



The Expansion of New York City's Right to Counsel Program

Prepared by:
Claire Salant
Sarah Internicola
Richard DiSalvo*

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Executive Summary

New York City's Right to Counsel (RTC) program intends to provide free legal representation to all low-income tenants facing eviction. Eviction proceedings can be complicated and traumatic, particularly when tenants do not otherwise have the resources to hire legal representation. Previous research has documented significantly improved outcomes for tenants in housing court when they have lawyers. RTC is thus rooted in efforts to increase representation in these cases, prevent evictions, and reduce the harms associated with evictions among the City's most vulnerable tenants. The City originally planned for RTC to phase in over five years, starting in 10 zip codes with higher eviction rates and adding more until going citywide by July 2022. However, with the onset of the COVID-19 pandemic and subsequent eviction moratorium, RTC expanded years ahead of schedule in March 2020. Due to the dramatic decline in eviction proceedings during the eviction moratorium, the effects of the citywide rollout took years to fully be realized.

The City's RTC law was the first of its kind in the nation and serves as a model for other jurisdictions around the country. Early research on the program showed that it increased representation rates and reduced eviction rates for targeted areas. Since the program's inception, however, RTC has expanded rapidly and faced challenges with contracts and funding as well as transformed conditions in housing court.

Understanding the implementation of the program since its citywide expansion and current trends in service is essential for any efforts towards improvement. To report on the past seven years of RTC's implementation and outcomes, IBO obtained and analyzed:







- Monthly New York State Office of Court Research housing court data on evictions at the case level
- City administrative data from the Human Resources Administration (HRA) on types of services provided and provider contract details
- Program budget and spending data from the Mayor's Office of Management and Budget (OMB)

IBO also conducted conversations with legal service providers and HRA to contextualize the data.¹ IBO's analysis shows that universal access to legal representation for low-income tenants remains unrealized and there has been a programmatic shift from representation in court towards one-time consultations. Meanwhile, funding for the program has not kept pace with eligibility as the program expanded. Coupled with increases in caseloads, this has added pressures on legal services providers.

IBO's analysis provides additional details on trends in the share of eviction cases filed that have had court appearances, changes in case lengths as they relate to appearances, and trends in the share of eviction cases that are eligible for RTC. IBO also discusses these case-level trends in the context of the City's decisions to revise how legal service providers'

contracts were structured. Reaching some similar conclusions as did a recent New York City Comptroller's [report](#), while enhancing the range of factors analyzed, IBO's report demonstrates how the program's reality diverged from its stated intentions.

IBO's main findings include (all years refer to City fiscal years, unless otherwise specified):

-  The key first step to avoiding eviction is for a tenant to appear in court. The share of tenants who make at least one court appearance hovers around 50%, even as the RTC program has expanded citywide. While this data includes all eviction cases, not just those eligible for RTC, it is a troubling indicator of how elusive the goal of universal representation remains today.
-  Prior to the pandemic, around 97% of general eviction cases were resolved within a year. In subsequent years, case lengths grew, partially stemming from State-level rule changes in 2019. In fiscal year 2023, the share was 87%. Coinciding with lengthening case times, HRA announced that it would no longer fund representation for cases that took longer than one year, even though attorneys handling such cases would be ethically bound to continue working on them.
-  In the initial years of the program, areas with RTC saw overall representation for tenants in housing court increase, rising from below 20% to around 50% by 2020. Post-pandemic, after the accelerated expansion, overall court representation rates for tenants in housing court fell to about one-third of cases.
-  As the program expanded, the provision of one-time conversations, known as "brief assistance," grew dramatically. In 2024, over half of all tenants served by RTC programs received only brief assistance, compared with 10% of those served by these same programs on average from 2017 through 2019. Households receiving only brief assistance do not receive legal representation in court.²
-  IBO estimates that beginning in 2021—after the onset of the pandemic and expansion of eligibility criteria for RTC—the share of eviction cases filed across the City that were eligible for RTC services increased substantially. From 2024 on, IBO estimates that 81% of cases where tenants appeared in court were eligible for RTC services.
-  As RTC expanded between 2019 and 2024, IBO estimates the annual number of eligible cases more than tripled (rising 222%, from about 15,675 cases to 50,487 cases). Over the same period, program spending increased only 129%, failing to keep pace with eligibility.

These trends toward longer case lengths, increased eligibility, and stagnant funding have resulted in a reduced capacity for full legal representation. This has presented immense challenges to providers and affected the quality of services for tenants facing eviction. At present, over half of tenants with eligible cases are not getting the full representation they are legally entitled to and often instead face eviction proceedings with no meaningful legal support.

Introduction

New York City made history in 2017 when it became the first municipality in the country to pass a Right-to-Counsel law (RTC), also referred to as Universal Access to Counsel. RTC aimed to provide free legal representation to tenants meeting income and other eligibility requirements facing eviction in New York City housing courts. Since then, over a dozen major cities and at least three states have adopted similar programs.³

In 2017 when the New York City law was enacted, about half of all cases filed in housing court resulted in eviction warrants, a figure that ran as high as 83% in some neighborhoods.⁴ Past research has shown that evictions disproportionately harm Black and Hispanic communities.⁵ This is likely an undercount, as many households leave their residences before a formal eviction is carried out. New York City Council created RTC to reduce evictions among vulnerable tenants and entry into the homeless shelter system. The program was first rolled out to 25 zip codes identified as areas of high need, with high rates of eviction and shelter entry.

A substantial body of research demonstrated the success of the program in its early years.⁶ Representation rates rose significantly faster in zip codes eligible for RTC compared with those that were not. RTC zip codes also saw an increase in tenants responding to court filings (“answer rates”), as well as a lower likelihood of eviction warrants issued or executed. Tenants with legal representation saw reduced eviction rates and better housing court outcomes.

RTC was abruptly expanded citywide in conjunction with the onset of the pandemic in March 2020, more than two years ahead of schedule. This expansion coincided with a statewide eviction moratorium that halted most eviction proceedings in housing court. With this quick expansion and a shifting housing court landscape, the City has struggled to operationalize RTC services to scale. RTC continues to face challenges related to procurement and contract structure, the changing nature of eviction cases, and funding to keep pace with the program’s rapid expansion.⁷ In 2023, City-contracted RTC service providers and the NYC Bar Association testified at City Council that the program was “faltering” and “failing to meet its mandate,” while the City Comptroller’s Office expressed concerns about the program’s future.⁸ In May 2025, the Comptroller published a [report](#) on current challenges facing the program, including falling representation rates in court and delays in City-run eviction-prevention programs. Building off that report, IBO focuses on changes to the City’s implementation of RTC over time and State changes to housing court proceedings to understand how the conditions for RTC evolved over time. IBO also estimates the growth in eligible cases across this period, comparing expansions in the scope and scale of eligibility with smaller and slower increases in funding.

Examining the City’s ability to administer RTC following the 2020 citywide expansion—both operationally and financially—is vital to understanding the current landscape of eviction cases in New York City. This report presents IBO’s analysis of case-level monthly housing court data, which allows for a rich level of detail on tenant appearances in court, changes in case length, and representation rates by tenants served by the program each year. IBO also examines changes to budgeted program funding and specific details on how the structure of RTC

contracts to provide additional context to challenges between RTC’s stated goals and the realities on the ground in housing court.⁹

Background

Housing Court Presents Complicated Path for Tenants

There are many different paths through housing court, which is a division of the Civil Court in each borough, specifically designed for housing cases. The eviction process begins when an owner seeks to evict a tenant, most often because of nonpayment or for other reasons unrelated to rent payments, termed a “holdover case.”¹⁰ (IBO uses “owner” to refer to both rental property owners and rental property managers that work on behalf of building owners.) Most cases are for nonpayment. In nonpayment cases, owners must first issue a written rent demand letter at least 14 days before a case begins. Tenants can pay outstanding rent that is due, vacate the apartment, or ignore the notification. If a tenant ignores the notice, the owner then files for eviction in housing court and serves formal court papers (“notice of petition and petition”). Tenants are notified of the legal filing and have a defined period to respond. (This is 10 days for a nonpayment case.)

Tenants must answer and then appear in court once a case is on the calendar. If a tenant does not appear, the owner can ask for a default judgment against the tenant based on their failure to appear. Default judgments are usually granted but can be vacated if the tenant later appears and provide both a good reason for missing their court appearance and a defense to the underlying case. When a tenant appears, cases proceed to a decision by the judge or a stipulation agreement (formally a “stipulation of settlement”), wherein the tenant and owner settle via an agreement signed by the court. A stipulation agreement may allow a tenant to remain in the apartment, but it may also merely extend the timeline for a tenant to move out or attempt to pay outstanding rent. (In the latter case, if a tenant fails to meet the deadline set by the agreement, the legal process may resume, and a tenant may still face eviction warrants.) Most nonpayment cases and holdover cases focus on whether a tenant can remain in the apartment (called a “possessory judgment”), but some also include require a tenant to pay back rent (a “money judgment”).¹¹

Evictions are incredibly destabilizing for tenants. Experiencing an eviction is linked to increased rates of homelessness, residential mobility, and hospital visits for tenants, as well as reduced earnings and lower credit scores.¹² Many cases without executed warrants still result in the tenant leaving the residence; most tenants leave sometime between the rent demand letter and before a warrant is issued, and even cases that settle may ultimately require a tenant to vacate their apartment. (These are referred to as “informal evictions,” since the tenants leave before a legal warrant is executed.)

On top of the stress of facing eviction, court proceedings are complicated and bureaucratic, placing unrepresented tenants at a significant disadvantage. Previous research has demonstrated better outcomes—including a reduced likelihood of eviction—for tenants who have representation.¹³ In 2013—prior to the RTC policy—most tenants in NYC housing court were unrepresented. While 95% of owners in housing court had representation, a mere 1% of tenants did, putting owners at a clear advantage.¹⁴

Additionally, tenants must appear in court to avoid a default judgement. Just making it to court can be difficult for tenants, whether due to work schedules, distance from the court, or other barriers. Without a lawyer, some tenants may see no chance of winning the case and choose not to answer or appear in court.¹⁵ IBO found that, on average, 50% of tenants did not appear in court for nonpayment and holdover cases in 2023 and 2024. The imbalance between tenants and owners in New York city housing court, in both representation and answer rates, likely means that evictions occur that may have been preventable.

Origins and Intent of the RTC Program

RTC Built on Previous Programs

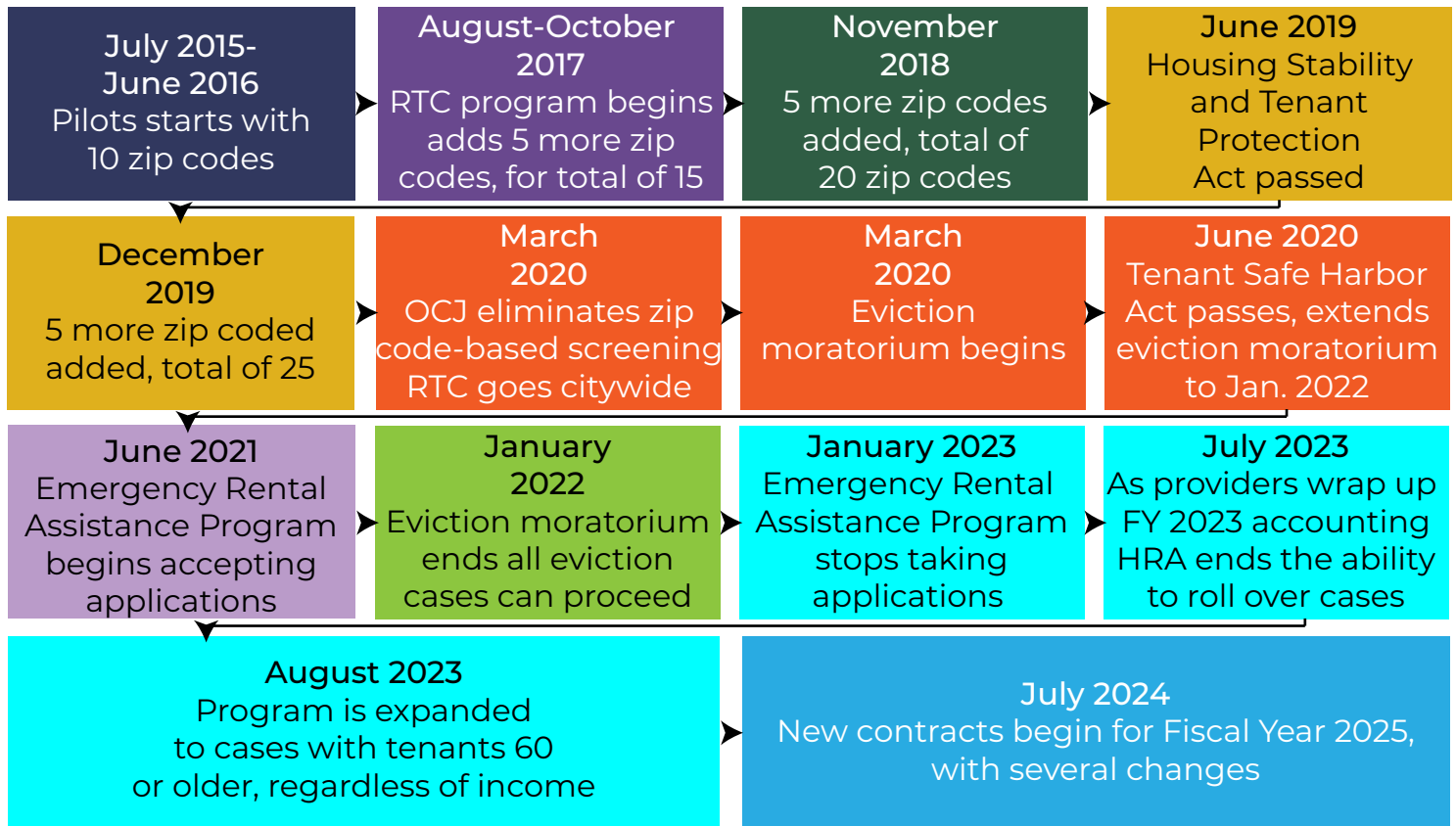
The introduction of RTC was rooted in the goal of preventing evictions, which would lower the chances of becoming homeless and thus reduce future spending on shelter and other social services. Homeless prevention policy throughout the de Blasio Administration was largely based on the notion that the best way to prevent homelessness was keeping individuals and families in their current residences as much as possible.¹⁶ RTC built upon years of advocacy efforts and existing, albeit small, legal services programs seeking to address this need, including some funded by the Human Resources Administration (HRA).¹⁷ Because the lowest-income renters are most vulnerable to the negative impacts of eviction, the City limited eligibility for RTC to households at or below 200% of the federal poverty level. In 2024, the annual income threshold would be \$51,640 for a household of three. Participation followed a criminal public-defender service model, with screening and intake taking place in the courthouse when tenants first appear in court.¹⁸ Tenants therefore had to come to the courthouse to receive program benefits.

