who avoided eviction, even after accounting for homelessness and other shocks to the system. Eviction is a cause and not just a condition of poverty. It has an independent effect on your residential instability as well as your housing and neighborhood quality. Some of the effect, as with depression, is stubbornly resilient, lasting years after the displacement. Providing stable housing by lowering evictions is a human capital investment, analogous to education or job training and one that would decrease child poverty and child homeless and stabilize families, schools and neighborhoods. If we want to give poor kids a fighting chance to realize their full potential, we have to provide them with a stable place to live. Without stable shelter, everything else falls apart. And for kids like Jafaris, it falls apart in an age where they are growing their brains that they will need for the rest of their lives. The average age of an evicted child in Milwaukee is seven.

Joey felt bad that kicking the teacher caused his family to be evicted again. They stayed for a while with friends and family members, and then Arlene found another run-down apartment on another dangerous block. It was not long before she and her boys were robbed at gun point in her apartment, which caused them to flee again to another shelter. Arlene said "my soul is messed up. I wish my life were different. I wish I could be an old lady, sit back and look at my kids and they would be grown and they would become something and we could all be together, laughing and looking back at this and laughing at it."

THE EXPERTS

Cathy Albisa Co-Founder National Economic and Social Rights Initiative

Cathy Albisa is a constitutional and human rights lawyer with a background on the right to health. Albisa also has significant experience working in partnership with community organizers in the use of human rights standards to strengthen advocacy in the United States. She co-founded NESRI along with Sharda Sekaran and Liz Sullivan in order to build legitimacy for human rights in general, and economic and social rights in particular. She is committed to a community centered and participatory human rights approach that is locally anchored, but universal and global in its vision. Albisa clerked for the Honorable Mitchell Cohen in the District of New Jersey. She received a BA from the University of Miami and is a graduate of Columbia Law School.

Steven Banks Commissioner New York City Human Resources Administration

Commissioner Steven Banks was appointed by Mayor de Blasio in February 2014, he serves as chief executive of the largest local social services agency in the country, which serves over 3 million New Yorkers, with 15,000 employees and an operating budget of over \$9 billion.

Banks has dedicated his career to improving the lives of low-income New Yorkers and is recognized as one of New York City's leading public interest lawyers. From 2004 until his appointment, Banks was the Attorney-in-Chief of the Legal Aid Society. He began his career at Legal Aid in 1981 as a Staff Attorney in the Staten Island Neighborhood Office. He has also previously served as counsel to the Coalition for the Homeless—and is credited with helping reach a landmark settlement with the City in 2008 over its treatment of homeless children and adults, which resulted in the establishment of a permanent enforceable right to shelter for homeless families in New York City. Banks graduated from the New York University School of Law in 1981, and from Brown University in 1978.

Susanna Blankley Director Community Action for Safe Apartments

Susanna Blankley is the Director of Housing Organizing of Community Action for Safe Apartments (CASA), a project of New Settlement Apartments, in the Southwest Bronx. CASA is made up of more than 1,300 community members who work together to improve the living conditions in the Bronx and maintain affordable housing through collective action. Susanna has close to ten years of labor and tenant organizing experience. Before organizing, Susanna worked to advance Women's Rights in Ecuador, New York City and Kenya. Blankley received her undergraduate degree from Columbia University and her Masters in Intercultural Service, Leadership and Management from the SIT Graduate Institute.

Vicki Been Commissioner New York City Department of Housing Preservation and Development

Commissioner Vicki Been is responsible for leading the nation's largest municipal housing agency and is charged with creating and implementing Mayor Bill de Blasio's Five-Borough, Ten-Year Plan, a bold initiative to create or preserve 200,000 affordable homes and apartments over 10 years. Prior to her appointment as HPD Commissioner, Been was Director for NYU's Furman Center for Real Estate and Urban Policy, a nationally renowned academic research center devoted to the public policy aspects of land use, real estate, and housing development. She also served as the Boxer Family Professor of Law at NYU School of Law and Affiliated Professor of Public Policy of the NYU Wagner Graduate School of Public Service.

