



NEW YORK CITY COMPTROLLER
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Evictions Up, Representation Down:

How New York City is
Undermining the Right to
Counsel

BUREAU OF POLICY AND ORGANIZING

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Executive Summary

New York City passed the first-in-the-nation Right to Counsel (RTC) law in 2017 guaranteeing legal representation in housing court for low-income New Yorkers facing eviction.^a The program is incredibly effective: in 2024, 89% of households that were represented by an attorney remained stably housed.¹

Following the expiration of the eviction moratorium in January 2021, the number of active eviction cases in New York City rose 440%, from approximately 33,000 cases to 177,000 cases.² Unfortunately, management failures at City Hall and a lack of funding have limited Right to Counsel providers ability to keep up with demand and the monthly rate of representation for tenants facing evictions has hovered below 50% for the past three years, reaching a low point of just 30% in March 2025.³ There have been nearly 37,000 court-ordered residential evictions since January 2022.⁴

Rigid contract requirements, inadequate funding, and insurmountable caseloads have made it extremely difficult for providers to meet increasing demand. These workplace conditions have also caused persistent burnout, leading to high attrition rates and persistent staffing shortages at non-profit legal service providers. In addition, staffing cuts at City agencies, including the Office of Civil Justice (OCJ), the Department of Social Services (DSS) and the Human Resources Administration (HRA), have hamstrung implementation and caused preventable delays in resolving eviction proceedings. Mayor Eric Adams' failure to work with the New York City Council to negotiate financially viable pathways for expanded rental assistance programs, following the passage of Local Laws 99, 101, and 102 has likely caused thousands of preventable evictions.

As the first jurisdiction in the country to pass Right to Counsel, the landmark legislation became a model for tenant organizers and housing advocates across the country and sparked a national movement. Since 2017, 5 states and 17 localities have enacted their own RTC laws that ensure low-income tenants facing eviction receive free legal services.⁵ New York City can continue to set the national standard by successfully implementing a universal Right to Counsel program.

Key Findings

- **Eviction rates have returned to levels comparable to before the pandemic and contributed directly to the City's ballooning shelter population.** Between March 2020 and March 2024, the number of active eviction cases in New York rose 440%, from

^a An income-eligible tenant is one whose household annual income does not exceed 200% of the federal poverty guidelines, or \$53,300 for a family of three in 2025. Local Law 136 of 2017 established a universal access to income eligible tenants in 15 zip codes and included a plan to reach Citywide implementation by 2022. In 2021 the New York City Council passed Local Law 54 and expanded the program Citywide before the original target date.

approximately 33,000 cases to 177,000 cases.⁶ Since January 2022, there have been approximately 37,000 court-ordered evictions.⁷

- **RTC representation rates citywide dropped dramatically from 71% in FY 21 to 42% in FY 24.** With climbing eviction filings, increased case complexity, and inadequate funding, Right to Counsel (RTC) providers struggled to meet growing demand, causing low rates of legal representation for low-income New Yorkers facing eviction in Housing Court and leaving thousands of New Yorkers who are eligible for RTC without legal counsel. From FY 2019 to 2024, the number of households that legal service providers were expected to provide full representation increased by 51%, from approximately 16,300 households to 24,500 when the RTC program shifted from a zip code model to citywide expansion. During the same period, the number of brief legal services^b RTC providers were expected to provide to any New York City tenant facing eviction increased exponentially—by 475%. Legal representation citywide has steadily declined from 71% in Q4 of FY 21 to 63% in Q4 of FY 22 to 50% in Q4 of FY 23 and as low as 42% in Q4 of FY 24.
- **The City’s failure to meet the Right to Counsel mandate has exacerbated inequities as, the rate of representation in the Bronx has declined more precipitously than other boroughs, down from 81% in Q4 of 2021 to just 31% in Q4 of 2024.** Eviction filings are more common in neighborhoods where a greater portion of residents are Black or Latine.
- **Legal counsel in housing court is the most effective tool for preventing eviction and reducing the City’s shelter population.** The Office of Civil Justice reported that 89% of tenants who received full legal representation in an eviction proceeding in FY 2024 were able to remain stably housed. When given proper resources, community groups and legal service providers have helped thousands of tenants stay in their homes and fight for better living conditions and rental abatements. Tenant organizations educate tenants via know your rights trainings, help bring about group cases against bad actor landlords, and connect New Yorkers to vital financial resources, like rental and cash assistance, and other income-building supports that improve financial stability. If properly implemented and fully funded, Right to Counsel and expanded tenants’ rights could alter the landscape of New York City housing court and dramatically reduce the City’s shelter population. Between 2013 and 2024, eviction filings decreased by nearly 50% (from 247,000 cases to 118,000), as landlords likely stopped filing frivolous and serial eviction cases^c due to increased tenant protections.⁸ Unfortunately, thousands of eligible tenants are appearing in housing court without adequate legal representation.

^b Local Law 136 defines brief legal assistance as “individualized legal assistance provided in a single consultation” by a non-profit legal service provider.

^c Prior to 2019, some landlords repeatedly filed eviction cases with no merit as a method of tenant harassment or to scare tenants into self-evicting. Legal service providers state, and that data indicate, that following passage of the Housing Stability and Tenant Protection Act (HSTPA) and RTC that practice declined significantly.

- **The City’s failure to provide adequate funding and resources to support RTC providers has essentially created an unfunded mandate for legal service providers and is driving rates of burnout and attrition within the legal services sector.**
 - **Inadequate funding and payment delays:** Although the City has increased its investment in tenant legal services since the passage of RTC, funding has not been adequate to ensure that every eligible tenant receives full representation of brief legal advice in housing court as required by local law. Legal service providers estimate that the City would need to more than double its spending to meet demand. Delays in the City’s contracting and procurement processes further strain already underfunded legal service providers delivering RTC, making it harder for them to retain staff and meet the growing need for tenant representation.
 - **Recruitment, hiring and retention challenges:** Recent annual attrition rates at legal service organizations have ranged from 20-55%, a major blow to the legal community as housing courts reopened and citywide RTC expansion began. High staff turnovers have a negative effect on the provision of legal services. Over 90% of the non-profit legal service attorneys doing RTC work are unionized (either in UAW Local 2325 or UAW Local 2320) and not funding RTC work through contracts has an impact on collective bargaining. When housing attorneys leave their organization, their cases are then transferred to remaining staff, who may already have high caseloads, increasing burnout of remaining staff and exacerbating attrition challenges.
- **The Human Resources Administration’s (HRA) delay in processing rental assistance applications is preventing lawyers from closing cases sooner and exacerbating capacity issues in the legal aid community.** HRA, which processes applications for emergency rental assistance, has been extremely delayed in distributing these resources to tenants in need. Before the pandemic these applications were typically processed within 30-60 days, however, attorneys interviewed by the Office of the New York City Comptroller say it can now take up to 10-12 months for a client in housing court to receive these funds. Prior to the pandemic, HRA published monthly Benefit Access Center reports, sometimes referred to as JobStat, which provided key indicators on processing timeliness. These reports have not been published since February 2020.⁹
- **The Brooklyn Administrative Program is a promising approach but lack of leadership and collaboration with providers has prevented expansion.** In February 2023, HRA launched the Brooklyn Administrative Pilot to help tenants access the legal and social services they need to avoid housing displacement. According to a 2023 OCJ report, “the pilot co-located HRA homelessness prevention services in the courthouse to further assist individuals in active eviction proceedings at their first appearances. Granted a 45-day adjournment by the court, individuals visit the HRA team at the courthouse to initiate applications for emergency cash assistance ‘one-shot deals,’ rental assistance or other benefits that could address housing concerns.” While the Brooklyn Administrative pilot could help address some challenges, advocates report it has created confusion among

tenants, who often don't understand who they're meeting or why they're being redirected within the courthouse; unlike the early days of Right to Counsel, court-based outreach and education by legal providers and OCJ has not been able to meet demand due to limited capacity and poor coordination.

- **The State's failure to do its fair share to meet the Right to Shelter mandate, pass essential tenant protection legislation, and properly fund those initiatives has unfairly placed the burden on the City of New York.** Since 2011, when former Governor Andrew Cuomo was elected, New York State has steadily reduced its support for shelter and failed to fill the gap in housing subsidies. The State's contribution to the City's shelter system plummeted from 47% in 2007 to just 6% as of Fiscal Year 2024, putting enormous strain on the City's budget to meet the right-to-shelter mandate which is grounded in the State constitution. While the inclusion of the Housing Access Voucher Program and \$50 million allocation in the 2026 State budget is a move in the right direction, the funding represents just a fraction of the City's annual spending on homelessness prevention and rental assistance. The State has also failed to pass S2721, which would create a statewide right to counsel program.

