RESOLUTION ON RIGHT TO COUNSEL IN HOUSING COURT

This Resolution was approved by the Board of Directors of the New York County Lawyers' Association at its meeting on March 14, 2005.

WHEREAS, on October 29, 2004, the Justice Center of the New York County Lawyers’ Association sponsored a working conference, “The New York City Housing Court in the 21st Century: Can It Better Address the Problems Before It”; and

WHEREAS, the consensus of participants at the conference was that a right to counsel should be established for tenants in Housing Court, as evidenced by reports from each of the conference working groups that addressed a range of important issues in the Housing Court; and

WHEREAS, the New York City Family Homelessness Special Master Panel has concluded that New York City, to avoid evictions and homelessness, should provide legal representation to tenants in Housing Court who are unable to afford counsel1; and

WHEREAS, the vast majority of tenants facing eviction are unable to obtain legal representation, while the vast majority of landlords in such cases are represented2; and

WHEREAS, studies have shown that tenants are more successful in opposing eviction when they are represented by lawyers; and

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1 In November, 2003, the New York City Family Homelessness Special Master Panel concluded that “[l]egal services can prevent eviction at every stage in the eviction process.” New York City Family Homelessness Special Master Panel, Family Homelessness Prevention Report (Nov. 2003), at 11.

2 A 1993 study found that “at most 11.9 percent of tenants appearing in Housing Court had a lawyer, while 97.6 percent of landlords had one.” Community Training and Resource Center and City-Wide Task Force on Housing Court, Housing Court, Eviction and Homelessness: The Costs and Benefits of Establishing a Right to Counsel, June 1993, at iv).
WHEREAS, unnecessary evictions affect the health and well-being of families and individuals, and impose enormous costs on the government; and

WHEREAS, providing counsel to tenants in Housing Court would protect individuals and families from unjust evictions, facilitate the mission of the Court, strengthen the rule of law, and avoid unnecessary displacement that has the effect of destabilizing neighborhoods; and

WHEREAS, the anticipated costs of providing for a right to counsel, while significant, may well be outweighed by the projected savings;

NOW THEREFORE, BE IT RESOLVED THAT, the New York County Lawyers’ Association hereby endorses, as a matter of principle, a right to the appointment of free counsel for all tenants in Housing Court unable to afford counsel, and supports initiatives to establish a right to the appointment of free counsel for such tenants in Housing Court, including initiatives that recognize the right for particularly vulnerable sub-populations of tenants such as the elderly.

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3 The Special Master Panel and Mayor Bloomberg have described the high financial costs that homelessness imposes on the city, and also the damage that homelessness does to the health of individuals, families and communities. New York City Family Homelessness Special Master Panel, Family Homelessness Prevention Report (Nov. 2003), at13; Mayor Michael R. Bloomberg, Homeless Policy Address: Ending Chronic Homelessness in New York City (June 23, 2004).