She is also the Co-author of a widely used land use casebook, *Land Use Controls*. Been is a 1983 graduate of New York University School of Law, where she was a Root-Tilden Scholar. She clerked for Judge Edward Weinfeld of the Southern District of New York and Justice Harry Blackmun of the Supreme Court of the United States.

Shanequa Charles Tenant Leader Community Action for Safe Apartments

Shanequa Charles is a mother, Community Board 7 member, CASA Leadership team member, Executive Director of Miss Abbie's Kids, a youth development non profit serving the Northeast Bronx and community leader whose own housing crisis led her to become a vocal advocate for tenants housing rights. She earned an undergraduate degree from SUNY Potsdam. Her dedication to underserved populations and the African American community continue to be paramount in this movement towards justice and Housing equality.

Maria Cortes Client Make the Road New York

Maria Cortes migrated to the United States from Puerto Rico in 1987. Maria has called the borough of Brooklyn home— living in the same apartment in Bedford Stuyvesant for the last 22 years. As a wife, mother and grandmother, Cortes understands the value of community and has been working hard as a tenant leader of Make the Road New York to make sure that her community doesn't get torn apart. One effort that Cortes has played a critical role in is the improvement of Brooklyn Housing Court.

Anthony Crowell Dean New York Law School

Anthony W. Crowell is New York Law School's Dean and President. Since joining NYLS full-time in 2012, he has worked closely with the Board, faculty and administration to reintroduce NYLS as "New York's law school" and implement a bold Strategic Plan, the benefits of which already have yielded stronger student outcomes; a doubling of clinical and experiential programs; the development of the nation's first two-year JD honors program; and significant enhancements to career planning and placement and student and alumni engagement. *Crain's New York Business* recognized Dean Crowell as one of its "People to Watch in Higher Education." He has taught courses in State and Local Government Law at NYLS for twelve years. Prior to becoming Dean, he held the position of Counselor to New York City Mayor Michael R. Bloomberg, serving the Administration for more than a decade. Dean Crowell previously served as Special Counsel to the Mayor; as Assistant Corporation Counsel in the New York City Law Department's Tax & Condemnation and Legal Counsel Divisions; and as Director of the City's World Trade Center Death Certificate Program and Counsel at the city's Family Assistance Center, where he aided families of victims of the 9/11 attacks. Dean Crowell worked in Washington, DC at the International City/County Management Association. He is a member of the New York City Conflicts of Interest Board, and previously chaired the Board of Trustees of the Brooklyn Public Library. He also serves on the Board of Directors of the Citizens Union Foundation and the Executive Committee of the Brooklyn Chamber of Commerce.

Martha Davis Professor Northeastern University School of Law

Martha Davis teaches Constitutional Law and Professional Responsibility at Northeastern University School of Law, where she also serves as a faculty director for the Program on Human Rights and the Global Economy and the NuLawLab. Davis has written widely on social justice issues, often employing a human rights lens. She is co-author of the first law school textbook focused on domestic human rights: *Human Rights Advocacy in the United States* (West 2014), and she co-edited *Bringing Human Rights Home*. Davis's book, *Brutal Need: Lawyers and the Welfare Rights Movement*, received the Reginald Heber Smith Award for distinguished scholarship on the subject of equal access to justice, and was also honored by the American Bar Association in its annual Silver Gavel competition. Davis's articles on the right to civil counsel have appeared in the *Yale Law Journal*, the *Syracuse Law Review* and the *Columbia Human Rights Law Journal*. Prior to joining the Northeastern law faculty, Davis was vice president and legal director for the NOW Legal Defense and Education Fund.

Matthew Desmond Professor Harvard University

Matthew Desmond is an Assistant Professor of Sociology and Social Studies at Harvard University. He was previously a Junior Fellow in the Harvard Society of Fellows. Desmond is the author of numerous books and articles. Most recently, he has published on eviction and the low-income rental market, the American affordable housing crisis, survival strategies among the urban poor, and the consequences of new crime control policies on inner-city women. He is the principal investigator of the Milwaukee Area Renters Study, a MacArthur Foundation-funded original survey of tenants in Milwaukee's low-income private housing sector, and editor of *The Russell Sage Journal of the Social Sciences Special Issue on Severe Deprivation in America*. Desmond is currently completing his fourth book: *Evicted: Poverty, Exploitation, and Survival in the American City*, forthcoming by Crown.