Recommendations

- **Develop and implement a strategic plan to fulfill the City's Right to Counsel mandate providing 100% of eligible low-income New Yorkers facing eviction with legal counsel within 5 years.** To deliver on the City's Right to Counsel mandate, the City should work directly with legal service providers, advocates, and tenants to develop a full implementation plan, including a clear timetable for increased funding needed to hire and retain the staff needed. The funding must recognize the true cost of the program and allow legal service providers to assign manageable caseloads and pay competitive rates that support the recruitment and retention of attorneys and support staff, including interpreters, social workers, paralegals, intake specialists, and benefit associates. The City should recognize that the law was intended to establish a *right* to counsel for eligible individuals in housing court and enter into contracts with legal service providers that are comparable to criminal legal services as such.
- **Reform RTC contracts to ensure legal service providers have the capacity to deliver on contract requirements:**
 - **Reform the contracting process and pay service providers on-time.** In the midst of a [growing funding crisis](#) for the non-profit sector, the City should immediately implement the recommendations put forth by the Comptroller's Office in *Nonprofit, Nonpayment*, including deadlines for contract registration and fulfilling the promise of ContractStat to ensure these critical nonprofits get paid on time and in full.¹⁰ In addition to these recommendations the City should also modify existing RTC contracts to:

- Eliminate or reform the 10% penalty, which withholds essential funds to legal service providers if certain performance targets aren't met, to ensure that speed and case disposition is not prioritized over meaningful advocacy and representation.
 - Account for rollover cases. City contracts that funded RTC prior to FY 25, allowed for legal service providers to roll over cases from year to year towards their performance targets.
 - Allow legal service providers the flexibility to include the provision of brief legal advice as part of their performance requirements.
 - Reform reporting requirements to reduce administrative burdens and ensure that they accurately capture the work on the ground.
- **Invest in the capacity of the City's nonprofit legal services sector and workforce.** The City should partner with CUNY Law and other law schools to create fellowship programs and loan forgiveness opportunities that inspire students to pursue a career in housing law and tenant legal services.
 - **Invest in programs that provide upstream solutions to prevent evictions and relieve the pressure on RTC providers:**
 - Reduce the number of people facing evictions via improved and expanded Homebase contracts^d that provide financial assistance and support to individuals and families before an eviction case is filed.
 - Increase funding for tenant organizing and social services. Addressing the root causes that led to an increase in eviction proceedings takes more than just immediate legal representation. Ensuring that legal service providers and partner organizations have adequate resources to assist clients in reaching stronger economic footing such as enrolling in programs like the Senior Citizen Rent Increase Exemption (SCRIE), cash assistance or workforce programs can be essential to their long-term success.
 - Create a court-based rental assistance program that ensures New Yorkers facing eviction who are not eligible for one-time cash assistance can remain stably housed.
 - Evaluate, strengthen and expand the Brooklyn Administrative Pilot, a program designed to increase representation rates, reduce evictions, and promote housing stability.

^d Homebase is a homelessness prevention program funded by the City. Households are provided services, including accessing one-shot deals, other forms of cash assistance, landlord mediation, and other services that can help New Yorkers avoid eviction as they navigate a housing crisis.

- **Reverse cuts to DSS that have resulted in serious delays in the processing of one-shot-deals and other forms of assistance that help tenants avoid eviction.**
 - DSS should hire more HRA staff to improve the processing time of CityFHEPS applications, as well as One Shot Deals. The City should also allocate more resources to CBOs, who are helping low-income tenants access housing assistance programs, job training, and other strategies to raise their incomes. Doing so will reduce the strain on legal service providers in Housing Court, reduce the negative consequences on a tenant's mental health that an eviction or shelter stay can have on a household, and produce many cost savings on the City's Right to Counsel program and shelter system.
 - HRA should play a more coordinated role in screening tenants for eligibility for RTC. Providers say that HRA sends them cases that shouldn't move forward, including tenants who have gotten all their rental arrears paid and have resolved their cases. Clear breakdowns of services HRA provided to tenants would be helpful for providers, so they do not move cases forward that already have resolution and alleviate some of their capacity issues.
- **The State should do its fair share to prevent evictions and confront the City's homelessness crisis:**
 - Pass the Statewide Right to Counsel law (S2721) and fund 50% of the cost of RTC for jurisdictions across the State, including New York City.
 - Increase funding for HAVP in the 2027 budget to at least \$250M.
 - Reverse Cuomo-era budgeting that shifted the cost of single adult shelter onto the City to create more funding flexibility for prevention measures such as RTC.

Background

In 1972, New York State passed legislation that established the Housing Part of the Civil Court of the City of New York, more commonly known as “housing court,” to create a single borough-based court system that oversees all housing-related actions and proceedings and to enforce state and local housing codes.¹¹ Housing court was intended to create a “more fair and judicious forum for resolving owner-tenant complaints” as criminal sanctions issued against owners, in an overburdened criminal court system, rarely resulted in repairs being made. Although the Civil Court Act expressly named several existing statutory legal avenues through which tenants, either individually or collectively, could withhold rent and demand repairs, housing court has been dominated by landlords filing for eviction since its inception. Tenants have fought back from the beginning – pushing for equal footing and more control over their homes.

Eviction and homeless rates steadily climbed during the 2000s — peaking at 29,000 court-ordered evictions in 2013.¹² In March 2013, Community Action for Safe Apartments (CASA) and the Urban Justice Center published a participatory research report detailing tenant experiences in Bronx Housing Court.¹³ An earlier report published by Make the Road in 2011 documented the similar inequity of Brooklyn housing court and impact of eviction.¹⁴ These reports were widely covered by local media and drew public attention to the crisis of eviction and the injustice of the housing court system. The Right to Counsel coalition was formed shortly after in 2014 and Intro 214 was introduced by Council Member Mark Levine in the New York City Council within the same year. The coalition fought hard for three years, and Local Law 136 was eventually passed in August 2017, establishing the first-in-the-nation Right to Counsel program in New York City.¹⁵

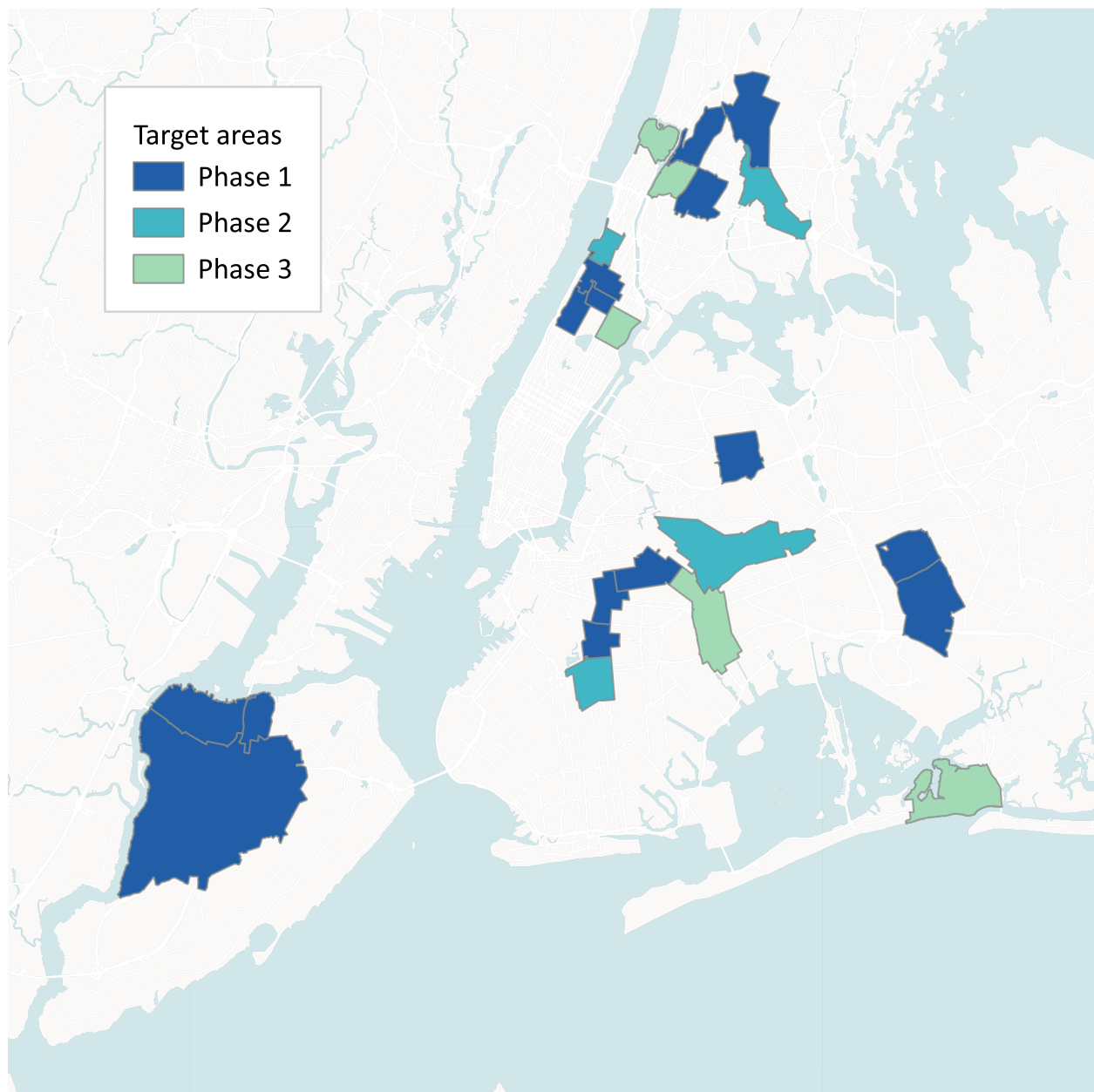
Local Law 136 required that the recently established Office of Civil Justice (OCJ) create a program to provide full representation to all income eligible tenants and access to legal services to every tenant facing eviction in New York City within five years, or by 2022. “Full representation” is defined as ongoing legal representation by a designated legal service provider that includes legal advice, advocacy, and assistance, such as filing a notice of appearance on behalf of an “income-eligible” individual in a “covered proceeding.” An income-eligible tenant is one whose household annual income does not exceed 200% of the federal poverty guidelines,¹⁶ or \$53,300 for a family of three in 2025.¹⁷ A covered proceeding is “any summary proceeding in housing court to evict a covered individual, including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of the New York City Housing Authority for termination of tenancy.” Additionally, under the RTC law, all tenants facing eviction, who live in NYC and whose incomes exceed 200% of the federal poverty guidelines are entitled to “brief legal assistance,” which is a single consultation by a legal service provider in connection to a covered proceeding.¹⁸