The City began with a pilot, the Expanded Legal Services (ELS) program, in 2016. ELS provided legal representation to low-income tenants facing eviction in 10 zip codes with the highest rates of eviction filings and shelter entry. In August 2017, the City passed [Local Law 136](#), the Universal Access Law, to provide income-eligible tenants with legal services in housing court and in public housing authority termination of tenancy proceedings.¹⁹ Later in this report, IBO describes the program structure in more detail (see pages 12-13). RTC was intended to phase in across groups of zip codes over time. In 2018, it started with the 10 ELS zip codes and added 5 more nearby zip codes, with another 10 added in 2019 and again in 2020. The City selected zip codes based on multiple factors, including rates of shelter entries, the number of eviction proceedings, and whether the area was already being served by existing legal services programs.²⁰ The program runs through the Office of Civil Justice (OCJ), a division of HRA created in 2015 that already housed other legal services programs.

Local Law 136 structured RTC to roll out over five years to allow the program to gradually build capacity to provide legal counsel for all eligible eviction cases by July 31, 2022. Legal service providers hire cohorts of lawyers each year, as law schools graduate new classes, and train them in groups. This multi-year rollout and expansion was designed for providers to expand their capacity each year to meet a growing number of cases.

FIGURE 1

Timeline of Right to Counsel Rollout



SOURCE: IBO Archival Research of Human Resources Administration Program Rollout, including Office of Civil Justice annual reports
New York City Independent Budget Office

The actual implementation of the program was much less straightforward than the initial plan, stemming from both changes outside of City control and the City's own operational choices. Figure 1 provides a high-level timeline of the RTC program expansion, together with program and housing court changes and external factors that affected the program's rollout.

2019 State Law Changes Housing Court Rules and Processes After RTC Begins

A major systemic change took place in June 2019 with the State's passage of the [Housing Stability and Tenant Protection Act](#) (HSTPA). This legislation introduced substantial new tenant protections and impacted housing courts statewide. Due to new rules, increased waiting periods, and changes to property and rent stabilization laws, many eviction cases took longer to move through the court process after HSTPA was passed. While delaying evictions was one goal of the new policy, RTC providers faced the burden of longer case lengths without any corresponding changes in funding. Later in this report, IBO analyzes changes in case length from 2016 through 2024, which includes the period after HSTPA was enacted.

Further changes to the housing court process occurred in April 2024 with the State's passage of Good Cause Eviction, granting tenants in private rental housing the right to a lease renewal and limiting how much owners of that housing can raise rents. IBO's analysis of court data

ends in 2024, making it too soon to measure the impact of Good Cause on housing courts and eviction rates, but future research may explore this topic.

Pandemic Onset Leads to Evictions Moratorium

The COVID-19 pandemic also transformed housing courts. Eviction cases were halted in March 2020 with the passage of the New York State [Eviction Moratorium](#) in response to the pandemic and the resulting widespread financial hardship. This paused all active eviction cases and prohibited any new eviction proceedings due to nonpayment. Initially passed for 90 days, covering all evictions from March 20 through June 20, 2020, it was later expanded to cover evictions for nonpayment through January 15, 2022. The passage of the Tenant Safe Harbor Act on June 30, 2020, continued the eviction moratorium with a few exceptions. Nonpayment cases where the household did not prove financial hardship tied to the pandemic and holdover cases—a small share of total cases—were allowed to proceed.

Expansion of RTC Eligibility Beyond Designated Zip Codes

Coinciding with the pandemic and the eviction moratorium, the City expanded RTC citywide in March 2020, ending zip code screening after the onset of the pandemic. At this time, OCJ also began referring tenants to RTC providers if they had eviction warrants issued before the onset of the pandemic, regardless of zip code.²¹ To accommodate these changes, the City worked with court administrators to staff the court in each borough through a rotation of providers and established a legal hotline for tenants. Housing courts also began to require owners to include information about the City's RTC program in petitions and motions served on tenants.

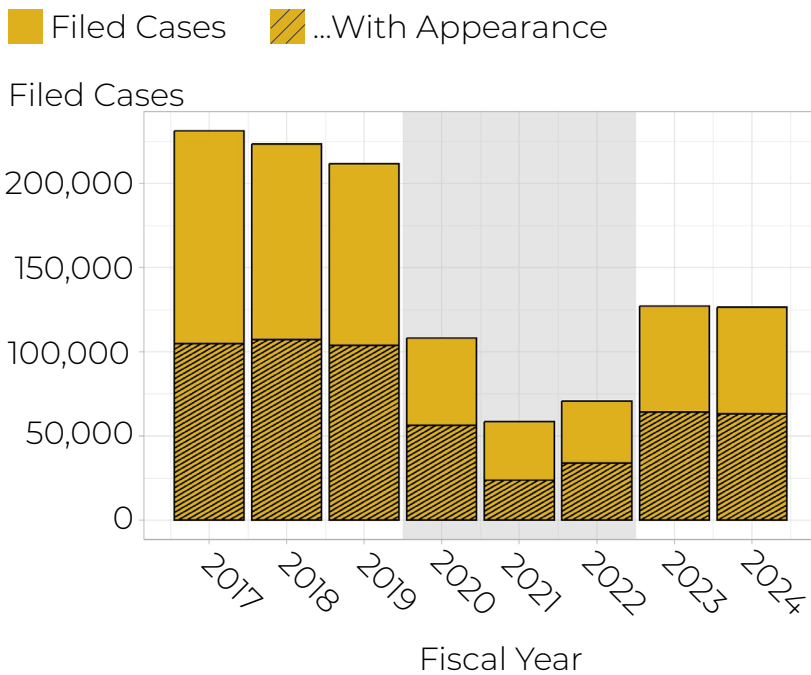
The citywide RTC expansion was legally codified in June 2021, but with far fewer eviction cases than normal proceeding through housing courts at that time, the effects of the expansion did not become apparent until after the eviction moratorium ended in January 2022. Filings did not begin to increase until summer 2022, with now vastly expanded RTC protections in place. The City Council further expanded the RTC program via [Local Law 20](#), passed in August 2023, to cover any cases with tenants 60 years of age or older, regardless of income.

Renters Accumulate Arrears During Pandemic Eviction Moratorium

The eviction moratorium largely halted eviction proceedings in the short term but did not stop rent payments from being due. Many tenants accumulated large arrears during the moratorium period. In response, the State introduced the [Emergency Rental Assistance Program](#) (ERAP) to provide financial assistance to low- and moderate-income renters with arrears.²² This program accepted applications from June 1, 2021, through January 20, 2023, and provided payments for up to 12 months of rental arrears. Additional State funding was [announced](#) in 2024 to cover rental arrears for tenants in public housing, who initially could not access ERAP. Tenants in arrears who applied to HRA for emergency one-time assistance, known as a “one-shot deal,” were required to first apply for ERAP. (See prior IBO [report](#) on HRA's one-shot program.) This contributed to additional backlogs in processing assistance, as well as two-thirds of one-shot deal applications being rejected in the first nine months

FIGURE 2

Filed Eviction Cases and Appearances, 2017-2024



SOURCE: IBO analysis of New York State Office of Court Research data
NOTES: The gray shaded region denotes the fiscal years in which housing court was affected by the COVID-19 pandemic and related policies. "With Appearance" means with any tenant appearance at any point in the data. See Methodological Appendix for more detail.
New York City Independent Budget Office

of 2022, according to a FOIL request published by *Gothamist*.²³ The assistance provided through these programs also prevented eviction cases that may have otherwise occurred, impacting trends in cases filed.

Housing Court and Contracting Changes as RTC Program Developed

Still Only About Half of Tenants Facing Eviction Ever Make An Appearance in Court

To understand changes in the number of eviction cases filed as RTC was implemented, IBO analyzed housing court data from 2017 through 2024.²⁴ Figure 2 shows the number of cases filed and the share with tenant appearances by the City fiscal year the case was filed in ("Filed Fiscal Year"). The analysis in Figure 2, and

all subsequent analyses in the report, presents residential non-payment and holdover cases in New York City. For cases filed from 2017 through 2019, prior to the onset of the pandemic, IBO found that approximately 47% of cases in housing court had a tenant appearance. The number of filed cases in 2020 through 2022 declined, coinciding with the pandemic and the eviction moratorium. In 2023 and 2024, the number of filed cases per year increased but was still lower than in the pre-pandemic years, while the rate of tenant appearance had risen slightly to 50%.

Case Length Increases

These systemic changes to housing court affected not only the number of cases filed each month but also the complexity of individual cases, and thus the length of time it takes to resolve them. This trend has particular relevance for the RTC program, where the program is largely measured by the number of cases served by providers.

Cases Take Longer to Resolve Over Time

To determine how case lengths have changed, IBO examined the length of time from the initial filing through its first key milestone. With cases closed and then re-opened or appealed, measuring case length can be challenging. In reporting on case length, IBO focuses on how

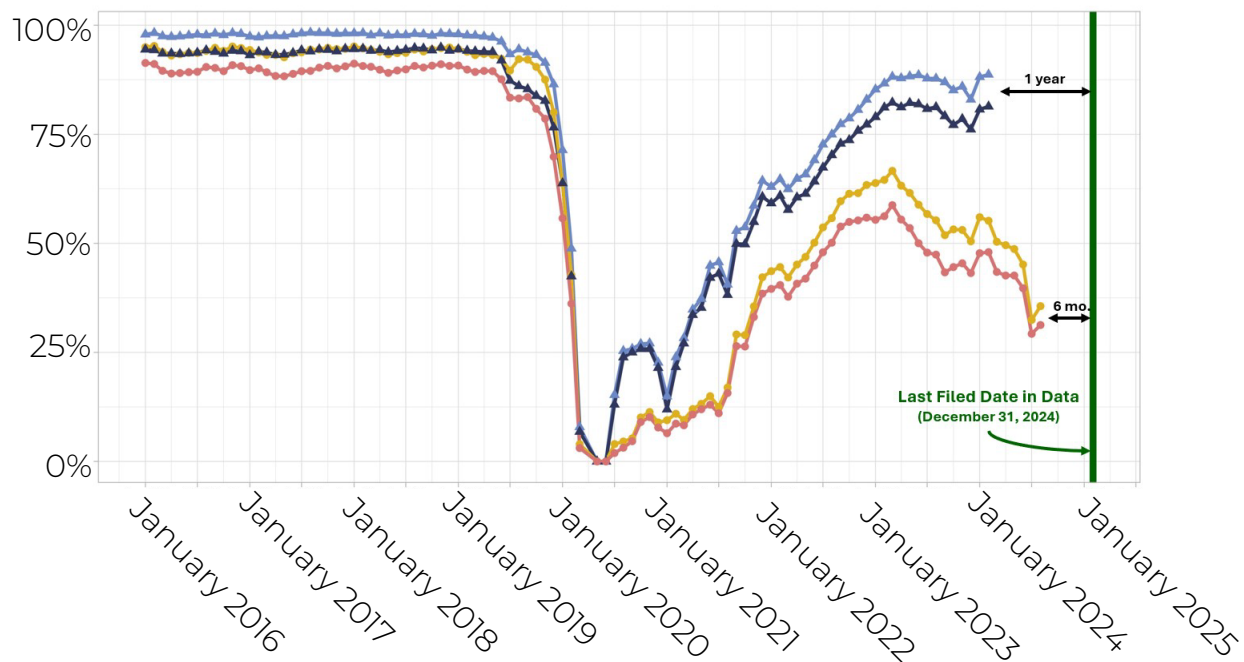
long it takes for a case to reach either its first disposed date, meaning it is closed, or the first major decision, the earliest date in the court data that could be either a judgment or the disposal date. (For example, if a case has a judgment and is later disposed, the judgment filed date will be used as the date of a first major decision. For more on the definitions of disposed date and first major decision, see the Appendix.) IBO only considered cases where tenants appeared at least once, since tenants will only encounter RTC providers and go through the intake process if they appear in court. Figure 3 shows the length of a case from the filing month, but also includes the time before RTC providers first meet tenants in court.