Randy Dillard Tenant Leader Community Action for Safe Apartments

Randy Dillard is a single parent of five children and a longtime Bronx resident. He is a member of New Day Church. He is a leader of Community Action For Safe Apartments and a member of the Bronx Defenders. He also works with Women's Empowerment Self Defense Academy.

Kate Donald
Executive Director
Center for Economic and Social Rights

Kate Donald is Director of the Human Rights in Development Program at the Center for Economic and Social Rights. Previously, Donald worked as Adviser to the UN Special Rapporteur on Extreme Poverty and Human Rights (Magdalena Sepúlveda), examining the impact of public policies and development policies on the rights of people living in poverty. In particular, she worked on issues including unpaid care work, social protection policies, fiscal policies and access to justice. Donald has also held positions at the Office of the High Commissioner for Human Rights and the International Council on Human Rights Policy, and has been a consultant for the United Nations and the Gender & Development Network. Donald holds a Masters in Human Rights from the London School of Economics and a Bachelors in History from Oxford University.

Joshua Goldfein
Homeless Rights Project
Legal Aid Society

Joshua Goldfein is a Senior Staff Attorney at the Legal Aid Society. He started at Legal Aid in 1993 in the housing unit at the Harlem Neighborhood Office and since 1998 has worked in the Homeless Rights Project.

Honorable Jonathan Lippman
Chief Judge
State of New York

Honorable Jonathan Lippman is the Chief Judge of the State and Chief Judge of the Court of Appeals. In that capacity, he presides over New York's highest court while heading a statewide court system with a \$2.7 billion budget, 3,600 judges, and 16,000 non-judicial employees. Chief Judge Lippman's career in the court system spans four decades and as the longest tenured Chief Administrative Judge in state history, he played a central role in many far-reaching reforms of New York's Judiciary and legal profession.

Chief Judge Lippman has authored a number of major decisions addressing constitutional, statutory and common law issues. As the State's Chief Judge he has championed equal access to justice issues and taken an active leadership role in identifying permanent funding streams for civil legal services. Judge Lippman is a recipient of the William H. Rehnquist Award for Judicial Excellence, presented each year to a state court judge who exemplifies the highest level of judicial excellence, integrity, fairness, and professional ethics. Judge Lippman was selected for his "unparalleled ability to promote and achieve reform in the state courts. His leadership in the New York courts has contributed to numerous improvements in that state's justice system and has served as an example for courts across the country."

Patrick Markee
Deputy Executive Director
Coalition for the Homeless

Patrick Markee is the Deputy Executive Director for Advocacy at Coalition for the Homeless, where he has worked since 1995. He has authored numerous research studies and briefing papers on affordable housing and homeless policies in New York City, including *Housing a Growing City: New York's Bust in Boom Times*; *Legacy of Neglect: The Impact of Welfare Reform on New York's Homeless*; and the Coalition's annual *State of the Homeless* reports. In addition to studies for the Coalition, he has written articles and reviews for *The Nation* and *The New York Times Book Review*. He is also a member of the board of directors of the National Coalition for the Homeless.

Risa Kaufman
Executive Director
the Human Rights Institute
Columbia Law School

Risa Kaufman is the executive director of the Human Rights Institute at Columbia Law School and a Lecturer-in-Law. At the Human Rights Institute, she develops and advances international human rights norms and strategies in the United States through research, advocacy, network building, and training. Her advocacy and research focus on state and local implementation of human rights, access to justice, and economic, social, and cultural rights. In addition, Kaufman teaches a seminar on domestic human rights advocacy and oversees the overall functioning of the Institute. She is the co-author of a new law school textbook, *Human Rights Advocacy in the United States* (West 2014).