The law allowed for a five-year phase-in approach to implement the program. In the first year of implementation, legal service providers were required to provide free “full representation” to all “income-eligible” tenants facing eviction in Housing Court in 15 zip codes across NYC. According to a 2018 OCJ report:

“These ZIP codes were targeted for services in this first phase of Universal Access implementation based on factors including shelter entries from the ZIP code; the prevalence of rent-regulated housing; the volume of eviction proceedings in the ZIP code; whether the area was already being served through other HRA OCJ-funded legal services programs; and other factors of need.”¹⁹

OCJ expanded the program as planned, adding five zip codes in 2019 and 2020, before the Right to Counsel expansion was accelerated, two years earlier than the required, to provide full representation in emergency cases during the pandemic.²⁰ However, by the end of 2023, legal representation had declined to 40%.

Figure 1: Target ZIP codes for right-to-counsel implementation



Source: Right to Counsel NYC Coalition

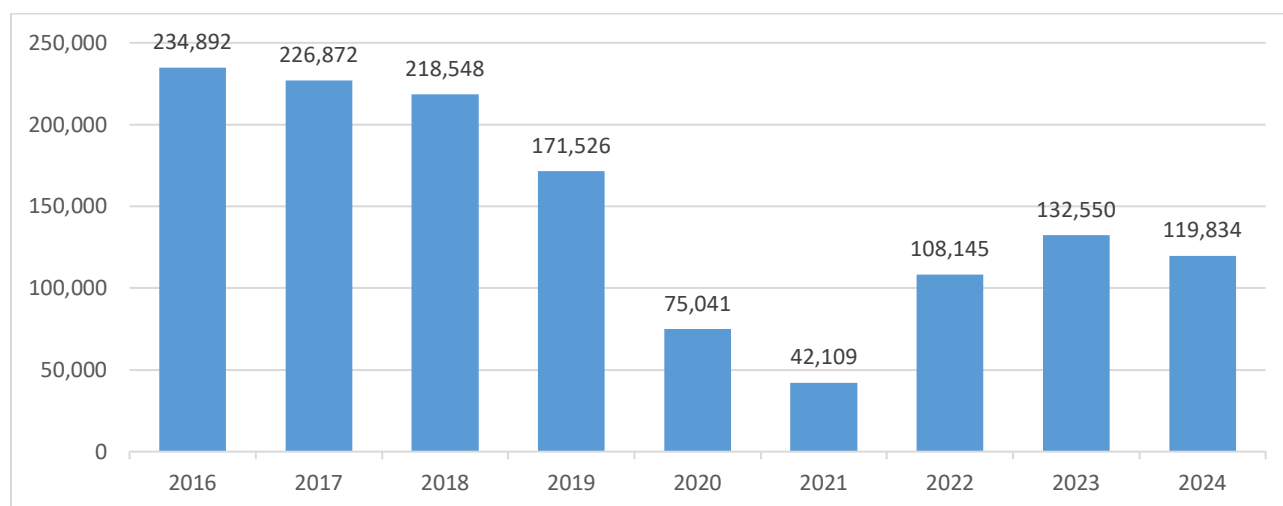
Impact of Right to Counsel in New York City

Right to Counsel and other recent legislation significantly expanded tenants' rights in New York City. In June 2019, the New York State Legislature passed the Housing Stability of Tenant Protections Act (HSTPA), which closed loopholes that incentivized and enabled landlords to evict tenants and permanently deregulate apartments.²¹ Legal service providers immediately saw the positive impacts of HSTPA and RTC in housing court, as the new laws reduced the incentives landlords had to file frivolous eviction cases, expanded tenant defenses, and increased the number of tenants with legal representation.

RTC also empowered tenants to better exercise their proactive rights rather than just fight eviction, including demanding better housing conditions and rental abatements. A 2022 Right to Counsel Coalition report, which conducted tenant focus groups, also found that the RTC law reduced the stress levels of tenants facing eviction and increased tenants' confidence.²²

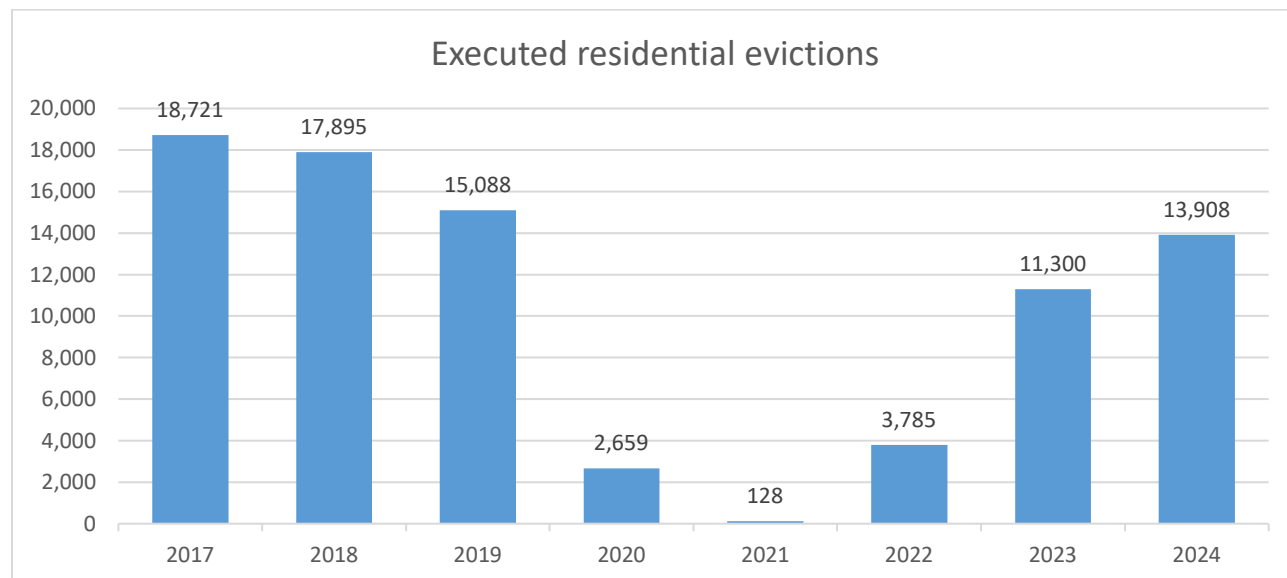
In 2019, the year HSTPA passed and RTC implementation had begun, eviction filings decreased by 22% and court-ordered evictions decreased to approximately 17,000.²³ It is difficult to measure the ongoing impact of these new protections because shortly after passage, the pandemic began and eviction moratoria were established and extended from March 2020 until January 2022.²⁴ However, eviction filings decreased by nearly 49% between 2016 and 2024, dropping from 234,892 cases citywide to 119,834. While executed evictions have steadily increased since 2021, there has still been a nearly 26% decrease between 2016 and 2024, dropping from 18,830 to 13,955.