IBO found that court cases filed in 2024 are taking longer than cases filed prior to the onset of the pandemic, as seen in Figure 3. Using the monthly average from January 2017 through December 2019, 92% of filed cases with a tenant appearance had a disposed date within one year of filing, while 97% had a major decision (a disposed date or any judgment) within one year. During the pandemic, these rates plummeted, coinciding with the eviction

FIGURE 3

**Share of Case Lengths within 6 Months and 1 Year by Filed Month
(Cases with Tenant Appearances Only)**

- Share Less Than One Year From Major Decision
- Share Less Than One Year to First Disposition
- Share Less Than Six Months From Major Decision
- Share Less Than Six Months to First Disposition



SOURCE: IBO calculations from data provided by Office of Court Research

NOTES: Shares are of all non-payment and holdover cases filed in that month that have a tenant appearance at any point in the data. A "Major Decision" is a disposed date or any judgment. See Methodological Appendix for more detail.

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moratorium and the drop in the number of new cases (see Figure 2), and rates have not fully returned to pre-pandemic levels. Using a monthly average from January 2023 through December 2023, IBO estimates that about 80% of filed cases with a tenant appearance were disposed within one year of filing, while 87% had a major decision within a year. This “first major decision” is the earliest available date with a notable change in the case, so includes disposals but also judgments (whichever came first for each case).

The share of cases that are resolved within six months has also declined. Pre-pandemic, most cases with tenant appearances reached a major decision or disposal date within six months: 88% of cases with tenant appearance were disposed and 93% had a first decision within six months. However, for cases filed January 2023 through June 2024, IBO estimates just 47% of cases, on average, were disposed and only 54% reached a first decision within six months. In other words, more cases are taking longer, and the share of cases that resolve quickly has gone down.

Multiple factors have contributed to these increasing case lengths. One reason is the passage of the HSTPA in 2019, which introduced the strongest legal protections for tenants seen in decades and had immense implications for the length of eviction cases. HSTPA made many significant changes to rent regulation laws, real property actions, and proceedings laws. For example, protections for tenants were expanded in nonpayment cases, retaliatory evictions, and rent overcharge claims.²⁵ HSTPA also extended waiting periods in both nonpayment and holdover eviction cases by requiring owners to give longer notices to tenants ahead of proceedings. It also increased the amount of time tenants have to answer legal filings and lengthened the time permitted for adjournments, among other changes that extended the timeframe of the eviction process. These changes provided more opportunity for tenants to pay rent owed, or simply delayed the possibility of eviction. Because the eviction moratorium began less than a year after its passage, this increased length of case would not become clear for several years. While the delay of evictions was one goal of HSTPA, the increased length that cases remained open put additional pressures on RTC providers. This increased case length was documented by the New York State Caseload Working Group, which reported in August 2023 that cases required more time and engagement compared to the pre-pandemic period.²⁶

Case lengths can also be impacted by the pace at which cases are scheduled by the court, referred to as “calendarizing.” Tenants only encounter RTC providers when they appear in court, so the pace of calendarizing also impacts the lag from filing to when providers can begin working on a case. According to HRA, at the end of the pandemic, the state “informed OCJ repeatedly that they had difficulty calendarizing cases in a timely manner due to a severe shortage of court clerks.” By January 2023, however, representatives from legal services unions argued that the state was calendarizing decisions “at an unnecessary and unsustainable speed,” beyond the capacity of both providers and judges.²⁷ By June 2023, the City Comptroller directly called on OCJ to advocate to the state to slow the pace of calendarizing based on the number of tenants appearing without a lawyer.²⁸

Lastly, case lengths may have been impacted by the Brooklyn Administrative Pilot, which launched in February 2023. In this program, eligible individuals in the Kings County Housing

Court receive a 45-day adjournment from the court to work with HRA staff on site to apply for one-shot deals and other social services that may help with arrears and/or prevent eviction.

RTC Rules on Cases Spanning Multiple Contract Years

At the same time case length was increasing, HRA changed RTC program rules to limit the time that HRA would fund legal services for each household. When RTC began and was scaling up, the base contracts did not include time limits for new cases; they only set requirements for the number of new cases to start in each contract year. However, from 2018 through 2022, at the end of a contract year HRA issued a memo allowing providers to “roll over” a subset of cases that were a year or older. This meant that providers could continue to count as households that were being served those whose cases ran for particularly long times, carrying over from one contract year to the next. City fiscal years run from July through June, so if a case began in October 2018 (City fiscal year 2019) and ended in June 2020 (City fiscal year 2020), providers could count it towards their total number of cases at the end of the year in 2019 and in 2020. Under ethics and court rules for the legal profession, attorneys are generally expected to work on a case until its end.²⁹ This rollover process acknowledged the reality that more complex cases may require legal assistance beyond one year, and that providers are obligated to continue working on such cases through to their conclusion.

At the end of 2018, HRA permitted providers to roll over 10% of cases from 2017, meaning that up to 10% of provider cases counted toward a provider’s 2018 caseload could be open cases rolled over from the previous year. In 2019, this was increased to 15%, which remained the standard through 2022. In March 2023, as case lengths grew, a coalition of providers testified at a [City Council hearing](#) that this 15% limit was too low and that the result was that too much work was going uncompensated by the City. They requested HRA eliminate the cap on the share of cases rolled over from one year to the next and incorporate rollovers into the base contract, rather than continue the end-of-year memo practice. This would have made it a predictable, guaranteed part of the program instead of a policy potentially subject to change.

Instead of codifying the practice, however, HRA announced a few months later that it was ending rollovers completely. In the end-of-year memo to wrap up City fiscal year 2023, HRA stated it would no longer allow providers to roll over any cases from the previous year. The timing surprised some providers, as they learned at the end of the fiscal year that work that they had already performed that year would not be counted towards their contracts. As seen in Figure 2, HRA’s decision to halt rollover cases took place just as eviction cases were becoming longer and more complicated. At the end of 2024, HRA again did not allow any cases to roll over.³⁰

According to HRA, rollovers were originally intended to help providers as they were growing and building capacity to work towards the full citywide expansion. OCJ expressed concern that rollovers were becoming too large a share of the caseload each year, discouraging full representation of new cases; the rollover limitation was thus designed to incentivize hiring and more new cases. However, this policy change compounded the professional obligations and financial pressures providers faced.

Evolution of RTC Contract Structures

The change in covered case length was just one of several ways that contracts evolved from the beginning of the program. Since the program began, contract changes have shifted numerous aspects of the program, including overall structure, service requirements, program metrics, and more.

Contract Requirements Create a Complicated Program Structure

The original structure of the RTC program provided full legal representation to tenants who both met the income eligibility requirements and lived in the target zip codes. Originally, the inclusion of other types of limited services operated as a means of assisting otherwise ineligible households. Figure 4 describes the services available based on location and income as initially outlined by OCJ. For households in the targeted zip codes who were otherwise ineligible because they were above the income limit, RTC contracts included a category called “brief assistance,” one-time consultation initially in the courthouse and later conducted via hotline. Such consultations do not establish an attorney-client relationship; households receiving only brief assistance do not receive legal representation in court. Similarly, for income-eligible households who were ineligible because they were outside the targeted zip codes, RTC contracts included an “advice-only” category. This category provided support beyond a single consultation but was also short of full representation in court. All three types of services—legal representation, brief assistance, and advice-only—were only available to individuals with pending court cases who appeared in court, where they could be connected with providers.

As originally structured, with the limits on zip codes initially qualifying for RTC, the program was designed for a “natural experiment.” The program setup would allow researchers to compare housing court outcomes for zip codes receiving the program with nearby zip codes that did not—in research terms, there was a clear delineation between the treated and not treated groups.

In practice, however, contracts in the early years of the program did not fit neatly into the structure in Figure 4. During the early years of the program, services provided through RTC were not strictly limited to targeted zip codes and included two different types of full representation. Figure 5 represents this more complicated structure.

In addition to the zip code categories, contracts also included designations for cases as either Universal Access (“UA”) or non-Universal Access (“non-UA”). Contracts required nonprofits to provide full legal representation for a minimum number of UA cases and minimum number of non-UA cases. Whether or not a case counted as UA or non-UA depended on a combination of income eligibility, zip code, and type of case, making contracts very complicated for providers to plan for.³¹ Furthermore, once all non-UA deliverable targets were met, any eviction case could be counted as UA regardless of zip code, so long as tenants were eligible by income and case type.

Unlike full representation, brief assistance and advice-only cases fit more closely into the original program structure until 2020. From 2017 through 2019, 95% or more of these cases

FIGURE 4

Intended Structure of the Right to Counsel (RTC) Program

	In Target Zip Code	Outside Target Zip Code
Above Income Limit	One-time brief assistance	Not available
Below Income Limit	Full representation	Advice-only

FIGURE 5

Actual Implementation (In 2019 and Prior)

	In Target Zip Code	Outside Target Zip Code
Above Income Limit	One-time brief assistance	Not available
Below Income Limit	Full representation	Advice-only and full representation
	<ul style="list-style-type: none"> • “UA” or “Non-UA” classification depending on case type 	<ul style="list-style-type: none"> • Classified as “Non-UA” until minimum is met • After minimum Non-UA cases met, then classified as “UA” • “Non-UA” for certain case types

SOURCE FOR FIGURES 4 and 5: Program data and information provided by the Office of Civil Justice

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were in the intended zip code category.³² However, in 2020 more than 75% of brief assistance cases (3,695 out of 4,948 cases) and 31% of advice-only cases (1,421 out of 4,521 cases) were not in the intended zip code category. (HRA categorized most brief assistance cases as “UA” but almost all advice-only cases pre-expansion as “Non-UA.” As mentioned above, brief assistance and advice-only recipients all had pending cases in court.)

Despite these complications, most full legal representation cases were in targeted zip codes prior to citywide rollout. The remaining analysis of this paper will focus on cases only in these targeted zip codes categorized as “UA” by OCJ. For more on the details of spillover and program intensity, see the Appendix.

Required Services Change Over Time

From 2018 through 2024, the City structured contracts into “units of service,” and required legal service providers to cover a set number of units. Full legal representation for a case counted as 1 unit, advice-only support for a housing court case counted as 1/3 unit, and brief assistance for a case counted as 1/5 unit. Before the citywide expansion, contracts set a minimum number of both UA and Non-UA full representation cases. They also included a minimum total number of UA and Non-UA units of service, combining all service types together into one number. Once the program expanded citywide, contracts distinguished only between full representation (1 unit) and brief assistance for tenants who did not meet the income eligibility (now classified as 1/3 unit). There was no requirement for a specific quantity of brief assistance services; instead, each contract had a minimum required number

of full legal representation cases and a total number of units of service (including both full representation and brief advice together).³³

Because contract payments were based on service units, contract payments for each unit were supposed to cover the costs associated with providing that unit of RTC services. This includes lawyers, paralegals, and support staff, as well as costs for translation services, tracking performance metrics, other contract compliance work, and operating past normal business hours to serve working clients. The contracts did not cover costs of related work supporting clients completing applications for rental subsidies, including CityFHEPS and one-shot deals, even though the tenants' ability to access these funds would have a direct impact on the chances of success in the eviction case and on the length that the case would be pending. (The City later launched the Brooklyn Administrative Pilot program to pause cases for 45 days and connect tenants with HRA staff to apply to some of these programs and try to reduce the number of cases that moved forward, acknowledging the potential importance of human service programs to prevent eviction.) In March 2023, providers testified at City Council that contract payments funded 60-70% of the work required by the contracts. They argued both for more funding per unit and more total units of service to meet the actual need in court.³⁴

Starting in 2025, the City split brief advice and full legal representation into separate contracts. It also removed brief advice services from the courthouse, instead restricting this service to the Housing Justice Helpline, which began in July 2021. This simplified the billing process and also allowed providers to opt out of providing brief advice services and instead focus only on full legal representation. While this approach has some benefits, it can create confusion for tenants who arrive at the courthouse when providers are already at capacity for full legal representation, and thus cannot take on an otherwise eligible case. As a result, this change is expected to increase demand on the helpline.

Changes Related to the COVID-19 Pandemic

The City amended RTC provider contracts in response to the COVID-19 pandemic emergency. Providers were required to continue full representation for existing cases as well as pursue new defenses or claims related to the pandemic when relevant. Providers were also required to provide full legal representation to clients referred by HRA. HRA's COVID-19 Plan made modifications to allow work to take place remotely when possible and also staff the new hotline for brief advice. It also allowed HRA flexibility to amend eligibility criteria for RTC services to be responsive to workflow changes brought on by the pandemic.

New Contract Structure in 2025 Provokes Provider Outrage

When the City first released the request for proposal (RFP) for the new 2025 contracts on August 3, 2023, the Legal Aid Society (LAS) issued a [public letter](#) protesting the new terms as "woefully insufficient." LAS, the largest RTC provider, argued that the City was ignoring changes in case length, providing too little funding for each unit of service (\$3,063 per case), and requiring more new cases than providers could handle. The City released the RFP before the State Office of Court Administration released guidance on the number of cases each attorney could take on per year, which LAS also argued should be reflected in the RFP.

The biggest area of concern, however, was the new addition of a performance-based component. Whereas earlier contracts had all been expenses-based, the new contracts were 90% expenses-based and 10% performance-based, tied to a scorecard evaluated twice a year (for 5% each). To qualify for the scorecard evaluation, providers were required to cover all assigned rotations at housing court or public housing tenant termination hearings. Only then would providers be evaluated on the remaining scorecard criteria, including timeliness of data reporting, acceptance of referrals, adherence to the budgeted caseload model, and whether providers are within 5% of their year-to-date target for new case acceptances. The coverage provision created a potentially unpredictable funding model for providers, given high rates of attrition for housing court lawyers. (In February 2023, OCJ reported to the State that there was a 14% gap between the targeted and actual number of staff attorneys and full-time equivalents.³⁵)

In response to provider frustration, the City re-issued the RFP in September 2023. The new RFP incorporated updated caseload standards but otherwise included most of the controversial components, including the 10% performance piece. To address issues around the funding per case, the City invited providers to submit their own pricing, rather than just accepting the pricing set forth in the initial RFP. Providers confirmed this option did enable them to increase funding per case, but not up to the full cost; some providers were reluctant to bid the full amount the work required given their reliance on City contracts.

Contrasting Trends in Eligible Cases and RTC Funding

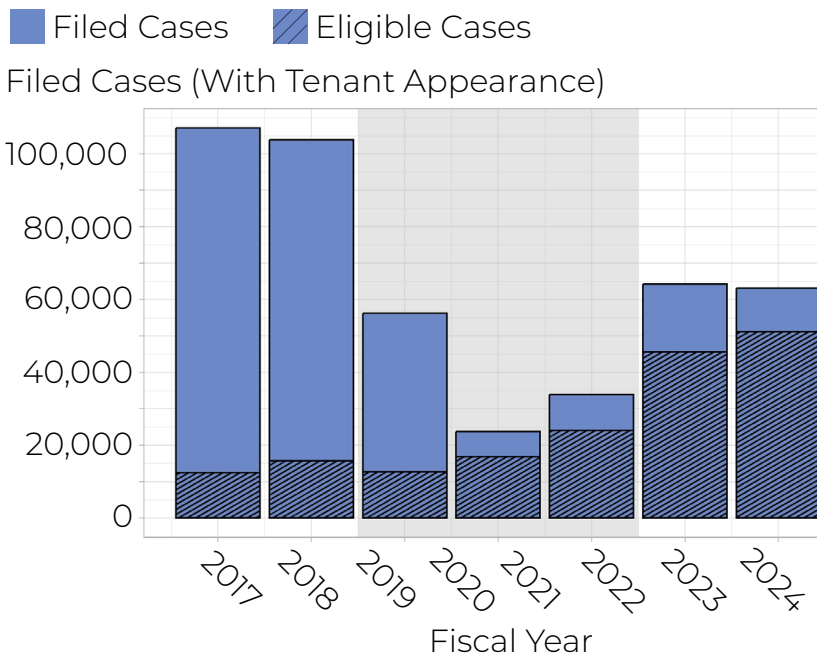
Number of Tenants Eligible for RTC More Than Tripled as Program Expanded Citywide

Alongside these shifts in program contracts and housing court conditions, there were also major shifts in the number of eviction cases and RTC eligibility. While the number of cases declined after the pandemic and the eviction moratorium, the criteria for RTC eligibility grew to cover a growing share of tenants in court. First, eligibility for RTC services (tenants below 200% of the poverty level) expanded suddenly from less than a quarter of zip codes to all zip codes citywide, and then City Council further expanded RTC to cover all tenants 60 years or older, regardless of income. With all these factors, it is challenging to measure how the share of RTC-eligible cases (as a percentage of all housing court cases) has changed over time. To fill this gap, IBO developed a methodology to estimate the number of eviction cases where the tenant would be eligible for RTC, as seen in Figure 6.

Since tenants must appear in court to receive services, IBO's estimate of eligible cases is based on holdover and nonpayment cases where tenants appeared in court, as well as historic data on tenant age and income in court. (See the Appendix for more detail on how IBO conducted this estimate.) In 2023 and earlier, IBO estimates that 71% of cases where tenants appeared in court were eligible for RTC services, at a point in time when the eligibility criterion was limited to tenants with income below 200% of the federal poverty level. IBO estimates that this rate rose to 81% of cases in 2024 and after, when City Council expanded the eligibility criterion to include tenants aged 60 years or older regardless of income. Due to data limitations, these

FIGURE 6

Total Eviction Cases Filed and Estimated Cases Eligible for RTC, 2018-2024



SOURCE: IBO calculations from data provided by Office of Court Research
NOTES: The gray shaded region (fiscal years 2020, 2021, and 2022) indicates the period housing court was affected by the COVID-19 pandemic and related policies. See the Methodological Appendix for details on IBO's estimation of these shares.

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estimates were based on a mix of City-specific and national historic data, and City-specific trends may differ from national trends. With the program expansions, between 2019 and 2024, IBO estimates the annual number of eligible cases more than tripled. (It rose 222%, from about 15,675 cases to 50,487 cases, covering the period from the early cohorts to full citywide expansion.) This is despite the annual number of filed cases falling by a little less than half (falling 44%, from 103,854 cases to about 62,330 cases) during that same time period. Even though there were fewer cases filed in 2024 than in 2018, the total number of cases IBO estimates would be eligible for RTC services has substantially increased.

Right to Counsel Program Spending Has Not Kept Pace with Expanded Eligibility

To look at historic spending for RTC, IBO obtained data from OMB, as seen in Figure 7. The RTC program spending in 2024 increased by 129% between 2019 and 2024 (from \$63 million to \$144 million). This is substantially lower than the 222% increase in the number of eligible cases. The gap between funding and eligible case growth was particularly notable from 2022 through 2023. In this period, the eviction moratorium ended and filings began to return to pre-pandemic levels. While the total number of filings was lower than the pre-pandemic period, the number of eligible cases from 2022 through 2023 grew 89% and spending remained flat.

Representation Rates Increased Rapidly in Areas of Initial Expansion but Subsequently Have Fallen

As the eligible caseload has grown and far outpaced funding, representation rates have fallen citywide. IBO's analysis of State housing court data shows that representation rates for tenants increased substantially and rapidly in the specially targeted zip codes for RTC pre-expansion, relative to the rest of the City. However, once the eviction moratorium ended and case filings increased, representation rates plummeted. These growth and contraction trends are illustrated in Figure 8. Note that Figure 8 shows the representation rate for all tenants in housing court, not only those with full representation through RTC providers. (Note: court data does not indicate the source of a provider, and historically representation rates estimated by

IBO, OCJ, and the Comptroller all focus on the total number of tenants with lawyers in housing court. See Appendix for more detail.)

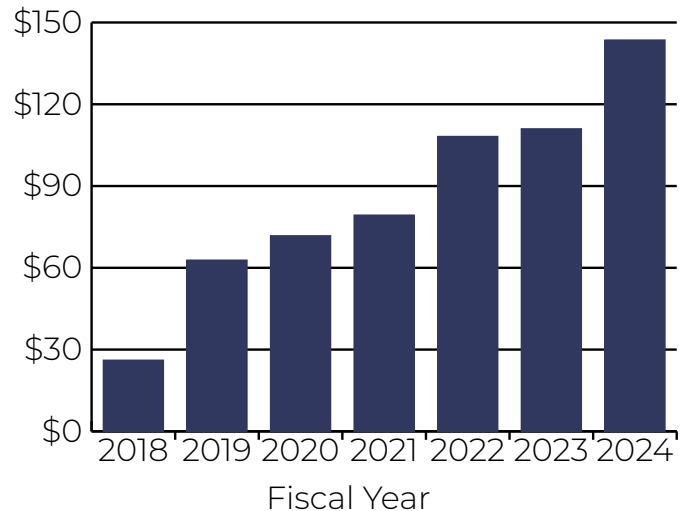
IBO defines the representation rate as the share of cases where the tenant appears in court and is represented by counsel at any point in the proceeding. IBO finds very few cases stop having counsel once they have representation (see Appendix for more detail.) Many cases end when the tenant does not appear in court, so those cases are not included in these totals. Given the initial rollout of RTC to groups of zip codes, IBO calculated representation rates for each cohort of zip codes, as well as citywide. Figure 8 shows that, in 2017 through 2019—prior to the pandemic’s impacts on housing court—the representation rates increased rapidly in the targeted zip codes as expected, while the citywide representation rate increased modestly. For example, for tenants in zip codes designated as eligible in 2018 (termed the 2018 cohort), the representation rate in the target zip codes rose from 17% to 45%, while the Citywide rate rose from 19% to 22% over the same period.

The dramatic fall in the number of housing court cases in fiscal years 2020, 2021, and 2022 (refer back to Figure 2)—coinciding with the eviction moratorium—makes it difficult to interpret the representation rates in those years. In 2023 and 2024, however, as housing courts returned to more normal operations, the representation rates in all the target zip codes converge with the citywide totals. The RTC program was by then operating everywhere, and representation rates in target zip codes and citywide all declined precipitously. For example,

FIGURE 7

Spending for Right to Counsel, 2018-2024

Dollars in Millions



SOURCE: Mayor’s Office of Management and Budget

NOTES: This chart shows liquidated expenses for the Right to Counsel program, meaning expenses have been distributed as of the end of 2025. There may still be additional expenses related to these years. This spending also included funds for workforce enhancement initiatives.

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Differences from Other Published Representation Rates

IBO’s citywide representation rates differ from those published by OCJ in its annual reports, as discussed further in the Appendix. Both IBO and OCJ use State court data, but OCJ supplements this information with internal provider data that is not always reflected in the court record. Despite these underlying data differences and different methodology approaches, IBO and OCJ find parallel trends with increasing and then decreasing citywide representation rates. Additionally, OCJ does not publish representation rates by cohorts of zip codes that become eligible for representation, which IBO does. IBO uses this approach to show how representation changed as the program rolled out over time.

the tenants in the 2018 cohort of eligible zip codes had a representation rate of 45% in 2019 but only 32% in 2024.

Full Representation and Brief Advice Rates Over Time

The disconnect in RTC funding and growth in eligible cases from 2022 to 2023 has led to a simultaneous increase in the number of households receiving brief assistance and decrease in full legal representation. Since their inception, RTC contracts included a provision for non-representation legal support. This was not originally intended to be a major part of the program, however. Through 2024, contracts limited one-time brief assistance legal guidance to 30% of all tenant households served, unless given explicit permission by the City to exceed this threshold. However, an examination of RTC services indicates that that brief advice has become a much larger portion of the program in recent years.

In fact, brief advice grew to more than half the program in 2024. In OCJ's most recent annual report, HRA published this breakdown for the first time, indicating that more than half of cases served by the program in 2024 did not include representation in court. This shift away from full representation is even more notable when breaking down cases by borough: in the last quarter of 2024, 46% of households in Queens served by the RTC program got full representation in court compared with just 31% of those in the Bronx.³⁶

IBO obtained historic data on the trends in cases covered by RTC by type of service, as shown in Figure 9. Notably, the increase in brief assistance takes place at the same time as the ramping up of housing court and the number of eligible eviction cases in the program in 2023 and 2024. Brief assistance cases categorized as UA cases grew 380% from 2022 to 2023 (from 2,917 cases to 14,005 cases), a period when eligible cases increased without a corresponding

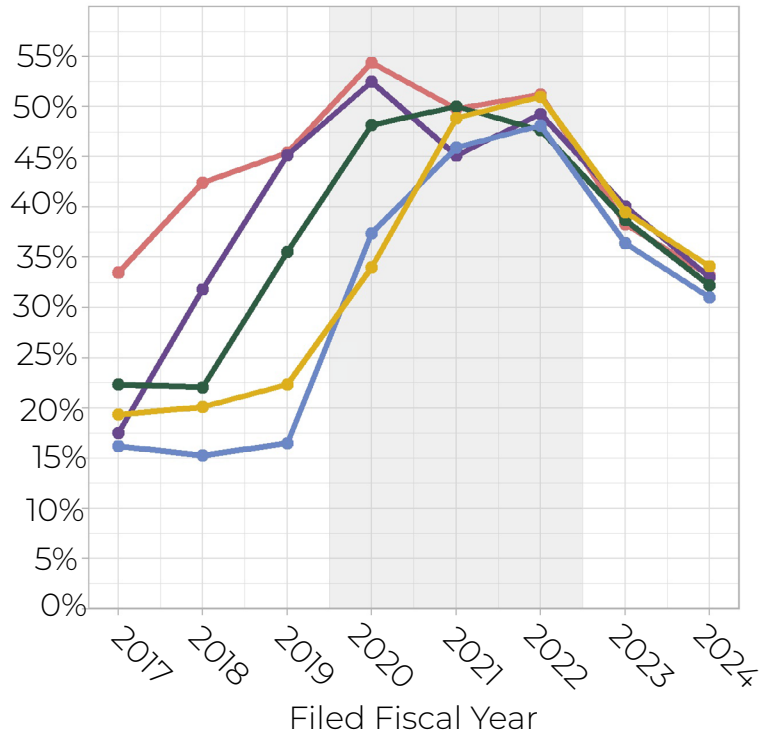
FIGURE 8

Representation Rates by RTC Cohort, 2017-2024

Zip Code Group

- 2016 Pilot Only
- 2018 Cohort Only
- 2019 Cohort Only
- 2020 Cohort Only
- Citywide

Average Representation Rate



SOURCE: IBO calculations from data provided by Office of Court Research
NOTES: The gray shaded region contains the fiscal years (2020, 2021, and 2022) in which housing court was affected by the COVID-19 pandemic and related policies. See Appendix for more detail on IBO's calculations of the representation rate. The zip code cohorts are defined based on the first fiscal year in which they were eligible under RTC. After the pilot began in FY2016, the next cohort started in FY2018, so there is no FY2017 cohort.
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increase in funding (see Figure 6). When including non-UA brief advice cases as well, the number of brief cases grew 211% from 2022 to 2023 (from 4,793 cases to 14,888 cases).

This trend stands out because brief assistance across all versions of RTC contracts comprises a small fraction of the program's funding as a whole. Pre-2025 contracts blended funding for both brief assistance and full representation, but each brief assistance case was budgeted as approximately 1/3 the cost of a full legal representation case. The 2025 contracts reduced the budget for brief assistance by separating it out of the main contract and moving it to a phone-based hotline. In this new budget structure, brief assistance accounts for 2% of the combined budget. The 2025 budget covers full legal representation at \$158 million and brief assistance services at \$3 million.

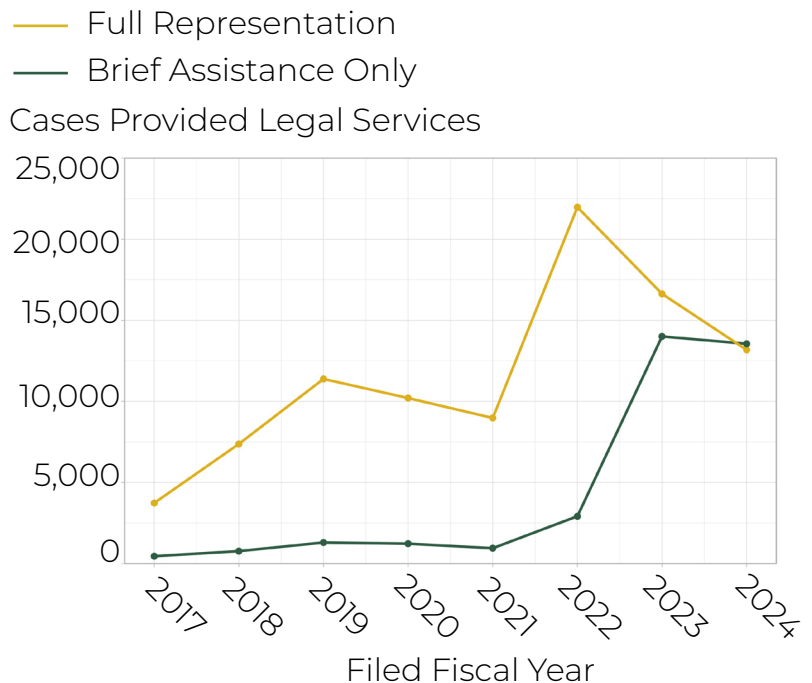
Summary of Mismatch

RTC expansion and funding are closely connected to the level and quality of service provided by the program. As this report has shown, in 2023 and 2024 the number of eligible cases has skyrocketed, funding has plateaued, and the proportion of cases that receive full representation has substantially decreased. To summarize these trends, Figure 10 presents growth rate estimates throughout this report side-by-side for ease of comparison. The second column focuses on just the last few years, to demonstrate how these changes present distinct trends from the program as a whole.

Column (1) of the figure shows that IBO estimates the number of cases eligible for RTC representation from 2019 through 2024 increased 222%. This increase occurred despite the 44% decrease in the overall number of eviction filings, as was illustrated in Figure 6. By either measure of eligible cases, the growth in eligible cases far exceeds the growth rate in RTC funding.

FIGURE 9

Number of RTC-Eligible UA Cases with Full Representation and Brief Assistance, 2017-2024



SOURCE: IBO calculations using data from the Office of Civil Justice
NOTES: This includes only cases classified by OCJ as "Universal Access" cases in targeted zip codes prior to the expansion and then all zip codes after the expansion.

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FIGURE 10

Summary of Growth in RTC-Eligible Cases, RTC, Spending, and Full Rep Covered RTC Cases

	Percent Change	
	(1) From 2019 through 2024	(2) Post-pandemic: From 2022 through 2024
Eligible Cases (IBO Estimates)	222%	110%
RTC Spending	129%	33%
Full Rep Covered RTC Cases	16%	-40%

SOURCES: IBO calculations using data provided by Office of Court Research, Office of Management and Budget, and the Office of Civil Justice

NOTES: “RTC Spending” is defined as liquidated expenses for the whole program, including spending on brief assistance/advice only and spending in not target zip codes (2020 and prior). “Full Rep Covered RTC Cases” is defined as cases restricted to target zip codes (2020 and prior) only, and full representation only.

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The increase in eligible cases also far exceeds the growth in actual cases receiving full representation under the program. The number of RTC cases receiving full representation grew by just 16% during this six-year period. While economies of scale and learning-by-doing may reduce the cost per case, countervailing pressures such as increased complexity of housing court (under HSTPA), increased case length (Figure 3), and inflation have increased the actual cost per case over time.³⁷ Given these factors, it is not surprising that providers struggled to keep up with the growth in eligibility in the absence of proportional increases in funding.

Column (2) of Figure 10 repeats the analysis but looks at percent changes specifically for the citywide expansion period from 2022 to 2024 after the onset of the pandemic. The difference between growth in funding (33%) and eligibility (110%) is even more stark for this period. Notably, the number of RTC full representation covered cases fell over this period, as providers could not keep up with the increased number of eligible cases after the end of the moratorium.

Conclusion

In sum, the implementation of the RTC program has fallen substantially short of achieving the City’s stated goals, because of a mix of factors both outside and within the City’s control. The pandemic eviction moratorium and new State tenant protection laws changed how evictions proceeded through the court systems. The City’s administration of the program, including underfunding and the complex structure of contracts, further ensured that the program’s goals could not be met, especially as the City did not update the program to reflect changes in housing court. Together, these factors have had a tangible impact on both the quality and quantity of services provided.

The share of cases receiving full representation over the last five years has not kept up with eligibility, meaning that many tenants are not getting legal assistance as intended by RTC.

The rise in brief assistance cases also indicates that the RTC program as a whole has shifted away from full representation. In the [2023 “State of Our Judiciary” report](#), an annual New York State report from the Chief Judge of the New York State Court of Appeals, Acting Chief Judge Anthony Cannataro, focused specifically on this issue for the RTC program, noting that “participating legal organizations declined to represent thousands of tenants, in large part due to a shortage of attorneys for caseloads that we know often leave them feeling overworked, underpaid, and emotionally drained.” This was echoed by providers interviewed by IBO who have been turning away eligible tenants in some boroughs due to low staff capacity.

While IBO could not estimate the number of eligible tenants turned away from full representation with current available data, both the numbers and interviews with providers demonstrate that eligible tenants are going unrepresented and facing eviction in housing court alone. Tenants receiving services under the RTC program have been increasingly shifted towards brief assistance, rather than legal representation in court. It is therefore likely that evictions have occurred that would not have if actual legal representation was available, a potential topic for future research.

Challenges with legal service staff capacity and retention are not unique to housing court providers, but they are exacerbated by the RTC contract structure. The civil legal services field, which includes RTC providers, experienced unusually high attrition during the pandemic. RTC providers reported vacancies ranging from 20% to 39% of their positions in April 2023.³⁸ Attorneys that stayed on were often required to take on cases left behind by others, which tended to be older and more complicated. Staffing turnover and increasing caseloads can create a cycle of burnout and even more turnover.

These problems are further compounded by the low pay for RTC attorneys, who as civil legal services workers are often paid less than those in the government and private sectors doing similar work, an issue cited by legal advocates.³⁹ In Spring 2024, the nonprofit provider Mobilization for Justice went on strike for 13 weeks related to salaries, including those of support staff.⁴⁰ Still, the new contracts for 2025, beginning in July 2024, do not include separate funding for support staff, affecting provider capacity.⁴¹ In Summer 2025, hundreds of attorneys across legal service providers authorized or went on strike for reduced caseloads and improved pay and benefits, later reaching tentative agreements.⁴²

All these staffing issues converge in the new performance scorecard incorporated into City contracts. Providers must have sufficient staff coverage to be evaluated for the scorecard, which can be a hurdle given difficulties in hiring and retention. Once they qualify, providers must also meet within 5% of the required number of new cases, which is also a challenge as existing cases take longer. If providers cannot take on enough new cases, they will lose this funding—which may then lead to higher attrition and a failure to qualify for the scorecard in the future.

Lastly, RTC providers are also impacted by challenges related to the City’s procurement system, including [late payments](#) and well-documented issues with the City’s contract management system, PASSPort. Payments can sometimes take years to be resolved. For example, for a program of this complexity, it is not unusual for providers to need to modify

their individual program budgets during the contract year. Those modifications can also hold up payment; providers must wait for the City to review and approve such modifications, which complicates the larger invoicing process. To date, there are no enforceable time limits in place for the review process.

In 2025, in response to invoicing issues, the City issued multiple advances ultimately covering six months of the year, but the City's invoicing system was not ready for providers to submit invoices for almost three-quarters of the year. Providers reported that they had to stretch the advances or find other funding sources to cover payroll until they were able to invoice for services already performed. In most circumstances, the City does not pay interest on late payments, and it does not reimburse providers for their borrowing costs to cover expenses as they wait for City payments. Providers are left to absorb many costs they accrue due to delayed City payments. The administrative structure of the contracts creates additional challenges: HRA requires providers to operate under separate contracts in each borough rather than one central contract for citywide services. This approach multiplies the contract management workload, increasing administrative costs and creating more opportunities for payment delays.

Unlike the right to counsel in criminal court, eviction cases can proceed for eligible households even if a lawyer is not available. In this way, the “universality” of the RTC program is subject to funding and capacity limitations. RTC was intended to prevent evictions and the harms associated with evictions by increasing legal representation in housing court for the most vulnerable tenants. Research on the early years of RTC demonstrated that the program had the potential to achieve this goal. Since then, however, the rapid growth in eligibility has far exceeded the increase in funding and structural capacity necessary to maintain and build upon this success. Thus, representation rates have fallen drastically and continue to decline. The goal of the RTC program—to provide full legal representation to all eligible tenants—is still far from realized.

Methodological Appendix

Data Sources

In this report, IBO used New York State Office of Courts Research (OCR) “Landlord-Tenant Extract” data provided directly to IBO on all eviction cases in the City. For each case, there is information on the tenant’s zip code, whether the tenant appeared in court or had legal representation, and whether the case was disposed or if any judgments were made.

This information is available as of the *extract date* (also called “run date”). In the fall of 2020, IBO received several data deliveries for all cases filed in calendar years 2016, 2017, 2018, 2019, and most of 2020. These had extract dates as of fall 2020. Therefore, the earliest available extract date IBO has for cases filed in these calendar years is September 9, 2020.

IBO also received additional extracts through November 2020. After this, IBO received *monthly* updates of all cases that had activity. Thus, for cases filed after November 2020, IBO can construct complete panels of data updates for each case. For cases filed earlier, IBO cannot study changes over time for individual cases.

IBO also obtained annual RTC spending from the Mayor’s Office of Management and Budget (OMB). Pre-2025, the City budgeted multiple anti-eviction programs together, combining the RTC program with the other legal services programs, including the Anti-Harassment Tenant Protection program (AHTP), an affirmative program for groups of tenants. IBO’s analysis of RTC spending specifically breaks out the portion tied to RTC from the more aggregate budget line. (In 2025, the new budget structure that began with the new contracts separated RTC from other legal services programs and into two separate lines for brief advice and full representation.)

HRA’s Office of Civil Justice (OCJ) provided annual data from 2017 through 2024 on the number of cases served by the RTC program, by zip code and whether OCJ provided brief advice or full legal representation. Like the budget data, IBO excluded the AHTP and other programs previously included in the same budget line when looking at the number of cases served under RTC.

Spillover in Right to Counsel Full Representation

IBO found that the implementation of the RTC program did not fit neatly into targeted zip codes but instead had some spillover into other zip codes. This complicates the discussion of program growth because the program can be characterized in several ways. Figure A1 presents the trends in full representation cases several ways, as illustrated on lines 1-3 on Figure A1.

1. All RTC all cases, starting with the pilot program in 2017.
2. RTC cases classified as UA cases.
3. RTC UA cases specifically tied to eligible zip codes (which applied in 2020 and earlier, before the citywide expansion of the program).

IBO's report focuses on this third line as it most closely shows eligibility trends as the program expanded across zip codes, and HRA confirmed this approach. Line 3 in Figure A1 is the same as the "Full Representation" line in Figure 9 of the report.

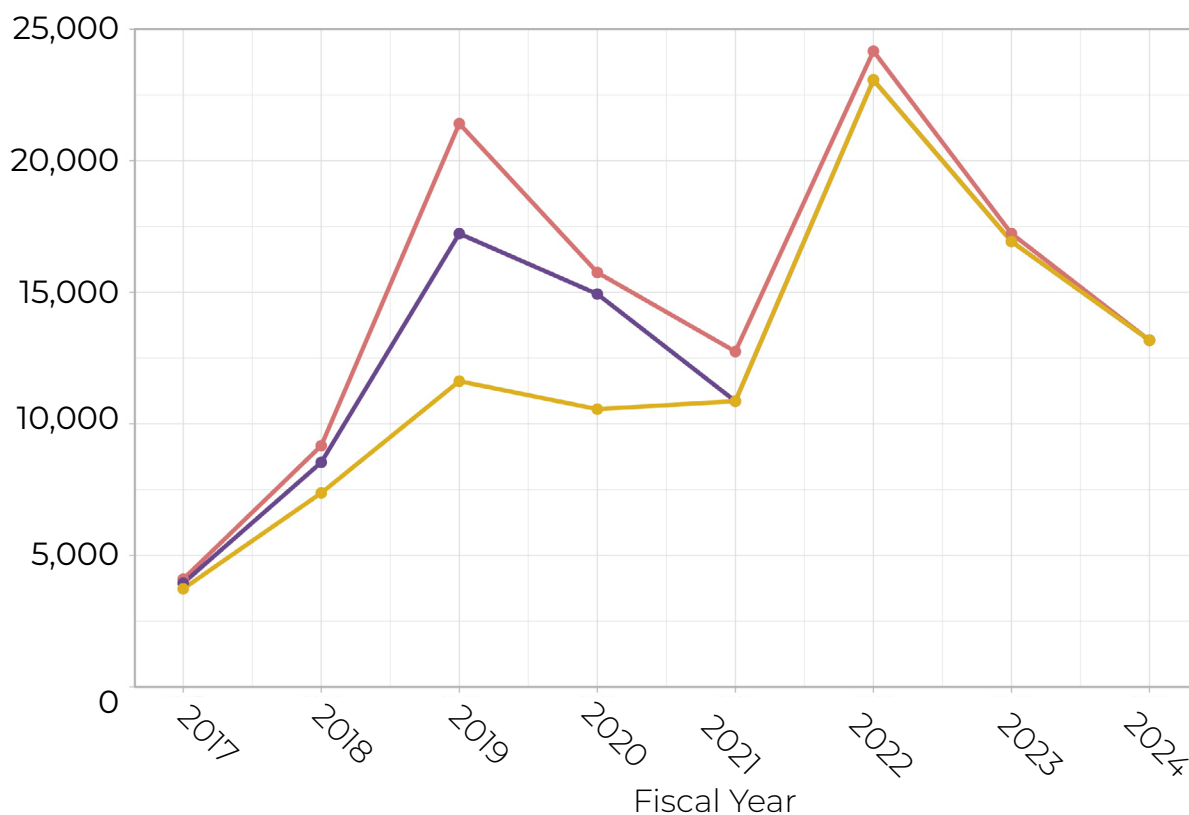
The gap between line (2) and line (3) in Figure A1 represents the count of cases in the program that "spill out" of the targeted zip codes. While this gap is notable, the program was nevertheless far more concentrated in the targeted zip codes because they represent a

FIGURE A1

Differences Between the Program as Described and the Program as it Operated

- (1) The Entire RTC Program
- (2) The RTC UA Program Only
- The RTC UA Program Only, But Just in Covered Zip Codes

Cases Provided Full Representation by RTC Program



SOURCE: IBO calculations using data from the Office of Civil Justice

NOTES: Case totals reflect RTC cases that received full representation; it does not include cases that received brief assistance or advice-only Services.

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relatively small part of the City. The gap is largest in 2020, likely as the result of the response to the COVID-19 pandemic from March through June of that fiscal year, but IBO did not have RTC data by month to verify.

To see the differences in geographic distribution, Figure A2 compares the total number of cases with tenant appearance in target and non-targeted zip codes in 2019 and 2020 with the number of cases with RTC full representation in those years. For the subset of cases where tenants appear, and thus could encounter RTC intake and representation, the share of cases with RTC representation is dramatically higher in target zip codes than in non-target zip codes. Although some of the program was serving cases outside of the target zip codes prior to the citywide expansion, RTC was primarily concentrated in the targeted zip codes. This reinforces the quasi-experimental literature that has used the target zip codes as treatment groups, with the non-targeted zip codes as control group.

If IBO were to include this spillover group in its analysis of program expansion, i.e. the difference between lines 2 and 3 in Figure A1, the rate of expansion would decrease somewhat. These spillover cases increase the total share of cases covered by RTC in 2019, so the growth in eligibility from 2019 to 2024 in Figure 10 (row 1, column 1) would fall from 222% to 191%. The growth in eligibility from 2022 to 2024 would not change, because that period already includes all zip codes citywide.

Differences in Representation Rates

IBO's representation rates differ from those published by OCJ in their annual reports for several reasons. First, IBO reports full fiscal year rates, whereas OCJ reports only the last quarter (or in 2020 the last half of the year). Second, IBO looks at all cases with at least one appearance based on their filed fiscal year, whereas OCJ looks at cases scheduled for court appearances during the given time period of analysis, regardless of when the case was filed. (For example, in 2018, IBO used all cases filed in 2018 with at least once appearance while OCJ used all cases that were scheduled to be in court in the last quarter of 2018, even if they were filed in 2017 or earlier.)

FIGURE A2

Program Intensity in Targeted versus Not Targeted Zip Codes, Select Years.

	(1) Cases with Appearances	(2) RTC UA Full Rep	Ratio (2)/(1)
2019			
Targeted Zip Codes	22,078	11,383	0.52
Not Targeted Zip Codes	81,776	1,667	0.02
2020			
Targeted Zip Codes	17,776	10,204	0.57
Not Targeted Zip Codes	38,424	3,913	0.1

SOURCES: IBO analysis using data from New York State Office of Court Research and New York City Office of Civil Justice

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FIGURE A3

IBO and OCJ Citywide Representation Rate Comparison of Representation Rates in 4th Quarter of Fiscal Year

Citywide Representation Rate	2018	2019	2020 (second half of the year)	2021	2022	2023	2024
IBO	22%	25%	32%	51%	44%	36%	30%
OCJ Published Rate	30%	32%	38%	71%	63%	50%	42%

SOURCES: IBO analysis using data from New York State Office of Court Research and New York City Office of Civil Justice
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Lastly, both calculations rely on court data from the state Office of Court Research but OCJ also has access to additional program records that it incorporates into its final rate. According to OCJ, court data is entered manually and sometimes does not upload a record of counsel, termed a “notice of appearance.” This most often occurs when a counsel’s initial filing also concludes the case or when the filing of a document (like a motion or agreement) is the only record of counsel participation. Because OCJ has access to provider enrollment information, it can manually look up cases and adjust cases incorrectly identified in court data as “self-represented.” IBO does not have access to this data, so it cannot make a similar correction.

Despite these different approaches, IBO and OCJ nevertheless see parallel trends, as seen in Figure A3, indicating that IBO’s approach is accurate in describing the decline of representation over time.

The New York City Office of the Comptroller also publishes a citywide representation rate based on OCR data that only includes cases where tenants appear at least twice, following the methodology of the Right to Counsel Coalition. IBO is limited in its ability to recreate this approach because of the truncated nature of the data extracts prior to September 2020 (see sections below). IBO calculated its annual representation rate based on tenants appearing at any time in the data—tenants appearing at least once. Nevertheless, both approaches yield similar trends in representation rates, as presented in Figure A4.

FIGURE A4

IBO and Comptroller Citywide Representation Rate Comparison

Citywide Average Annual Representation Rate	2018	2019	2020	2021	2022	2023	2024
Comptroller – appear at least twice	30%	32%	44% (missing March – June)	50%	59%	42%	37%
IBO – appear at least once	20%	22%	34%	49%	51%	39%	33%

SOURCES: IBO analysis using data from the New York State Office of Court Research, New York City Office of the Comptroller Public Dashboards

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Estimation of the Number of RTC Eligible Cases

To study the intended size of the program, IBO sought to calculate the number of housing eviction cases eligible for RTC based on the criteria specified in law. Eligibility for RTC is determined by a combination of zip code in the initial rollout years of the program, household income below 200% of the federal poverty level, and whether a tenant is aged 60 or older. An ideal dataset for this type of research would report eviction cases with accompanying demographic and economic characteristics of the tenants involved in the filings. In some instances, researchers have matched eviction records to U.S. Census Bureau survey respondents, such as was done by the [Princeton University Eviction Lab](#) in conjunction with the Census Bureau. The City-Wide Task Force on Housing Court in 1990 conducted a survey of a subset of eviction cases. The survey results have been used in a prior IBO [report](#). IBO does not have access to demographic information that can be directly linked to New York City housing court cases. Instead, IBO uses several approximate strategies to estimate the number of cases potentially eligible for RTC and to illustrate how eligibility is distributed over zip codes.

IBO first had to identify two statistics to calculate of the number of RTC eligible court cases. The first statistic is the share of eviction cases where the household income is below 200% of the federal poverty level. Note that the federal poverty level scales upward tracking to household size. The second statistic is the share of cases for households above 200% of the federal poverty level that have a tenant aged 60 or older. This statistic is necessary to understand the 2023 expansion of this program—specifically, it captures how much program eligibility expanded from the addition of the age criterion.

IBO consulted several related statistics to arrive at its estimates. The first two inform the number of eviction cases for tenants at or below 200% of the federal poverty level but say nothing about tenant age. The third helps inform the number of eviction cases with a tenant at or above 60 years of age.

Estimates based on the 1990 Survey of New York City, published in 1993 by Community Training and Resource Center and City-Wide Task Force on Housing Court, Inc

Nationally, the mean household size for eviction cases in 2016 was about 2.75.⁴³ The poverty threshold in 1990 was $\$6,280 + \$2,140 \times (\text{number of additional persons in the household})$.⁴⁴ Thus for a family of size 2.75, the poverty threshold in 1990 would have been \$12,165. 200% of the poverty threshold in 1990 would thus be \$24,330, or about \$25,000. Based on the 1993 report, about 82% of households facing eviction filings in New York City had incomes below \$25,000 in 1990.⁴⁵ Based on the U.S. Census, in 2024, 17.4% of New York City residents were in poverty in 2024, while 19.3% were in poverty in 1990.⁴⁶ This suggests a decline of 9.8%. Assuming a proportionate decline in poverty among eviction filings below 200% of the federal poverty level, IBO estimates 74% of eviction filings to be below 200% of the federal poverty level.

Estimates Based on 2023 National Evictions Research

Research by Graetz et al. (2023) finds a mean household size of 2.75 for eviction cases. In 2018, the year of their data, the poverty rate for a household of 2.75 was \$24,020. Thus, 200% of the poverty rate was \$48,040, or about \$50,000. The Graetz, et al. paper estimates that in 2018, the rate of eviction among renter households with children and incomes between \$41,000 and \$60,000 was approximately 5%, while the rate among households with children and higher income was about 3%.⁴⁷ The National Historical Geographic Information System data reports that in 2018, there were about 25 million housing units nationally with household incomes below \$50,000, and 19 million units with household incomes above \$50,000.⁴⁸ Thus, these estimates yield national estimates of 1.56 million evictions below \$50,000, and 0.76 million above \$50,000. This yields an estimate of $(1.56)/(1.56+0.76) = 67\%$ of evictions are for households below 200% of the federal poverty level.

Estimates using the American Housing Survey (AHS) Tabulations for 2023 from the U.S. Census

Nationally the AHS yields these estimates: of the 46,378 renter respondents to the survey, 1,551 were estimated to be threatened with eviction. Only 811 received an eviction notice, but this sample size is too small to conduct any analysis. Among the 1,551 estimated to be threatened with eviction, 221 were aged 55 to 64, and 130 were aged 64 to 74. The survey does not include the number of respondents 75 and older, because there are too few cases and the data is suppressed. However, the rate is $130/4,410$ or 2.9% for aged 55 to 64. This rate being the same for 75+ would give 103 more cases; this is likely an overstatement. Dividing the 55 to 64 interval count in half, this yields an estimate of renter households threatened with eviction that are aged 60 or older of $((0.5)*(221) + 130 + 103) = 343.5$, or $343.5/1,551 = 22.1\%$ are threatened with eviction.

Assuming the same proportion of those receiving an eviction notice across this age range, then also about 22.1% of evictions are among the age group 60 or older. However, not all of these would be added anew by the policy expansion. To estimate that component of RTC, it is necessary to figure out how many of these eviction cases would have been less than 200% of the federal poverty level.

The national rate of less than 200% income among 60+ for renter households can be estimated nationally using Census 2000 data (the most recent data available). Based on this Census, the share below 100% of the federal poverty level for renter households with a tenant aged 60 or older was 24%. Nationally, the ratio of the (below 200%)/(below 100%) among people is 2.28. When IBO scales this up 2.28 by 24%, it derives an estimate of 54.72% of renters with age 60 or older being below 200% poverty. So that means only 45.3% of these renters would be added by the policy change. Thus, the increase would be 45.3% of the 22.1 percentage point increase, or approximately a 10 percentage-point increase.

Note that the 2024 OCJ Annual Report includes age information on the heads of households. According to legal service providers, 25% of all heads of households served by either brief

advice and full representation were over 60. However, the report does not distinguish between eligibility criteria to determine what share of this group is above 200% of the federal poverty level (FPL) and therefore part of the newly expanded group.⁴⁹

Combined Estimate Approach

IBO combines these three approaches to derive on the following estimates, presented in its report:

- 2022 and prior, IBO assumes the eligibility rate is the midpoint of the 74% estimate based on the 1990 survey and the 67% estimate based on national data, yielding an estimate of 71%.
- Starting with the age-related expansion in 2023 and after, IBO assumes an additional 10 percentage point eligibility coverage, yielding an estimate of 81% eligibility.

Limitations

As described above, this approach is based on a mix of City-specific and national historic data, and City-specific trends may differ from national trends. If the share of low-income tenants and older tenants in housing court has decreased in recent years in New York City, that would decrease IBO's eligibility estimate. In contrast, if the share of low-income tenant and older tenants in housing court has risen in the City, that would increase the eligibility estimate.

There is some evidence that the share of low-income tenants in housing court may have decreased. In March 2025 the Community Service Society (CSS) published [results](#) from a statewide survey that found that moderate-income tenants (from 200% FPL to 500% FPL) facing eviction had increased in recent years in New York City, which could mean a declining share of tenants eligible for RTC in court. According to the CSS survey, the share of moderate-income tenants in New York City that experienced an eviction attempt grew from 27% of all households (2014-2019) to 39% of all households (2021-2024). The survey sampled 4,789 residents statewide, so it is a smaller sample size than other potential research methods and may reflect eviction trends differently than housing court data. It is unclear whether this trend will continue, as the overall trend fluctuated over the course of program rollout. It is also possible that the share of low-income and older tenants may increase going forward, as the current federal administration cuts a variety of safety net programs these tenants rely on as part of their household budget.

Implications of Data Truncation for Measuring Appearance And Legal Representation Using Housing Court Data

When using the housing court data to measure whether an eviction case had tenant appearance or tenant counsel (legal representation), throughout this report, IBO aggregates over all available data on each case, and flags a case as having appearance or counsel if at *any* time.

For example, if a case is filed in 2018, and did not have appearance, but was updated once in 2021 with the information that it now had an appearance, IBO would observe both the first

available information (in fall 2020 with the data dumps described earlier) and the updated information in 2021. IBO would ultimately use the updated information to determine tenant appearance. By contrast, if the 2018 filing said that a tenant appeared, but in 2021 the data say no tenant appeared, IBO would still consider this a case with a tenant appearance. It turns out that the latter example is in practice very rare in the data. If a tenant appears at some point, almost always the tenant continues appearing, based on subsequent data updates—so the second case is not a concern in practice.

One challenge with this approach is that the definition will systematically change in the latest iterations of data. For example, because IBO’s data for this report end in December 2024, for a case filed in November 2024, the latest available information would be one month after the case was filed. This is in contrast to a case filed in December 2023, which would have a full year of possible changes for the determination of ever appearing or ever having counsel.

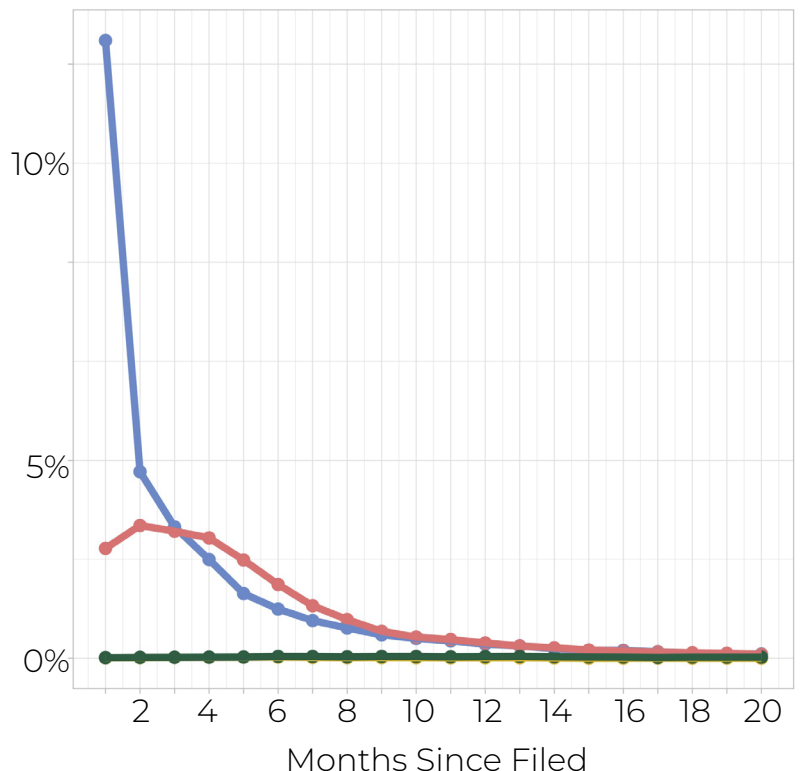
Such a scenario would be a problem in that it would lead to truncation bias at the end of the sample if information on appearance and representation changes over the timeline of a case. To examine how often this information does change over the timeline of a case, IBO uses court data for 2021 and thereafter, for which IBO has a monthly panel of updates. For each case and month, IBO calculates whether information on appearance or representation changed since the last month. IBO then plots this probability as a function of the months since the case started. This calculation provides a sense of how many months after the case started IBO would need to examine for the probability to get close to zero—roughly when to “cut off” the end of the sample in the appearance and representation analysis.

FIGURE A5

Probability of Start/Stop Appearing or Start/Stop Counsel For Cases Filed in 2021 or After

Starts Appearing Starts Counsel
Stops Appearing Stops Counsel

Share



SOURCE: IBO calculations using data from New York State Office of Court Research

NOTES: The Stops Appearing and Stops Counsel lines are both very close to zero. The x-axis starts at 1 (that is, 0 = month filed, 1 = 1 month since filed), and the share is relative to the prior month. For example, the value of Starts Appearing over 12% as of month 1 means that 12% of cases have an appearance a month after filed, but no appearance when filed; therefore, they have a change “upward” in the appearance variable within a month of filed.

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Figure A5 displays these estimates. Cases practically never stop appearing or stop having counsel—once they appear or have counsel, there are almost no updates downward on these measures. However, cases do often start with no tenant appearance and change within the first few months. By about six months, these rates of change are fairly low. Consequently, IBO argues that by stopping the analysis about six months before the end of the data, this mostly avoids truncation bias due to available information for recent cases being too early in the case to be comparable to earlier data. Because IBO studies through fiscal year 2024, ending in June 2024, and the data extracts used by IBO go through December 2025, six months after the last fiscal year studied, IBO believes that the potential for truncation bias is minimal.

IBO considered two alternative approaches: using the *earliest available* information for each court case or using the *latest available* information. The latter would not avoid the end-of-sample truncation problem described previously and is more complicated to present than the “ever appear” and “ever has counsel” approach that IBO used for this report. The earliest available information would have the advantage of avoiding the problem of truncation at the end of the sample. However, this methodology would face a beginning-of-sample truncation due to the way the housing court data was provided to IBO. This is because, for all cases filed in 2020 or prior, the earliest available information in IBO’s data is not indicative of the beginning of the case—it is all as of fall 2020, when the data were extracted. As a result, the data are not set up to allow IBO to determine the appearance and counsel status as of the earliest date available for cases filed prior to fall 2020. The beginning-of-sample truncation problem this methodology introduces was a reason for IBO preferring the methodology presented in this report.

Implications of Data Truncation for Measuring Case Length Using Housing Court Data

There are several challenges to defining the length of a case. Cases can be re-opened after they are initially closed (disposed) in the court system. Furthermore, housing court data only contains limited data information and the extracts provided to IBO record only one disposed date that is updated if a case is re-opened and closed again. IBO thus defines case length as the time between the case’s filed date and either the *first* major decision or *first* disposed date of the case.

Similarly, IBO defines a case’s first major decision as the earliest date in our data out of (1) disposed date or (2) all the available judgment filed dates. Not all cases that are disposed have judgments. (Some cases end without a judgment, usually the result of a settlement or other type of agreement.) Each judgment attached to a case has a judgment filed date, the date the judgement is entered in the system, which is different from the filed date of the case. For example, if a case has a judgment but is not disposed, that judgment filed date will be used as the date of the first major decision.

As discussed in the above section, the setup of court data IBO used (one point-in-time extract date in fall 2020 for multiple years of housing court cases) has potential limitations due to truncation at the beginning of the data. Conversely, the court data has potential limitations for truncation at the end of the dataset timeline, in that for more recent cases IBO is limited in its ability to analyze case trends for an extended period after the case was filed.

Truncation at the Beginning of the Data

To understand the potential limitations of truncation at the beginning of its dataset, IBO examined how often judgement dates and disposed dates changed after they were initially added to the case for the later records with monthly data. If these dates rarely, if ever, change, then it abates this potential concern—the first major decision date or disposed date as of the fall 2020 extract is indicative of what IBO *would have defined* as these dates if it had earlier extract dates. IBO tested this by reviewing how often judgement or disposed dates change in the data that it can see updates for over time. Out of 113,898 cases filed in 2021 or after with a judgment date at some point, less than 3% have some change in their minimum judgement date. Likewise, out of 263,377 cases filed in 2021 or after with disposed dates, less than 2% have a change in the disposed date. Given this small percentage, it does not appear that potential truncation at the beginning of IBO’s dataset creates a methodological concern.

Truncation at the End of the Data

The second potential data limitation occurs because more recent data will have more ongoing cases, and for these ongoing cases IBO has no way of knowing how long they will be. For example, for a case filed in June 2024, IBO will only have one month of information in the dataset used for this report, and thus unless the case was completed in a month, that case is still ongoing. If only 2024-filed cases that are completed are included in a calculation of case length, it would create a downward bias in the estimate.

IBO avoids this potential methodological problem completely by focusing on the following statistics only: the share of cases filed in on a given date that were completed within one year, and the share that were completed within six months. These statistics can be calculated exactly without any truncation bias up to one year prior or up to six months prior to the latest data extract, respectively.

For example, for cases filed in July 2023 our latest data extract, which is as of July 2024, is one year since the case was filed. Thus, for all cases filed in July 2023, IBO knows whether their first major decision or disposal occurred within a year of their filed date. It either did, in which case it would show up in our data by now, or it did not, and it will never be completed within a year because it has already been a year since it began and it is not yet complete.

The same logic applies to any case filed prior to July 2023—using its data, IBO can know whether that case was completed within one year or not. Similarly, for cases filed in February 2024, IBO has information as of six months post-case-filing. Therefore, IBO can know for sure whether any case filed in February 2024 or any time prior is completed within six months or not.

Mass Disposal Dates

Lastly, IBO must correct for the issue of “mass disposal” dates, when the court clears large numbers of outstanding cases at once. When cases have yearslong long periods of inactivity, the court will eventually administratively close them, adding final disposed dates to cases that were likely resolved outside of court but remain in the system. Including these cases could make case lengths appear longer than they really are for tenants and counsel. Though IBO

can be confident that the disposed date is unlikely to change, the truncation of the data pre-2020 limits IBO's ability to see if there are developments for cases over time, or if there is a long lag before a disposal date.

To address this question, IBO first identifies mass disposal dates and then looks at the characteristics that distinguish cases included in mass disposals. IBO examined the median number of cases disposed on any given day using the Interquartile Range (IQR) rule, a method used to identify potential outliers in a dataset. (The IQR takes the difference from the first and third quartiles and multiplies it by 1.5 to identify a "fence" above which all values are considered outliers.) This identified six dates as outliers. IBO confirmed one of these dates with the Office of Court Administration, which matches the criteria for the other dates. Next, IBO looked at appearances for these dates and found that 94% of cases included in mass disposal dates did not have an appearance. Thus, by conditioning its case length calculation on having a court appearance, IBO can avoid cases disposed in bulk by the court. This aligns with IBO's understanding of mass disposal cases—the court does this periodically specifically to deal with cases that are left in the system but no longer have appearances or developments from any parties.

Glossary

Case Length. IBO defines the length of a case to be the time between the filed date of the case and either the case's disposed date, or the case's **first major decision**.

Department of Social Services. This is a City agency that consists of the **Human Resources Administration (HRA)** and the **Department of Homeless Services (DHS)**. DHS runs the majority of the City's shelter system, and HRA administers a variety of social services programs, including Cash Assistance, SNAP, and Medicaid, as well as civil legal services.

Disposition. This is the result of a judicial proceeding, which can be a judgment, a settlement, or a withdrawal. A case is **disposed** once there is a formal resolution.

Eviction case. A formal legal process to remove a tenant from an apartment.

First major decision. IBO defines a case's first major decision as the earliest date out of the (1) disposed date or (2) all the available judgment filing dates.

Holdover cases. These are cases where tenants face eviction for reasons other than nonpayment of rent. Reasons can include overstaying a lease, violating the terms of a lease, and tenants without a formal lease.

Housing court. A specific civil court focused on housing matters. In New York City, there is a housing court in each borough.

Informal Eviction. This refers to any time a tenant leaves during the eviction process before a marshal executes a warrant. These cases will not show up in data about executed warrants.

Judgment. The outcome of a landlord/tenant case, if not a settlement, dismissal, or discontinuance. Final judgments in non-payment cases may be a possessory judgment (determining if the tenant can remain) and/or a money judgment (determining if a tenant must pay the landlord an amount to be determined by the judge).

Office of Civil Justice. The division within the Human Resources Administration that administers the Right to Counsel program.

Office of Court Administration (OCA). This is the [administrative branch](#) of the New York State court system. It is administered by the Chief Administrative Judge.

Office of Court Research (OCR). This is a division of the New York State court system that conducts research and provides reports and data dashboards on multiple courts and topic areas. It [publishes](#) an eviction dashboard and monthly data (with some restrictions) on landlord-tenant cases.

Representation Rate. The share of cases which have legal representation, among a subset of cases in which a tenant appears in court.

Right to Counsel (RTC). This is the colloquial name for the program resulting from Local Law 136 of 2017, the Universal Access program. IBO uses this term throughout this report to distinguish the entire program from the “UA” and “Non-UA” components.

Universal Access (UA). This is the legal name of the entire Right to Counsel program. It also refers to a subset of cases in the program structure, which are “UA cases,” in contrast to “Non-UA cases.”

Non-Universal Access (Non-UA). This is the other subset of cases included in the RTC program. Non-UA cases included those outside of target zip codes and certain types of cases such as ejectment actions (when owners attempt to remove an occupant not under the lease, such as a family member), housing discrimination cases where loss of housing is at issue, and restoration/maintenance of essential services (that may cause tenants to vacate housing), regardless of zip code.

Warrant. A document issued by the court to a sheriff or marshal to remove tenants from an apartment. The court issues warrants as the result of a judgment about possession of the premises. Not all warrants that are issued are executed: warrants can be stayed, tenants may leave before the warrant is executed, or failure of the owner to pay the marshal fee.

Endnotes

- 1 IBO conducted interviews with New York City Legal Services, New York Legal Assistance Group, and the Legal Aid Society to contextualize historic information, contract details, the city contracting system PASSPort, and housing court data. These interviews did not constitute a separate qualitative study.
- 2 IBO numbers in this report may differ from reports published by the Office of Civil Justice in the Human Resources Administration (HRA). IBO calculated its numbers from underlying data provided by HRA rather than citing reports, and sometimes looks at different subsets of the program than HRA reports. In 2017-2019, the 10% rate includes only Universal Access cases in covered zip codes.
- 3 National Coalition for a Civil Right to Counsel. [Right to Counsel Status Map](#). Retrieved March 5, 2025. The States of Washington, Connecticut, and Maryland all have an unqualified right to counsel while Delaware has a qualified right. Local governments with Right to Counsel laws include San Francisco, Los Angeles, and Santa Monica, CA; Kansas City and St. Louis, MO; New Orleans, LA; Denver and Boulder, CO; Minneapolis, MN; Detroit, MI; Cleveland and Toledo, OH; Louisville, KY; Philadelphia, PA; Rochester and Westchester County, NY; Newark and Jersey City, NJ.
- 4 IBO uses warrants issued rather than warrants executed, as recommended by the Office of Court Research. Warrants executed will always undercount the number of households impacted by eviction, as most households choose to leave after a warrant issued but before marshals arrive. Warrants issued also underestimates the total number of households that leave after a rent demand notice or court filing but before the resolution of a court case (called an 'informal eviction'), but court data is not able to capture those who leave earlier in the process. Warrants issued thus best represents the number of households in court that experience eviction.
- 5 Mironova, Oksana (2020, June 22). [Race and Evictions in New York City](#). Community Service Society; Hepburn, P. et al (2020). [Racial and Gender Disparities among Evicted Americans](#). Sociological Science.
- 6 For research New York City's RTC program, see: Cassidy, M. & Currie, J (2023). The effects of legal representation on tenant outcomes in housing court: Evidence from New York City's Universal Access program. *Journal of Public Economics* 222; Ellen, I.G., et al. (2020). Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City. *Housing Policy Debate* 31(3-5); Brenner, R. et al (2023). [Half the Battle is Just Showing Up: Non-Answers and Default Judgements in Non-Payment Eviction Cases Across New York State, 2016-2022](#). NYU Furman Center; Seron, C. et al (2001). [The Impact of Legal Counsel on Outcomes for Poor Tenants in New York City Housing Court: Results of a Randomized Experiment](#). *Law and Society Review*; Greiner, D.J. et al. (2013). [The Limits of Unbundled Legal Assistance: A Randomized Study in Massachusetts District Court and Prospects for the Future](#). Harvard Law Review.
- 7 Office of Civil Justice (Winter 2023.) [Universal Access to Legal Services: A report on year six of implementation in New York City](#). New York City Human Resources Administration.
- 8 New York City Office of the Comptroller Brad Lander. (2023, June 6.) [Letter to the Office of Civil Justice on Halting Eviction Counsel](#); Whitford, E. (2023, Aug 11). ["Woefully Insufficient": Future Right-to-Counsel Terms Met with Protest](#). *City Limits*; New York City Council Hearing. (2023, March 27). [Written testimony](#) from the New York Bar Association.
- 9 In this report, IBO conducted an independent analysis of monthly extracts of eviction cases in housing court using case-level administrative data received directly from the New York State Office of Court Research. This data is different than that used in the Office of the City Comptroller's [May 2025 report](#), which used summary Office of Court Administration data aggregated by the Right to Counsel NYC Coalition, a legal services advocacy group.
- 10 Holdover proceedings cover a variety of different scenarios, including staying beyond the end of a lease, alleged lease violations, nuisance behavior, or alleged illegal activity.
- 11 For more detail on the New York State process in housing court for nonpayment and holdover proceedings, see: New York City Housing Court. [Nonpayment Proceedings](#).
- 12 Collinson, R. et al. (2023). [Eviction and Poverty in American Cities](#). *The Quarterly Journal of Economics* (2024), 57-120.
- 13 Refer to studies in note 5. Also see Vasquez, Jade, et al. (2 May 2025). [Evictions Up, Representation Down: How New York City is Undermining the Right to Counsel](#). New York City Office of the Comptroller.
- 14 Ellen, I.G., et al. (2020). [Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City](#). *Housing Policy Debate* 31(3-5).
- 15 For more on answer rates, see: Brenner, R. et al (2023). [Half the Battle is Just Showing Up: Non-Answers and Default Judgements in Non-Payment Eviction Cases Across New York State, 2016-2022](#). NYU Furman Center. [Half the Battle is Just Showing Up](#). The data includes all city courts in New York State, as well as county courts in Nassau and Suffolk counties.
- 16 New York City Office of the Mayor (2017). [Turning the Tide on Homelessness in New York City](#). The City of New York. [turning-the-tide-on-homelessness.pdf](#).
- 17 Smaller predecessor programs include the Housing Help Program, which was like RTC but served only 2,400 households in 2017 through a sole provider, and the Anti-Harassment and Tenant Protection program, an affirmative program for households already involved in housing court that served approximately 13,000 households in seven neighborhoods in 2017. See: Office of Civil Justice (June 2016). NYC Office of Civil Justice [2016 Annual Report](#). New York City Human Resources Administration.
- 18 Not all "right to counsel" programs follow this model. In some areas, RTC programs begin as soon as the tenants receive a notice (including San Francisco, Jersey City, and New Orleans) or a case is filed in court (including Seattle, Philadelphia, and Baltimore). For

- more, see Benfer, et al. A Descriptive Analysis of Tenant Right to Counsel Law and Praxis 2017 – 2024. Housing Policy Debate. [Full article: A Descriptive Analysis of Tenant Right to Counsel Law and Praxis 2017–2024.](#)
- 19 The City refers to the entire program created under the Universal Access Law as “Universal Access,” but that includes a category of cases called “non-Universal Access cases.” IBO’s report refers to only “Universal Access” cases when it describes RTC. See the Appendix for more detail on this distinction.
 - 20 NYU Furman Center (2018). [Implementing New York City’s Universal Access to Counsel Program: Lessons for Other Jurisdictions.](#) NYU Furman Center.
 - 21 Office of Civil Justice (Fall 2020.) Universal Access to Legal Services: A report on year three of implementation in New York City. New York City Human Resources Administration. [OCJ UA Annual Report 2020.pdf.](#)
 - Office of Civil Justice (Fall 2021.) Universal Access to Legal Services: A report on year four of implementation in New York City. New York City Human Resources Administration. [2021 Universal Access Cover only 8.5x11.](#)
 - 22 ERAP used the U.S. Department of Housing and Urban Development’s Area Median Income (AMI) calculation to establish income eligibility. Households with incomes up to 80% of AMI and 120% of AMI were variously eligible for the program—higher income thresholds than RTC’s 200% of the federal poverty line.
 - 23 Brand, D. (2023, Jul 11). NYC denying emergency rent loans with a flurry, even as evictions rise. *Gothamist*. [NYC denying emergency rent loans with a flurry, even as evictions rise - Gothamist](#)
 - 24 IBO received data from the Office of Court Research and confirmed the number of filings against the state dashboards on the OCR website. IBO was within 1% of the total number of filings each calendar year except 2024, where IBO was within 1.3% of the OCR dashboard total. IBO is missing one month of data, January 2024, which explains the greater difference. This means IBO is missing filings that show up in January 2024 only, but do not show up in later months. These types of filings tend to have fewer tenant appearances but may result in a slight undercount of the filings with tenant appearance in Figure 3.
 - 25 For further details on HSTPA, see: Lebovits, et al. (2020, Oct 13.) [New York’s Housing Stability and Tenant Protection Act of 2019: What Lawyers Must Know.](#) Journal of Affordable Housing & Community Development Law 29.
 - 26 Universal Access to Justice Caseload Working Group. (2023, Aug 31). Report and Recommendations. New York State Office of Court Administration. [UA-Caseload-Working-Group-Report-and-Recommendations_08312023.pdf](#)
 - 27 Carter, C. et al (2023, January 20). [Legal Services Labor Unions Demand Action on Right to Counsel.](#)
 - 28 New York City Office of the Comptroller Brad Lander (2023, June 6). [Letter to the Office of Civil Justice on Halting Eviction Cases To Protect Tenants’ Right to Counsel.](#) Office of the Comptroller.
 - 29 Attorneys can terminate representation but must be for good cause and cannot have a “material adverse effect on the interests of the client.” American Bar Association. Model Rules of Conduct, Rule 1.16. Declining or Terminating Representation. [Rule 1.16: Declining or Terminating Representation](#)
 - 30 New York City Office of Civil Justice (2023). Universal Access to Legal Services: A Report of Year Six of Implementation. Office of Civil Justice.
 - 31 To count as a UA case, tenants needed to be in participating zip codes, meet the income eligibility, and have specific types of cases such as holdover, nonpayment, or termination of tenancy at a New York City Housing Authority property. Non-UA cases included those outside of target zip codes and certain types of cases such as ejectment actions (when owners attempt to remove an occupant not under the lease, such as a family member), housing discrimination cases where loss of housing it at issue, and restoration/maintenance of essential services (that may cause tenants to vacate housing), regardless of zip code.
 - 32 From 2017 through 2019, an average of 95% of brief assistance services were within target zip codes. In 2017 and 2018, there were very few cases that received advice-only services, but in 2019, 97% of services were outside target zip codes.
 - 33 OCJ Scope Template for FY19 and FY24, provided to IBO by the Office of Civil Justice.
 - 34 New York City Council Hearing. (2023, March 27). Committee on General Welfare. [The New York City Council - File #: T2023-3021](#)
 - 35 Universal Access to Justice Caseload Working Group. (2023, Aug 31). Report and Recommendations. New York State Office of Court Administration. [UA-Caseload-Working-Group-Report-and-Recommendations_08312023.pdf](#)
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Prepared by:

Claire Salant

Sarah Internicola

Richard DiSalvo*

Supervised by:

Jacob Berman and Sarah Parker

Produced by:

Tara V. Swanson

Other Contributors:

Eric Mosher and Alec Goodwin*

**Former IBO employee*



info@ibo.nyc.gov



www.ibo.nyc.gov



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