Honorable Sabrina B Kraus
Judge
New York County Housing Court

Honorable Sabrina Kraus has been a Housing Court Judge since 2006. Prior to her appointment, she was a partner in Borah, Goldstein, Altschuler, Nahins & Goidel, a landlord/tenant firm. Kraus served as president of the Housing Court Judges Association in 2010, and is a member of the New York City Bar Association, Jewish Lawyer's Guild, National Association of Women Judges, New York Women's Bar Association, and New York County Lawyer's Association. She received her undergraduate degree from Colgate University in 1988, with a major in International Relations and French Literature. She earned her law degree from the Benjamin N Cardozo School of Law in 1991.

Glenn Lau-Kee
President
New York State Bar Association

Glenn Lau-Kee is President of the New York State Bar Association, the first Asian-American to assume the presidency. He is a partner of Kee & Lau-Kee. A 15 year member of the State Bar Association, Lau-Kee most recently chaired the House of Delegates and co-chaired the President's Committee on Access to Justice. He was a member-at-large of the Executive Committee and co-chair of the Membership Committee. He received the Commercial and Federal Litigation Section's George Bundy Smith Pioneer Award in 2010. Lau-Kee was a member of the Task Force on the State of Our Courthouses.

He is a vice-chair of the board of the Greater NYC YMCA and a board member of the Fund for Modern Courts, The New York Bar Foundation and US-Asia Institute. He served as president of the Asian American Bar Association of New York and was appointed by former Chief Judge Judith S Kaye to serve on the Commission to Examine Solo and Small Firm Practice, and the Committee to Promote Public Trust and Confidence in the Legal System. Lau-Kee graduated from Yale College and Boston University School of Law.

Jenny Laurie
Executive Director
Housing Court Answers

Jenny Laurie is the Executive Director of Housing Court Answers where she has worked since 2008. She works with unrepresented people in Housing Court through the organization's information tables and telephone hotline. She directs the organization's advocacy campaigns which are focused on ensuring justice and fairness for the many thousands of low income people without lawyers in Housing Court. Laurie worked at Met Council on Housing on strengthening rights and protections for NYC tenants.

Edwina Frances Martin
Board Member
Network of Bar Leaders

Edwina Frances Martin is a public interest lawyer specializing in Government Relations, Non-Profit Management, and Strategic Communications. In 2012 she was appointed the Counsel/Legislative and Budget Director for NYC Councilwoman Debi Rose. Previously she was the Director of Communications and Government Relations for Legal Services NYC. She began her career serving as a law clerk to Judge Lawrence W Pierce, United States Court of Appeals for the Second Circuit, and was a Litigation Associate at Van Lierop, Burns & Bassett LLP and Shearman & Sterling LLP.

Martin's current bar association work includes the NYS Bar Association; the Network of Bar Leaders; and the Staten Island Women's Bar Association. She is also a member of the NYC Bar, Staten Island Trial Lawyers, and Richmond County Bar. Martin is also active in several civic organizations including the New York Bar Foundation, the American Association of University Women-NYS, and the SI Alumnae Chapter of Delta Sigma Theta Sorority. Martin graduated NYU School of Law, and holds a BA in Art History from Williams College.

Sateesh Nori
Attorney-in-Charge
Legal Aid Society, Queens

Sateesh Nori is the Attorney-in-Charge of the Queens Neighborhood Office of the Legal Aid Society. Prior to that, he was the Director of Housing Litigation at Bedford-Stuyvesant Community Legal Services. He has represented low-income tenants and tenants' associations, lead trainings for members of the community and members of the bar. He was Chair of the City Bar's Housing Court Committee, is a board member of Housing Court Answers and has taught at Cardozo School of Law. Nori started his career as a housing staff attorney in Legal Aid's Brooklyn Neighborhood Office.

Carlos Perez-Hall
Attorney
Borah, Goldstein, Altschuler, Nahins & Goidel, PC

Carlos Perez-Hall is a partner in the Landlord/Tenant division of Borah, Goldstein, Altschuler, Nahins & Goidel, PC. He appears regularly in Housing Court in the Bronx, Manhattan, Brooklyn and Harlem. He represents a range of landlords, large and small. Perez-Hall is the President of the Puerto Rican Bar Association and has served as the Chair of the Judiciary Committee since 2011. He also serves as a member of the Housing Court Advisory Council of the Civil Court of New York. Perez-Hall is a member of the New York State Conference of Bar Leaders section of the New York State Bar Association, the Bronx Bar Association, and the New York Trial Lawyers Association.

