

BRENNAN CENTER STRATEGIC FUND

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“Right to Counsel” