



THE CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BRAD LANDER

June 6, 2023

Civil Justice Coordinator Raniece Medley  
Office of Civil Justice  
NYC Department of Social Services  
150 Greenwich Street – 31st Floor  
New York, NY 10007

Dear Civil Justice Coordinator Medley,

Thank you very much for the Office of Civil Justice (OCJ)'s thorough response to the letters and requests for information sent by my office this past fall and earlier this year.

As you are well aware, since our last correspondence the eviction crisis has continued to grow – there were 103,407 active eviction cases statewide when we sent our first request to your office on October 31<sup>st</sup>. Unfortunately, that number has increased to 164,285 as of the end of the first week of May, representing a nearly 60% increase in the total number of active evictions cases in just seven months. The number of unrepresented tenants in housing court within the five boroughs has also increased. As of mid-February, the last date for which data is available, nearly 73% of tenants facing eviction did not have legal representation – a 12% increase since last fall and a shocking reversal in the rate of representation from early 2022, when close to 70% of tenant facing eviction *were* actively represented by an attorney. This translates into nearly 25,000 New Yorkers that are likely entitled to counsel but appearing in court without an attorney, a clear violation of right to counsel protections that must be addressed immediately.

The City must do everything possible to keep New Yorkers in their homes and this includes ensuring that Right to Counsel laws are fully followed and implemented. Legal representation in housing court has proven to be an incredibly effective intervention to prevent homelessness. As your office showed in your 2022 report on the five-year implementation of universal access to legal services, evictions executed by marshals have declined 41% since the City began investment in such programs and 84% of represented residents were able to stay in their homes.

To address this crisis, my office continues to call on OCJ to join us in advocating that the New York State Office of Court Administration (OCA) slow down the calendaring of cases to a pace that enables OCJ to ensure compliance with its legal obligations. There is no reason why the court's clearing of its docket should take precedence over effectuating a tenant's right to legal representation. **While the timeframes for a first court date are regulated by statute, OCJ should, as part of its participation in the Housing Court Working Group, work with OCA to secure an Administrative Order to adjourn cases after that first date until the tenant has access to counsel.** Indeed, as recently as last week, OCA acknowledged that the court system allows for adjourning new cases “for an evaluation of a tenant's eligibility for representation.” An administrative order is necessary as it requires system-wide solutions that all Judges must follow rather than allowing for judicial discretion in granting adjournments. The discretionary granting of

adjournments has made the court complicit in violations of NYC Admin. Code § 26-1302, while blaming the problem on legal service provider capacity.

It is my office's understanding that OCJ has begun contracting with private attorneys – seemingly to address provider capacity concerns, a practice that is contrary to the legislative intent of Local Law 136 of 2017, which states that the City should contract with not-for-profit organizations. To that end, please provide the following:

- The responses to the Request for Expression of Interest (RFEI) that OCJ released in regard to its obligations under Local Law 136;
- Any solicitations issued or plans prepared in regard to OCJ's obligations under Local Law 20 of 2023 to expand full legal representation under Admin. Code § 26-1302 to any person who is 60 years of age or older;
- A complete list of all providers, including, but not limited to, individual practitioners, legal services organizations, or law firms with whom OCJ has a Right to Counsel contract, including but not limited to any individual practitioner subcontractors; and
- The scopes of work relating to the contracted Universal Access services that individual practitioners may be providing or intending to provide.

We'd also like to further inquire about Local Law 53 and OCJ's available budget to provide the funding necessary for a robust tenant outreach and education program led by NYC tenant organizing groups. Right to Counsel's success hinges on trusted community-based organizations (CBOs) leading outreach and education efforts to tenants at their homes, prior to any eviction cases being filed. In January, OCJ's response to my office said that DSS had allocated \$3.57 million for LL53 for FY24 and would be releasing an RFP soon. However, to my office's knowledge, no Request for Proposal has been released. When will OCJ release this RFP, and what is the reason for any revised timeline? Please further inform my office of any modification to OCJ's earlier funding projections, and the reasons for the revised figures.

Finally, OCJ stated that the five-year strategic plan pursuant to Local Law 61 would be released at the end of January. Please provide an updated timeline for the release of the plan.

Given the rise of evictions in New York City and the high demand for legal support amongst our most vulnerable residents, it is crucial that our office receive this information in a timely manner.

Thank you.

Sincerely,



Brad Lander  
New York City Comptroller