John Pollock
Coordinator
National Coalition for a Civil Right to Counsel

John Pollock is a Staff Attorney for the Public Justice Center and the Coordinator of the National Coalition for the Civil Right to Counsel. He focuses entirely on working to establish the right to counsel for low-income individuals in civil cases involving fundamental rights such as child custody, housing, safety, and public benefits. Previously, Pollock was the Enforcement Director for the Central Alabama Fair Housing Center and a Law Fellow for the Southern Poverty Law Center. He graduated from Northeastern University School of Law in 2005.

Debra Raskin
President
New York City Bar Association

Debra L Raskin is president of the NYC Bar Association and since 1988 has been a partner at Vladeck, Waldman, Elias & Engelhard PC. Raskin graduated from Radcliffe College magna cum laude in 1973 and received her law degree from Yale in 1977. She worked at the Legal Assistance Foundation of Chicago from 1977 to 1981, serving in 1981 as Supervisor of Employment Litigation for that organization. She served as law clerk to Hon Lee P Gagliardi of the United States District Court, Southern District of New York. She served as an Assistant Attorney General of the State of New York in the Civil Rights Bureau. She joined the Vladeck firm in 1986. Raskin is a Fellow of the American College of Trial Lawyers, has taught at Columbia and Fordham Law Schools and has lectured and written for the New York State Bar Association and the Practising Law Institute.

Monica Ross
Client
New York Legal Assistance Group

Monica Ross is a working single mother who served in the United States Navy from 2001 to 2006, only to find herself struggling to avoid homelessness. Unfortunately, her struggle is not unique. The threat of homelessness among vets is a serious problem nationwide, a situation that is even worse for low-income veterans returning to New York City due to the chronic and growing shortage of affordable housing. Women veterans, who face unique barriers when returning to civilian life, are even more likely to become homeless—a problem that is expected to grow as more women join the military.

Alan Rothstein
General Counsel
New York City Bar Association

Alan Rothstein serves as General Counsel to the NYC Bar Association, and as General Counsel of the City Bar Fund. Prior to his 20 years with the Association, Rothstein was the Associate Director of Citizens Union. Rothstein started his legal career at Weil, Gotshal & Manges.

He earned his BA from City College and an MA in Economics from Brown University before earning his JD from NYU. Prior to his legal career, Rothstein worked as an economist in the environmental consulting field and for the NYC Economic Development Administration. He serves on the boards of Volunteers of Legal Service and Citizens Union, where he chairs its Committee on State Affairs and serves on the Executive Committee. He also serves on the New York State Bar Association House of Delegates and the New York Chief Judge's Emeritus Advisory Council.

Andrew Scherer
Policy Director
Impact Center for Public Interest Law
New York Law School

Andrew Scherer is the Policy Director of the Impact Center for Public Interest Law at NYLS and a Distinguished Adjunct Professor at NYLS. In addition, he is the principal of Andrew Scherer Consulting and an Adjunct Professor at the Columbia University Graduate School of Architecture, Planning and Preservation. He is the author of the *Residential Landlord-Tenant Law in New York* (Thomson Reuters) and of numerous other publications. In 2010, Scherer stepped down after nine years as Executive Director of Legal Services NYC, where he had worked since 1978. Scherer has also taught at CUNY Law School, NYU Law School, Yangon University in Myanmar, and Bennington College. He has lectured in the US, Latin America, Africa and Asia. He received his BA from the University of Pennsylvania and his JD from NYU Law School.

Lewis Tesser
President
New York County Lawyers' Association

Lewis Tesser is a Senior Partner in the New York law firm of Tesser, Ryan & Rochman, LLP. He is President of the New York County Lawyers' Association and former Director of its Ethics Institute. Tesser formerly chaired the General Practice Section of the New York State Bar Association.

Prior to private practice, Tesser was an Assistant United States Attorney in the Eastern District of New York and also served as a Judge Advocate in the United States Army where he prosecuted and defended criminal cases and was the chief legal advisor to the Commanding General of the US Army War College. He also has served as an Arbitrator for the American Arbitration Association and, NYC Civil Court, a Judge for the NYC Environmental Control Board and lectured at various bar associations and law schools.

Tesser graduated with honors from the National Law Center, George Washington University, received an MBA from the Wharton Business School, University of Pennsylvania and graduated from the Harvard Law School. He is a past President of Congregation Sons of Israel, Nyack, NY.

David Udell
Executive Director
National Center for Access to Justice

David S Udell is the Executive Director of the National Center for Access to Justice and a Visiting Professor from Practice at Cardozo Law School. He has held leadership roles in the national civil right to counsel movement and the national indigent defense reform movement, and also coordinated national work to strengthen the nation's Legal Services Corporation. He served as founding director of the Justice Program of the Brennan Center for Justice, a Senior Attorney at Legal Services for the Elderly and as a Managing Attorney at MFY Legal Services. He is a member of the New York Court System's Committee on Non-lawyers and the Justice Gap, a member of the Advisory Board to the Justice Center of the New York County Lawyers' Association, a former member of the NYC Bar Association's Committee on Professional Responsibility, and a former member of the NYC Bar Association's Committee on Pro Bono and Legal Services. He co-teaches a law school clinic – The Justice Gap: Strategies for Securing the Delivery of Equal Justice in American Courts, at Cardozo Law School.

Carmen Vega-Rivera
Tenant Leader
Community Action for Safe Apartments

Carmen Vega-Rivera is the Founder & CEO of Atabey Collaborative. She was Director of the NYC Chapter of Say Yes to Education, at Teachers College. Vega-Rivera was Executive Director of East Harlem Tutorial Program and Associate Director of the Bronx Museum of the Arts. She currently serves as a member of the Hostos Community College Foundation Board and is a CASA Leader. She resides in the Bronx with her family. She has been in Bronx Housing Court many, many times.

Tom Waters
Housing Policy Analyst
Community Service Society

Tom Waters has been a Housing Policy Analyst at the Community Service Society since 2005. His research focuses on the dwindling stock of subsidized and regulated housing, the effects of increased housing budget pressures, neighborhood change, and housing conditions affecting the city's immigrant communities. Prior to joining CSS, he was a journalist, a community organizer in Knoxville, Tennessee, and an organizer, fundraiser, and interim director at New York State Tenants & Neighbors. He has a MA in political science and is working on a doctoral dissertation on housing, neighborhoods, and organizations at the CUNY Graduate Center.

Mary Zulack
Professor
Columbia Law School

Professor Mary Marsh Zulack joined the Columbia Law School in 1990 and is the Co-Director of the Lawyering in the Digital Age Clinic. She formerly co-directed the Fair Housing Clinic and inaugurated and taught Law and Policy of Homelessness. In 20 years in legal services, Zulack served as Attorney-in-Charge of the Harlem Neighborhood Office of The Legal Aid Society, Acting Executive Director of Bedford Stuyvesant Legal Services, and staff attorney with MFY Legal Services. She has served the Association of the Bar of the City of New York.



How Tenants Experience Housing Court
Monica Ross, Maria Cortes, Shanequa Charles, and Randy Dillard



RIGHT TO COUNSEL NYC COALITION

The Right to Counsel NYC Coalition is made up of tenant organizing groups, tenant advocates, law schools and legal services organizations. We are working together to ensure that our city's housing courts are a place of fairness, justice and equity. We do not support forced displacements that can and should be prevented and we believe that safe and affordable housing is central to our city's future. We are working on establishing a right for New York residents to be represented by licensed, qualified and experienced attorneys when they go to Housing Court to defend their rights.

MEMBERS

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Housing Court Answers
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Homeless Services United, Inc.
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New York Immigration Coalition

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Impact Center for
Public Interest Law