Figure 2: Total residential eviction cases filed in housing courts



Source: Office of the NYC Comptroller analysis of data from Office of Court Administration Data published by Housing Data Coalition

Figure 3: Residential evictions conducted by NYC marshals (2017-2024)

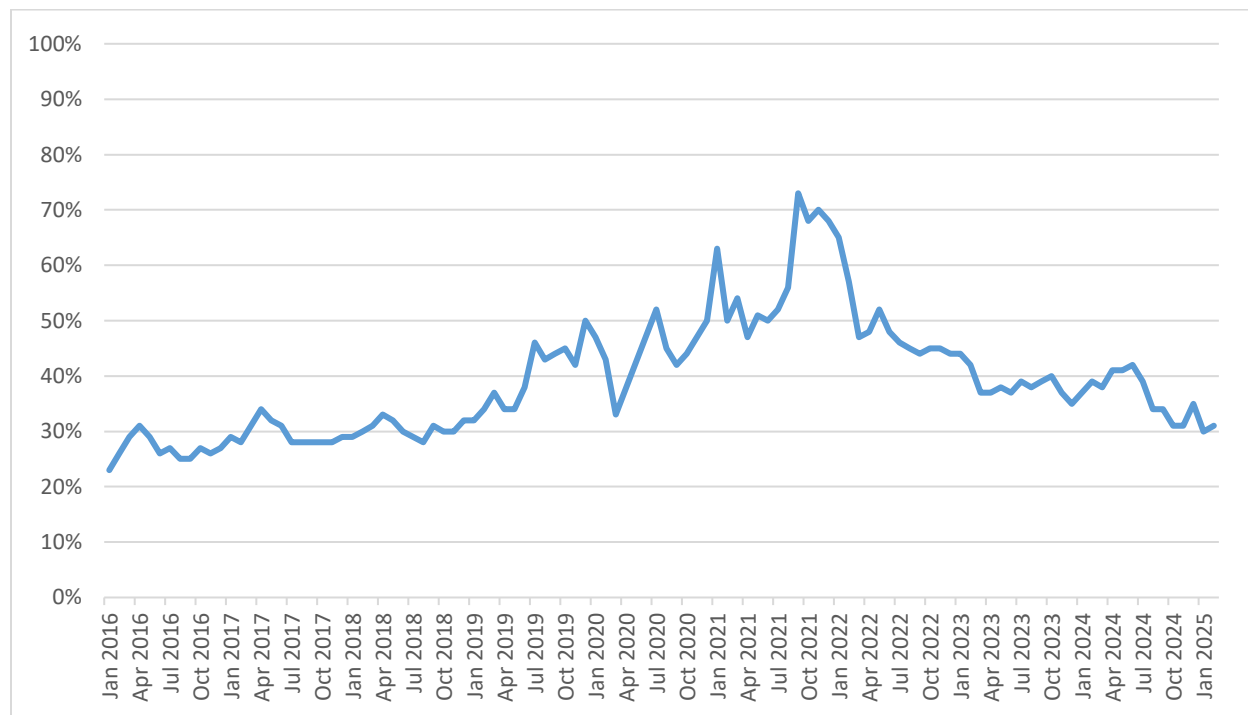


Source: NYC Department of Investigation

Overall, New York City's RTC program has increased representation rates in New York City housing courts but many of the gains have been lost in recent years. Representation rates peaked during the pandemic as eviction filings slowed and moratoria remained in place. By the end of 2021, 71% of tenants facing eviction citywide received legal representation in housing court, up from 38% in 2020, and 30% in 2018.^{25 26}

However, in January 2022, New York Housing Court fully reopened with a two-year backlog of pandemic-era cases, leading to an enormous rise of eviction filings, and undoing many of the positive gains New York has made over the last decade in ensuring that tenants have adequate legal representation in housing court. Rates of representation have consistently hovered below 50% since the spring of 2022 and 33,781 households have been evicted from their homes since New York's eviction moratorium expired on January 15, 2022.²⁷

Figure 4: Tenants' rate of representation in eviction cases (by case start date)



Source: Office of the NYC Comptroller analysis of data from Office of Court Administration Data published by Housing Data Coalition

When tenants do receive full legal representation in housing court, they overwhelmingly avoid eviction. According to data compiled from OCJ annual reports on RTC, between 2018 and 2023, 81% (34,751) of households that received legal representation were able to remain stably housed. The rate is consistently higher in the Bronx, Brooklyn, and Manhattan where tenants are more likely to be rent-regulated than in Queens and Staten Island where tenants are less likely to be rent-regulated and therefore, prior to the passage of Good Cause eviction, had fewer defenses in housing court.

Figure 5: Tenants' ability to remain following full representation

Fiscal Year	Households Allowed to Remain	Households Required to Leave	% Allowed to Remain
2018	7,847	1,497	81%
2019	10,636	2,021	81%
2020	4,469	744	83%
2021	1,511	284	81%
2022	3,722	1,041	72%
2023	3,095	600	81%
2023	3,291	403	89%
Total	34,571	6,590	81%

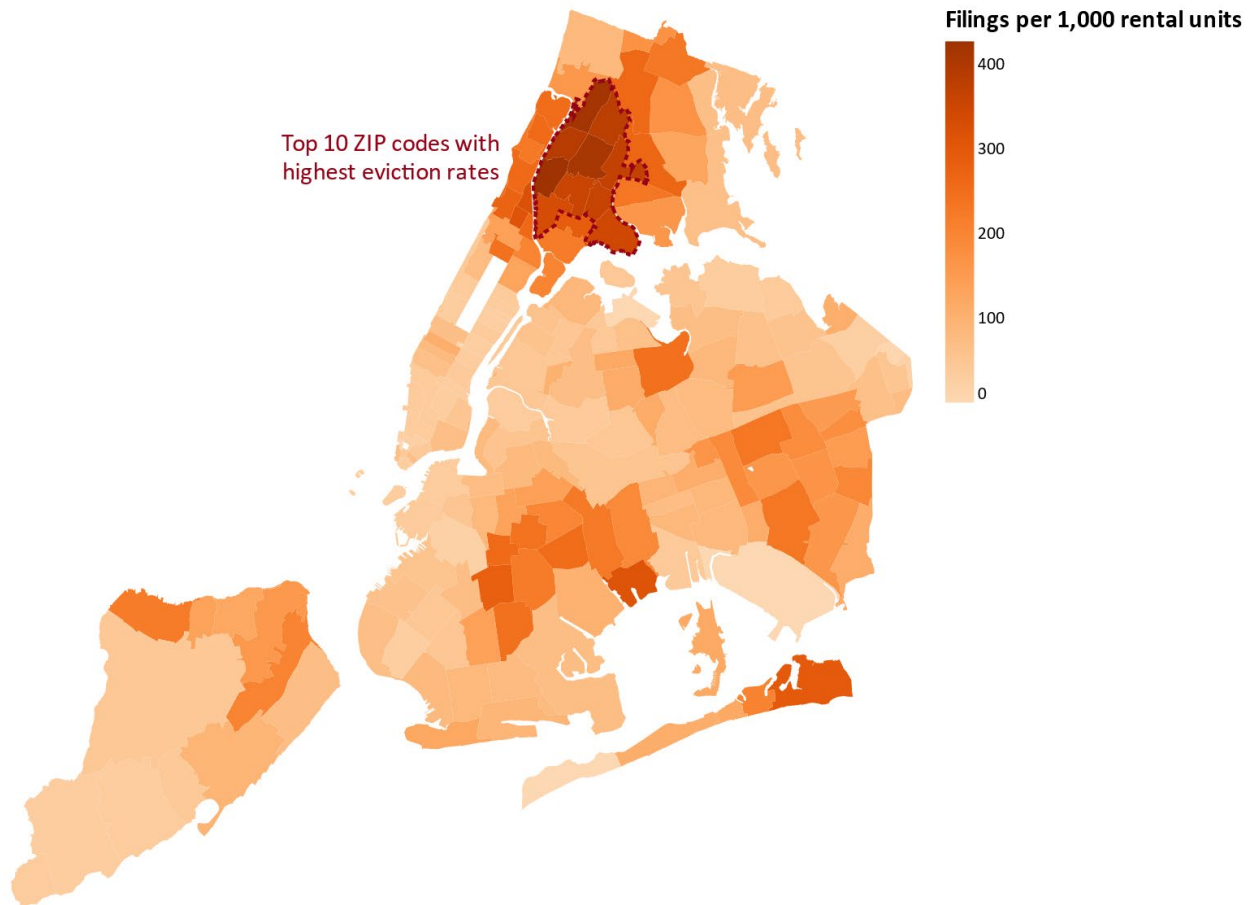
Source: Office of Civil Justice: "Universal Access to Legal Services" reports

Geographic Disparities in RTC Representation

New York City neighborhoods with the highest rates of low-income residents Black and brown residents have the highest rates of eviction filings and executed evictions and the lowest rates of legal representation in housing court.

Eviction filings are more common in neighborhoods where a greater portion of residents are Black or Latine. This strong correlation holds citywide: for every additional 1 percent of residents within a ZIP code who are either Black or Latine, the rate of eviction filings per 1,000 rental units was 0.69% higher. Areas with highest rate of executed evictions include much of the Bronx, parts of Inwood and Harlem, Central Brooklyn, and Southeast Queens – all ZIP codes where many residents are Black and/or Latine. Marshal-executed evictions were also overall more common in areas where more of the population are Black and/or Latine, however this subset of evictions is less geographically concentrated in those neighborhoods than are all eviction filings.

Figure 6: Eviction Filings since March 2020 per 1,000 rental units, by ZIP Code area



[Including all residential evictions filed from Mar 23, 2020 through April 19, 2025. Source: Office of the NYC Comptroller analysis of data from Office of Court Administration Data published by Housing Data Coalition]

The top 10 ZIP codes with the highest rate of filed evictions are all in the south and central Bronx (see table below). More than half (54%) of families across these neighborhoods earn below 200 percent of the poverty level. Nearly two-thirds of the residents within this area are Latine and additional 28% are Black. (In total, 93% of the residents within this area are either Latine or Black). Additionally, areas where a greater portion of families earn below 200% of the poverty level (\$53,300 for a family of three) – and thus should be eligible for full representation— also saw a higher rate of eviction filings. Nearly all ZIP codes where most families earn below 200% of the poverty level are in the Bronx and these areas also had among the highest rates of eviction filings.

