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# What is Right to Counsel?

New York City's Right to Counsel (RTC) program was created in 2017 to provide **free legal representation to low-income tenants facing eviction** in housing court. Tenants qualify if their household income is at or below 200% of the federal poverty level, \$51,640 for a family of three in 2024, or if the household has a member 60 years of age or older. The goals of RTC are to:

- Prevent evictions, which often lead to homelessness and can result in long-term costs to the City in the form of shelter use and other human services
- Address the large resource gap between landlords and tenants. In 2013, **95% of landlords while just 1% of tenants** had a lawyer in housing court

Initially planned as a five-year phased rollout in high-eviction zip codes, RTC was expanded to all eligible tenants citywide in March of 2020, over two years ahead of schedule. This coincided with changes in State housing court rules passed in 2019, the onset of the COVID-19 pandemic, and a statewide eviction moratorium. All these factors put additional pressure on the RTC program as it rapidly expanded the number of tenants eligible for legal representation. The impacts of these changes were not clear until courts began to return to normal. Although RTC showed demonstrated success in its early years, challenges related to funding, case length, and contracts have led to a growing gap between the program's intentions and the reality of current services.

*Note: Years referenced in this summary refer to NYC fiscal years, which run from July 1<sup>st</sup> to June 30<sup>th</sup>.*

## Why is IBO looking at RTC?

The City's RTC program, established in August 2017 under [Local Law 136](#), was the **first of its kind and a model for other jurisdictions** across the country. The program was successful in its early years, with increased tenant representation and better outcomes in court. However, **rising caseloads, shifting housing court dynamics, lagging funding, and changes to program structure and contracts** have since limited the RTC program's ability to meet its goals.

IBO is analyzing RTC because understanding its implementation since citywide expansion, and identifying current service trends, is essential to any effort to improve the program.

To understand the challenges facing this landmark program, IBO reviewed:

- Trends in housing court case data
- City funding levels for RTC over time
- Human Resources Administration (HRA) contracts with legal service providers

## What Did IBO Find?

Universal access to legal representation for low-income tenants **is not being met**. Key takeaways from IBO's analysis include:

### Changes After the Passage of RTC

Multiple changes took place during the period around the pandemic that affected both the eviction process and the RTC program. First, **eviction cases are taking much longer to resolve** due to both slower court operations post-pandemic and changes from the 2019 Housing Stability and Tenant Protection Act (HSTPA). HSTPA created stronger tenant protections and added new steps to the eviction process, like longer notice periods and more time for tenants to respond to filings. While the law aimed to give tenants more time to pay rent or avoid eviction, it also made cases more complex. In reporting case length, IBO looks at how long it takes from case filing for a case to be closed or to reach the first major decision in the case (such as a judgment to pay unpaid rent).

**Before the pandemic, from 2017 through 2019:**

- **97% of cases** had a first major decision within one year, and **93%** within six months. In other words, most cases were resolved within a year, and a large share of those were resolved much faster

**From 2023 through 2024:**

- Only **87% of cases** had a first major decision within a year, and **54%** within six months. Fewer cases are resolved within a year, and many more cases are taking longer than they used to

Second, though fewer eviction cases are now being filed in court, **many more households in court are eligible for the program** than in the years before the pandemic. The program went citywide ahead of schedule in March 2020 due to the pandemic and then expanded again to cover all adults over 60 in August 2023. **IBO estimates that the number of eligible cases grew 222% from 2019 through 2024.**

### Mismatch Between Program Needs and Contracts

#### Longer Cases Are Not Covered

In the earlier years of the Right to Counsel program, HRA allowed legal service providers to "roll over" 10% of cases that took longer than a year to resolve into the next contract year. This meant providers could still count cases the small share of cases that were unusually long toward their contract goals after a year. This is particularly significant given that attorneys are bound by ethics rules to continue working on a case until its end, regardless of payment.

However, in fiscal year 2023, HRA changed course and informed providers that rollovers would no longer be permitted. This policy shift came at a time when eviction cases were taking notably longer to resolve due to pandemic-related backlogs and ongoing court

delays. As a result, attorneys may now be required to continue working on extended cases without appropriate compensation, placing additional strain on already overburdened legal service providers.

In 2025, HRA introduced a new **performance-based funding model**. Now, 10% of funding depends on providers meeting staffing and intake targets, like fully staffing housing court rotations and accepting a set number of new cases. The City introduced the model as an accountability measure, but providers criticized it as unrealistic, especially when providers face persistent staffing shortages. In response, the City reissued the contract descriptions with updated caseload standards but kept the 10% performance-based payment structure.

### RTC Spending is Not Keeping Up With Demand

Even though the number of RTC-eligible tenants more than tripled from 2019 to 2024, **City funding hasn't kept pace**.

#### Post-pandemic from 2022 through 2024:

- RTC-eligible cases jumped by **110%**
- Spending increased by **just 33%**

### Representation Rates Falling

Due to capacity issues related to funding and hiring challenges, RTC has also shifted away from full legal representation towards less intensive services, with a larger share of tenants now receiving only “brief assistance,” one-time consults. Brief assistance conversations do not constitute legal representation in court, so tenants who receive this service and go to court will be self-represented.

#### Before the pandemic, from 2017 through 2019:

- **90%** of tenants served by RTC for Universal Access cases received full legal representation, while 10% received brief assistance

#### From 2023 through 2024:

- **Over half** of all tenants served by RTC **only** received brief assistance
- In Queens, 46% of cases served by the RTC program got full representation in court compared with just 31% of cases in the Bronx

These changes have stretched provider capacity, but **City policies and funding have not been updated to reflect the new reality of longer case lengths and more eligible cases**.

For a more detailed view of the development and expansion of Right to Counsel, including major city and state milestones, please refer to IBO's RTC timeline on the next page.

# Right to Counsel Timeline

- **Expanded Legal Services (ELS)** pilot is launched in **10 zip codes**.



**AUGUST 2017:** New York City passes **Local Law 136**, the first municipality in the country to pass a **Right-to-Counsel law (RTC)**. The Law structured RTC to roll out over five years to provide legal counsel for all eligible eviction cases by July 31, 2022.

- **RTC** begins with the 10 ELS zip codes and 5 additional nearby zip codes for a total of **15 zip codes**.
- Providers are allowed to “roll over” **10% of cases** from 2017.

**90%** of program participants with UA cases receive representation in court (as opposed to just a 1-time consultation)

- **5 more zip codes** are added to RTC program for a total of 20.
- Percentage of permitted “roll over” cases **increases to 15%** from 10%.



**JUNE 2019:** NY State passes the **Housing Stability and Tenant Protection Act (HSTPA)**, introducing substantial new tenant protections that impacted housing courts statewide. These new rules caused many eviction cases to take longer.

- **5 more zip codes** are added to RTC program for a total of 25
- **MARCH 2020: RTC expands citywide**, more than two years ahead of schedule within the midst of the pandemic.

Only **3%** of eviction cases due to non-payment/holdover take over 1 year to reach a major decision



**COVID-19 Pandemic** prompts the beginning of the eviction moratorium. In June 2020 the **moratorium is extended till January 2022**



**JUNE 2021:** NY State introduced the **Emergency Rental Assistance Program (ERAP)** to provide financial assistance to low- and moderate-income renters of payments for up to twelve months of rental arrears.

- **Eviction moratorium ends**
- **Emergency Rental Assistance Program stops** taking applications
- **FEBRUARY 2023:** HRA launches the Brooklyn Administrative Pilot, which gives tenants in Brooklyn 45-day pause to work with HRA staff on site to apply for one-shot deals and other social services that may help with back rent and/or prevent eviction.
- **MARCH 2023:** City-contracted RTC service providers and the NYC Bar Association **testified at City Council that the program was “faltering”**, citing how contract payments only funded 60-70% of the cost of the work required. They called for both higher per-unit funding and more service units to meet court demand.
- **JUNE 2023:** HRA stated it **would no longer allow providers to roll over any cases from the previous year**.

13% of eviction cases due to non-payment/holdover took over 1 year to reach a major decision.

- **AUGUST 2023:** The City further expands the RTC program via **Local Law 20** to cover any cases with tenants 60 years of age or older, regardless of income.
- New York State Caseload Working Group reports that cases required **more time and engagement** compared to the pre-pandemic period.
- Just **34%** of eligible tenants are represented in the first zip codes targeted by the program, dropping dramatically from **54%** in 2020.
- **Additional State funding is announced** to cover rental arrears for tenants in public housing, who initially could not access ERAP.

48% of program participants receive representation in court (falling from 90% in early years)

- **The City splits brief advice and full legal representation into separate contracts** and removed brief advice from courthouses. Brief advice services were redirected to the Housing Justice Helpline, which launched in July 2021.
- Providers protest the inclusion of a **10% performance component** in contracts that begin this year, meaning that providers only receive full funding if they meet the specific performance metrics. The City makes some changes but keeps the performance component.