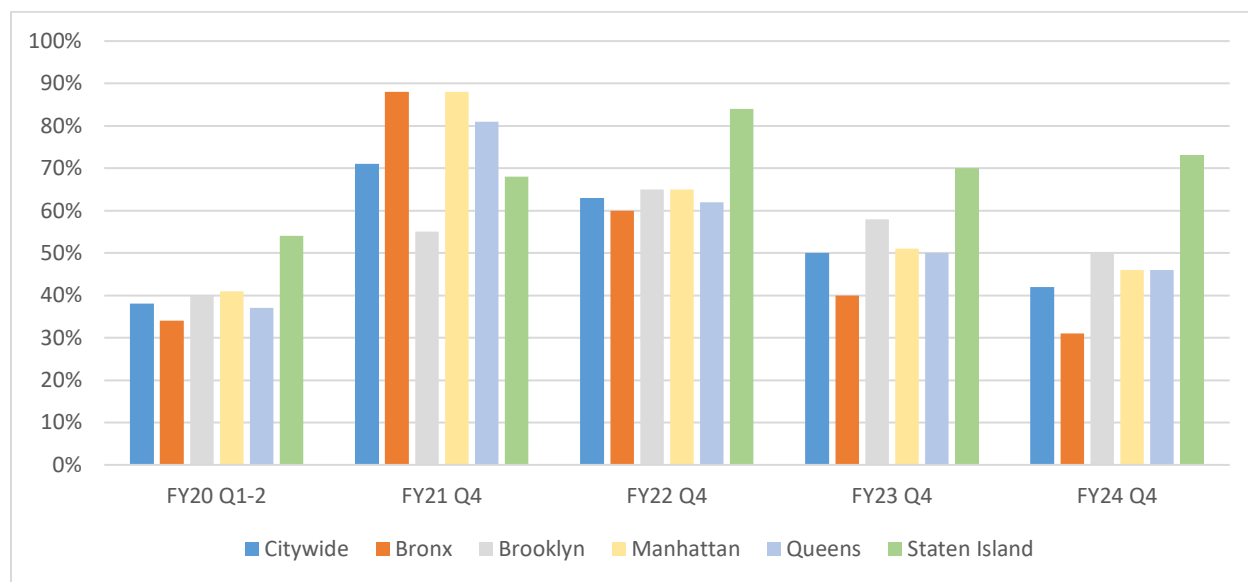
Figure 7: Top 10 ZIP codes by rate of eviction filings

Rank	ZIP Code	Neighborhood	Borough	Eviction filings (total since 2020) per 1,000 rental units
1	10452	Highbridge, Concourse	Bronx	427.0
2	10468	Kingsbridge Heights, University Heights	Bronx	417.9
3	10457	Claremont, Mt. Hope, Tremont, East Tremont	Bronx	411.6
4	10453	Morriss Heights, University Heights	Bronx	387.6
5	10458	Fordham, Belmont	Bronx	378.8
6	10460	West Farms, East Tremont, Crotona Park East	Bronx	366.8
7	10459	Longwood	Bronx	359.5
8	10456	Morrisania, Claremont Village, Concourse	Bronx	355.7
9	10474	Hunts Point	Bronx	345.8
10	10451	Concourse Village	Bronx	330.5

Source: Office of the NYC Comptroller analysis of data from Office of Court Administration Data published by Housing Data Coalition

Legal service providers are struggling to keep up with the volume of eviction filings in the Bronx. As the rate of representation in the Bronx has steadily declined since 2021, down from 81% in Q4 of that year to just 31% in Q4 of 2024.

Figure 8: Rate of representation by year and borough



Source: NYC OCJ https://www.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_Annual_Report_2024.pdf

While evictions are concentrated in low-income neighborhoods, the Community Service Society (CSS) recently found that moderate-income households are also facing increased eviction attempts.²⁸ This is likely due to skyrocketing rents across the city creating financial hardships and lack of eligibility for means-tested programs such as Right to Counsel. According to CSS, over 58% of residents experiencing an eviction attempt had no prior eviction history – an indicator that while evictions remained concentrated in low-income communities of color, housing precarity is expanding to broader populations across the city.²⁹

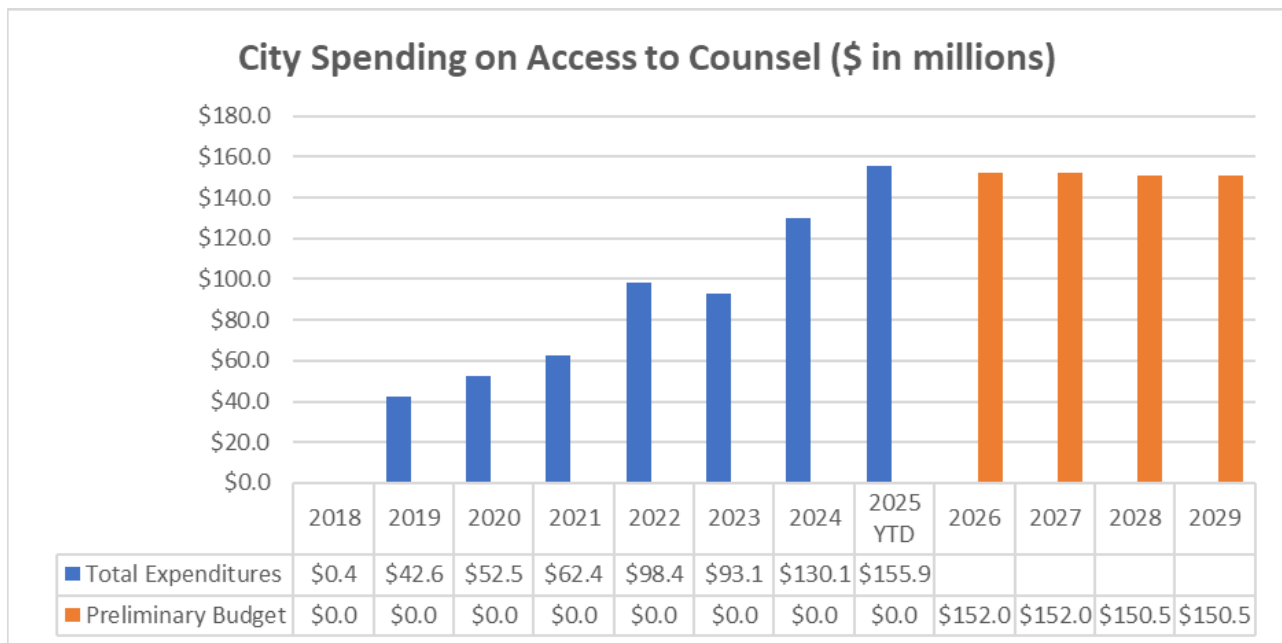
Barriers in Implementing Right to Counsel in New York City

Evictions in New York City have been occurring at rates comparable to before the pandemic and while eviction filings remain below pre-pandemic levels, the rapid increase has created challenges in the citywide implementation of RTC. In FY 2024, legal service providers were only able to offer full representation to 42% of eligible households facing eviction.

Inadequate Funding

Although the City has significantly increased its investment in tenant legal services and eviction defense since the passage of RTC, funding remains woefully inadequate. Local Law 136 of 2017 states the OCJ shall establish a RTC program “[s]ubject to appropriation[.]”³⁰ This language implies that funds for RTC are not guaranteed and are subject to approval by the Mayor and City Council each fiscal year. Despite ongoing pressure from tenants, organizers, legal service providers and members of the New York City Council, the City budget continues to fall short of providing the funding needed to fulfill the mandate.

Figure 9: City Spending on Access Counsel (\$ in millions)



Source: NYC Financial Management System

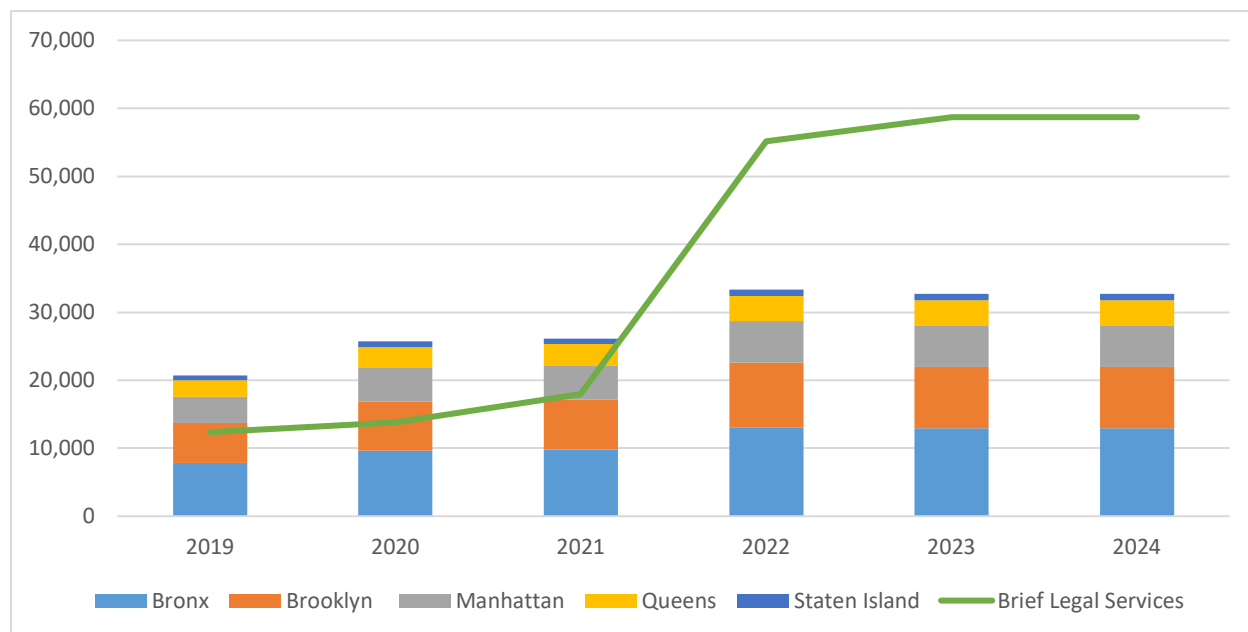
This comes at a time when the City is struggling to timely register contracts and pay vendors for work completed. In a recent report, the Comptroller’s Office analyzed delays in payments to human services providers, finding that almost all agencies took over six months to make a first payment to their vendors, including the Department of Social Services, where Right to Counsel funding originates. DSS has 190 contracts valued at over \$1.3 billion with start dates that have already passed but are still awaiting registration.³¹

Analysis of Right to Counsel Contracts and Funding

The Comptroller’s Office conducted an internal review of dozens of contracts procured by the Department of Social Services’ Human Resources Administration, which oversees the Office of Civil Justice, for Right to Counsel legal service organizations between FY 2019 and FY 2025.

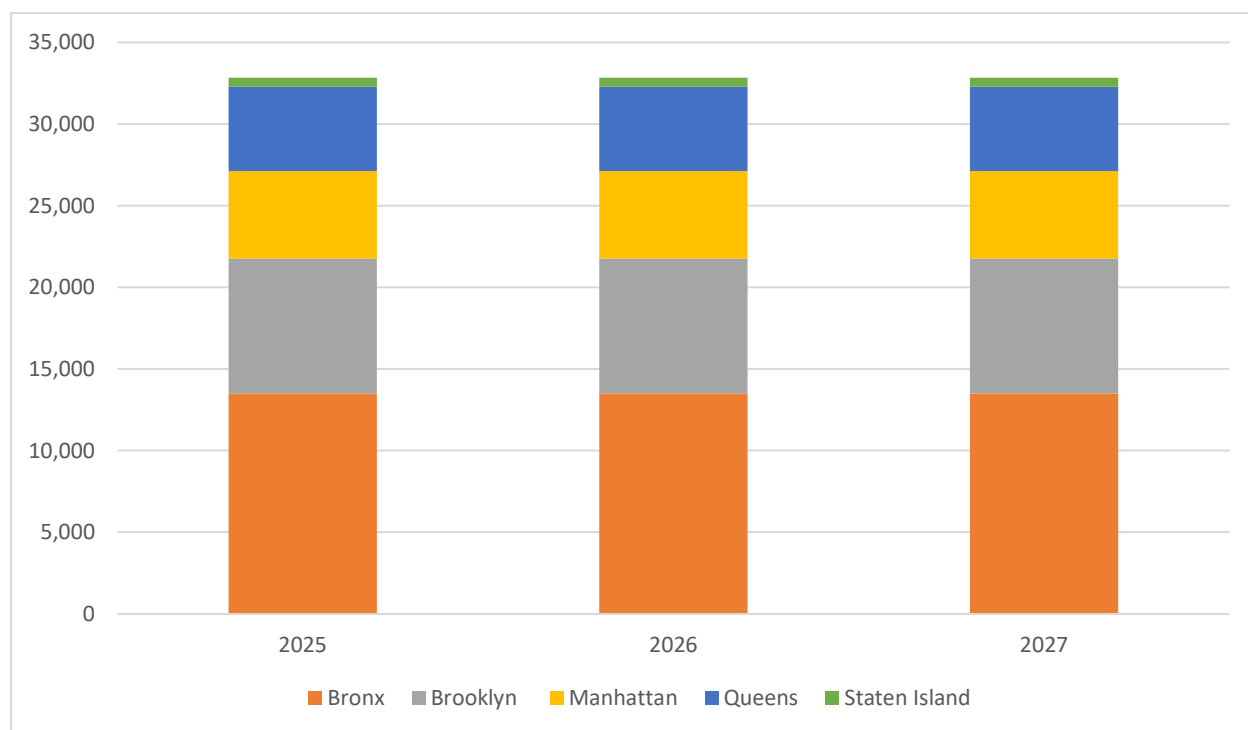
The City’s contracts with RTC providers include yearly minimum goals measured in “units of service” (UOS) that the organization must meet to fulfill contract requirements. The contracts include a minimum of full representation that each provider must take on within each fiscal year as well as an allowance for the provision of brief legal services, to which every tenant facing eviction is entitled to through the passage of Local Law 136. Between Fiscal Years 2019 and 2021, one brief legal consultation was equal to one-fifth of a UOS and between Fiscal Year 2022 and 2024 one brief legal consultation was equal to one-third of a UOS.

Figure 10: Contractual Units of Service by Borough, 2019-2024



Source: NYC Comptroller analysis of Right to Counsel contracts

Figure 11: Contractual Units of Service by Borough, 2025-2027



Source: NYC Comptroller analysis of Right to Counsel contracts

According to City contracts, the number of full representation cases legal service providers were expected to litigate for low-income tenants facing eviction increased by 61% from Fiscal Year 2019 to Fiscal Year 2022 when the RTC program shifted from a zip code model to citywide expansion. The number of brief legal services RTC providers were expected to provide to any New York City tenant facing eviction increased exponentially between FY 2019 and FY 2024 —by 475%.

In August 2023, the City of New York released an RFx for Anti-Eviction services. The RFx anticipated providing \$408M in funding for Fiscal Years 2025 -2027 to cover full representation for 44,000 cases each year. This funding would have resulted in a case rate of approximately \$3,063 per case, a number far below what legal service providers indicate is needed to be able to adequately cover their costs. In addition to having an insufficient case rate, the funding allocation does not track with the number of tenants each year facing eviction who are eligible for full representation, which legal service providers estimate to be nearly 71,000 households.

In addition to a case rate and overall funding that fails to meet the need, legal service providers also state that the new contracts disincentive them from taking more complicated cases by not allowing them to roll over cases between fiscal years and financially penalizing providers if they do not meet service targets. The current intake process and performance metrics also decrease legal service providers' discretion. Providers used to be able to evaluate in which cases to take on by prioritizing such factors as length of tenancy, the client's age, whether they have any disabilities, or if they are a single parent. Today, providers must accept all cases that come

through the court intake process, diminishing their ability to make considerations that center equity.

What's more, according to RTC providers, the current level of City funding only covers between 60-80% of their current operational costs. Legal service providers have had to seek discretionary and philanthropic funding to make themselves whole, despite this program being a City mandate. Housing advocates and the legal aid community have called for the City to allocate \$350 million into the budget to ensure quality legal services for tenants and maintain a sustainable housing rights practice for RTC providers.³²

New York City and State officials must work together to fairly allocate resources that ensure the success of this program. This can include passing the statewide Right to Counsel bill³³ and the State appropriating at least half of the costs of implementing a statewide program. Without significant investments to the program from all levels of government, NYC's Right to Counsel program will continue to be an unfunded mandate.

Recruitment, Hiring, and Retention Challenges

During the first two years of citywide expansion, workers were quitting their jobs at the highest rates the United States has seen in two decades.³⁴ According to RTC providers, legal service organizations lost 20-55% of their staff during this period and attrition rates remain high.

Frequent staff turnover has a negative effect on the provision of legal services. When housing attorneys leave their organization, their cases are transferred to remaining staff, who may be less experienced or may already have high caseloads, increasing burnout and exacerbating attrition. Over 90% of the non-profit legal service attorneys doing RTC work are unionized (either in UAW Local 2325 or UAW Local 2320).

A 2023 OCA report determined that an experienced full-time attorney should be assigned a maximum 48 cases per year.³⁵ However, the RTC caseload per attorney ranged from 50-80 cases in 2023 according to service providers. RTC providers note that the OCA report does not factor in other work that attorneys are doing, such as administrative work and brief legal services, and it also does not consider that many of the attorneys working in housing court are recent law graduates, many of whom are still training and are unable to meet that case standard in their first year. Several stakeholders with whom the Comptroller's office spoke indicated that the sustainable case assignments for attorneys is lower than the number determined by the OCA report and that thresholds for individual attorneys must differentiate between new intakes and how many cases an attorney is carrying overall.

Non-competitive salaries and limited opportunities to litigate other cases outside of eviction defense cases are also partially to blame for low retention rates. According to the Bureau of Labor Statistics, the average annual salary for New York City lawyers was \$193,000 in 2023.³⁶ Nonprofit legal service providers contracted by the City are competing with corporations and government agencies for talent with significantly fewer resources. Many skilled and seasoned civil attorneys leave after a few years of service in the legal services field, not to go into private practice, but to do similar public service work for the City of New York or other government agencies. Ensuring

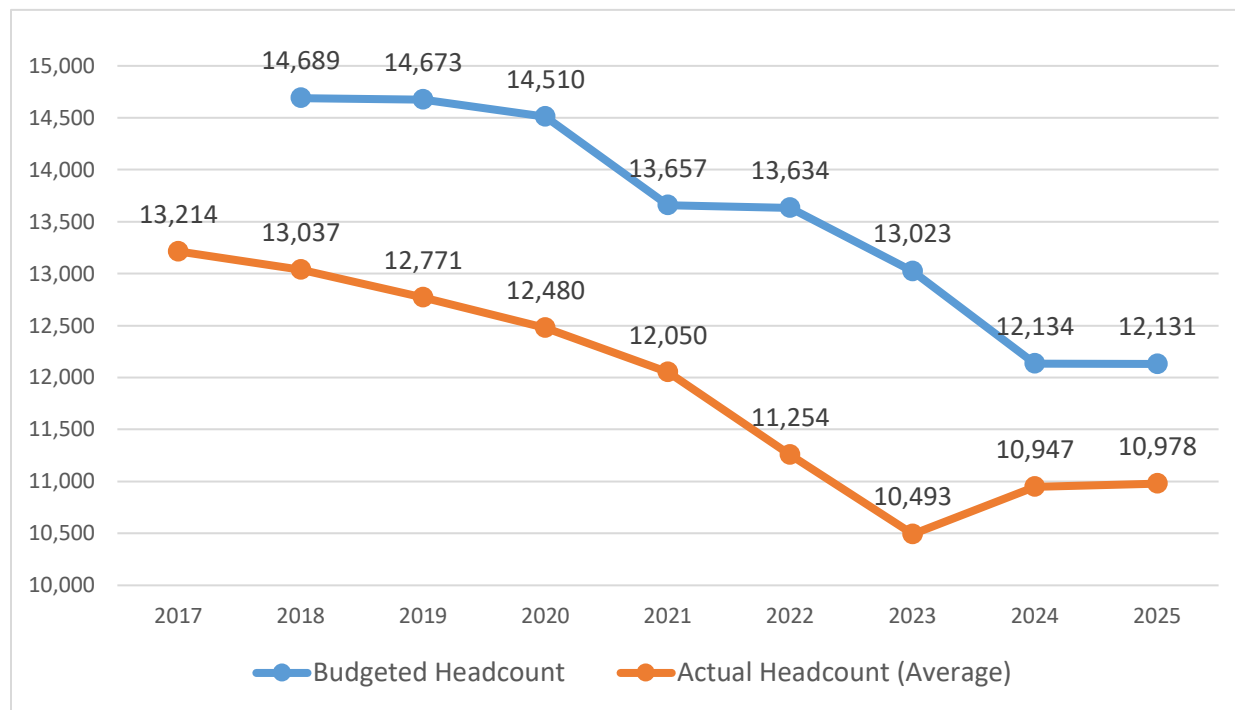
competitive salaries between the public sector and the legal services sector can help us have a more balanced, reciprocal relationship of talent sharing and professional growth. Staff attorneys implementing the Right to Counsel program currently earn between \$74,000-\$90,000 per year. A 2020 American Bar Association Report found that, on average, law school students graduate with over \$160,000 in student debt.³⁷ Noncompetitive salaries combined with astronomical student loan debt and NYC's high cost of living in NYC make it extremely difficult to attract talented attorneys to public interest law.

Delays at Human Resources Administration in Processing Benefits Applications

Similarly, staffing at the Department of Social Services (DSS) has been trending downwards, with a steep (17%) drop between 2020 and 2025. As a result, DSS, which oversees the provision of public assistance and legal services to New Yorkers, has experienced major delays in delivering these critical services over the last two years. Rather than focusing on restaffing the agency, since 2022, the Adam's Administration's Program to Eliminate the Gap (PEG), has removed nearly 2,900 positions from the DSS budget.

Delays at HRA in processing rental assistance applications, like One Shot Deals, have prevented attorneys from closing cases sooner and finding a resolution for their clients. According to RTC providers, before the pandemic, HRA processed One Shot Deal applications within 30-60 days. Now, HRA takes 10-12 months to process an application and distribute funds. This is likely due to staffing shortages at the agency. Prior to the pandemic, HRA published monthly Benefit Access Center reports, sometimes referred to as JobStat, which provided key indicators on processing timeliness. These reports have not been published since February 2020.³⁸

Figure 12: Dept. Of Social Services Actual Headcount vs Adopted Budget



Source: NYC Agency Staffing Dashboard, Office of the NYC Comptroller

According to the Comptroller report, “Title Vacant,” in 2022, DSS had a vacancy rate of 20% and a 52% vacancy rate in its legal services division. These staff shortages and cuts by the Mayor’s Program to Eliminate the Gap (PEG) occurred as Right to Counsel began and expanded citywide, and as the City announced major reforms to the City’s rental assistance program, CityFHEPS. Homebase providers, who process CityFHEPS applications, are also facing similar challenges with limited funding and capacity. With 80-90% of eviction filings being for nonpayment, these programs are essential to keeping low-income tenants stably housed. However, the delays create immense stress for tenants and further strain the legal aid community, reducing their capacity to take on new cases and provide legal services to more at-risk households.

Brooklyn Administrative Pilot is Promising but Needs Evaluation Prior to Expansion

In 2023, HRA launched the Brooklyn Administrative Pilot to help tenants access the legal and social services they need to avoid housing displacement. According to a 2023 OCJ report, “the pilot co-located HRA homelessness prevention services in the courthouse to further assist individuals in active eviction proceedings at their first appearances. Granted a 45-day adjournment by the court, individuals visit the HRA team at the courthouse to initiate applications for emergency cash assistance ‘one-shot deals,’ rental assistance or other benefits that could address housing concerns.”³⁹

The Brooklyn Administrative Pilot is an innovative idea that grants tenants more time to secure legal counsel and other public benefits. After their initial court appearance, tenants are sent to HRA, where they often spend hours waiting for assistance due to inadequate staffing. Then they are sent to another floor to meet with a legal service provider that screens them for RTC. However, by the time they are sent to a legal service provider it is typically very late in the day and slots for full legal representation have often been filled. Advocates argue that while the Brooklyn Administrative pilot has the potential to address some of the challenges cited in this report, in practice, it has caused great confusion among tenants, as they do not have a clear understanding of who they are meeting and why they are being sent to different parts of the courthouse. When RTC was first implemented, advocates said that legal service providers and OCJ were always in the court hallways educating tenants on the new law and their rights. Due to capacity issues and lack of coordination, these outreach services in housing court no longer exist.

While an automatic 45-day adjournment is a major lifeline for tenants facing eviction, advocates argue that HRA is not doing its due diligence to fact check the rental debt claimed by the landlord or to investigate the uninhabitable housing conditions claimed by the tenant before paying off their rental arrears. Rather than immediately paying rental arrears for tenants, HRA should negotiate with landlords with major habitability violations and secure rental abatements for tenants as outlined under State law.⁴⁰ Legal counsel is also not guaranteed, as RTC providers continue to have large caseloads all year round. For tenants in Housing Court who are income eligible for Right to Counsel, luck plays a larger role than need in determining who receives full legal representation.

Advocates and legal service providers have called for a greater HRA and OCJ presence in Housing Court to inform tenants they have a Right to Counsel. They also urge the City to accelerate the processing of One-Shot Deals, only after housing code violations and habitability concerns are addressed.

Recommendations

Right to Counsel, tenant protections, and rental assistance have been critical tools in the City's fight against homelessness. During the COVID-19 pandemic, preventing massive housing displacement during a public health emergency became a priority for lawmakers, New York City eviction rates fell to nearly zero. At the same time, the City shifted the RTC program from a zip code model to citywide expansion, despite disconcerting staffing shortages at DSS and legal service organizations. Tenant representation rates have fallen, threatening the housing stability of thousands of low-income New Yorkers. To ensure that the intention of Local Law 136 is fulfilled and that all tenants are adequately represented in housing court, the Comptroller's Office recommends the following:

- **Develop and implement a strategic plan to fulfill the City's Right to Counsel mandate providing 100% of eligible low-income New Yorkers facing eviction with legal counsel within 5 years.** To deliver on the City's Right to Counsel mandate, the City should work directly with legal service providers, advocates, and tenants to develop a full implementation plan, including a clear timetable for increased funding needed to hire and retain the staff needed to create a true RTC program in New York City. The funding must recognize the true cost of the program and allow legal service providers to assign manageable caseloads and pay competitive rates that support the recruitment and retention of attorneys and support staff, including interpreters, social workers, paralegals, intake specialists, and benefit associates. The City should recognize that Local Law 136 was intended to establish a *right* to counsel for eligible individuals in housing court and enter into contracts with legal service providers that are comparable to criminal legal services as such.
- **Reform RTC contracts to ensure legal service providers have the capacity to deliver on contract requirements:**
 - **Reform the contracting process and pay service providers on-time.** In the midst of a [growing funding crisis](#) for the non-profit sector, the City should immediately implement the recommendations put forth by the Comptroller's Office in Nonprofit, Nonpayment, including deadlines for contract registration and fulfilling the promise of ContractStat to ensure these critical nonprofits get paid on time and in full.⁴¹ In addition to these recommendations the City should also modify existing RTC contracts to:
 - Eliminate or reform the 10% penalty, which withholds essential funds to legal service providers if certain performance targets aren't met, to ensure that speed and case disposition is not prioritized over meaningful advocacy and representation.

- Account for rollover cases. City contracts that funded RTC prior to FY 25, allowed for legal service providers to roll over cases from year to year towards their performance targets.
 - Allow legal service providers the flexibility to include the provision of brief legal advice as part of their performance requirements.
 - Reform reporting requirements to reduce administrative burdens and ensure that they accurately capture the work on the ground.
- **Invest in the capacity of the City’s nonprofit legal services sector and workforce.**
 - In order to recruit, hire, and retain more attorneys, paralegals, social workers and support staff, the City must fund these positions and explore creative ways to incentivize new and experienced lawyers to become housing attorneys. The City should partner with CUNY Law and other law schools to create fellowship programs and loan forgiveness opportunities that inspire students to pursue a career in housing law and tenant legal services.
 - To alleviate the pressures providers face when training new attorneys while fully staffing housing courts, the City should work collaboratively with tenants, attorneys, and organizers to develop a standardized curriculum for new tenant legal services work.
- **Invest in programs that provide upstream solutions to prevent evictions and relieve the pressure on RTC providers:**
 - Reduce the number of people facing evictions via improved and expanded Homebase contracts^e that provide financial assistance and support to individuals and families before an eviction case is filed.
 - Increase funding for tenant organizing and social services. Addressing the root causes that led to an increase in eviction proceedings takes more than just immediate legal representation. Ensuring that legal service providers and partner organizations have adequate resources to assist clients in reaching stronger economic footing such as enrolling in programs like the Senior Citizen Rent Increase Exemption (SCRIE), cash assistance or workforce programs can be essential to their long-term success.
 - Create a court-based rental assistance program that ensures New Yorkers facing eviction who are not eligible for one-time cash assistance can remain stably housed.

^e Homebase is a homelessness prevention program funded by the City. Households are provided services, including accessing one-shot deals, other forms of cash assistance, landlord mediation, and other services that can help New Yorkers avoid eviction as they navigate a housing crisis.

- Evaluate, strengthen and expand the Brooklyn Administrative Pilot, a program designed to increase representation rates, reduce evictions, and promote housing stability. Publicly report on the outcomes of the pilot and include feedback from legal service providers, organizers, and tenants. HRA and OCJ should create metrics to assess the program, screen all tenants in housing court for RTC eligibility, and facilitate the timely processing of rental assistance and other public benefits within the 45-day adjournment after a tenant's first court appearance. If deemed successful, the City should immediately expand the pilot program to other boroughs, beginning in the Bronx which has the highest eviction rates. Using lessons learned from the Brooklyn Administrative Pilot, the City should establish a citywide court-based rental assistance program with RTC providers and HRA staff.
- **Reverse cuts to DSS that have resulted in serious delays in the processing of one-shot deals and other forms of assistance that help tenants avoid eviction.**
 - DSS should hire more HRA staff to improve the processing time of CityFHEPS applications, as well as One Shot Deals. The City should also allocate more resources to community based organizations, who are helping low-income tenants access housing assistance programs, job training, and other strategies to raise their incomes. Doing so will reduce the strain on legal service providers in Housing Court, reduce the negative consequences on a tenant's mental health that an eviction or shelter stay can have on a household, and produce many cost savings on the City's Right to Counsel program and shelter system.
 - HRA should play a more coordinated role in screening tenants for eligibility for RTC. Providers say that HRA sends them cases that shouldn't move forward, including tenants who have gotten all their rental arrears paid and have resolved their cases. Clear breakdowns of services HRA provided to tenants would be helpful for providers, so they do not move cases forward that already have resolution and alleviate some of their capacity issues.
- **The State should do its fair share to prevent evictions and confront the City's homelessness crisis:**
 - Pass the Statewide Right to Counsel law (S2721) and fund 50% of the cost of RTC for jurisdictions across the State, including New York City.
 - Increase funding for Housing Access Voucher Program (HAVP) in the 2027 budget to at least \$250M.
 - Reverse Cuomo-era budgeting that shifted the cost of single adult shelter onto the City to create more funding flexibility for prevention measures such as RTC.

Conclusion

The City's Right to Counsel is not just about winning cases – it fundamentally changes the relationship between landlords and tenants inside and outside of Housing Court. With the right to representation, tenants can be more emboldened to fight for their homes. Right to Counsel not only helps individual tenants remain stably housed but also helps push back against broader displacement – especially in the predominantly low-income communities of color with the highest levels of eviction filings.

The data makes clear that Right to Counsel is one of the City's most successful eviction prevention policies, with 89% of tenants with representation able to remain in their homes. However, the City's failure to fully implement the Right to Counsel with adequate funding and resources undermines this highly successful program. With rates of representation dropping – disproportionately in the neighborhoods facing the most displacement pressures – tenants are left highly vulnerable to a preventable eviction.

The City and State must act now to fully implement the Right to Counsel with proper funding, support for the legal service provider community with more manageable caseloads, and strength the capacity of the Department of Human Resources to prevent evictions in the first place. When tenants have the tools to fight unlawful evictions and stay in their homes, we reduce entries into the shelter system—making Right to Counsel not just a legal safeguard, but a critical homelessness prevention strategy.

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Methodology

To better understand and address the challenges facing the RTC program, the Comptroller's Office reviewed all City contracts with RTC providers from Fiscal Years 2019-2023, conducted qualitative interviews with 13 legal service providers, participated in the Right to Counsel Coalition's court watch program in Bronx and Brooklyn Housing Courts, and analyzed OCA data, budget data, and OCJ annual reports.

To better understand the challenges facing the Right to Counsel (RTC) program and the gaps between the demand and provision of tenant legal services in New York City, the Comptroller's Office conducted an internal review of all City contracts procured by the Department of Social Services/ Human Resources Administration to RTC providers from Fiscal Years 2019-2023. The Office calculated all the legal service providers' annual service targets, including full representation and brief legal services, for contracts procured under the "Homelessness Prevention Law Project (HPLP)." We then compared the contracts' service targets to the number of households served reported by the Office of Civil Justice (OCJ) in its 2023 Universal Access Annual Report, and then compared those figures to the total eviction filings provided by New York's Office of Court Administration. The Office calculated the total annual spending for RTC contracts using the Checkbook NYC tool and compared it to the annual budget for Right to Counsel and tenant legal services released in OCJ's annual reports and Terms and Conditions documents.

The Comptroller's Office also conducted qualitative interviews with the 13 legal service organizations contracted under HPLP, also known as Right to Counsel, to gain a first-hand perspective of the challenges and successes of implementing the RTC program. Through these interviews the Office confirmed salaries of attorneys and support staff, average caseloads per attorney, and gaps in funding between what the organizations receive from the City to represent tenants in housing court and provide brief legal assistance and the true full costs of implementing the program. The Office also participated in the Right to Counsel Coalition's court watch program in Bronx and Brooklyn Housing Courts to witness the tenant experience, observing long lines to enter housing court and eligible tenants both receiving and being denied access to counsel.

Rates of filed evictions by ZIP code were computed using data from the Office of Court Administration (OCA), collected and distributed by the Housing Data Coalition.⁴² This report followed the methodology of Right to Counsel Coalition, counting as eviction filings all cases for non-payment or holdover in residential buildings filed within any of the Housing Courts within New York City. This number of filings was normalized by the total number of tax lots containing more than one residential unit (an approximation of the total number of rental housing units). Because the OCA data provide only ZIP code as location information, this analysis was performed at that geographic level.

Rate of representation was also computed from the OCA data. This computation counts all eviction cases which have had two or more court appearances. Each case is counted as having a represented tenant if the tenant appears with counsel at any appearance. Cases are counted

within the month they are first filed. The rate is computed as the number cases in which tenants are represented, divided by the total number of cases (with two or more appearances). Months with fewer than 100 total cases are excluded.

Marshal-executed evictions are summarized from data on NYC OpenData.⁴³ Duplicated records – those with identical executed data, eviction address, and eviction apartment number, or identical court index number and docket numbers, were removed before summing the yearly counts.

Demographic (race and income) data on neighborhoods was the highest eviction filings was sourced from the U.S. Census 2021 5-year American Community Survey. Evaluation of the overall relationship between the portion of the population who are Black and the eviction filing rate was performed using a spatially-lagged regression at the ZIP code level.

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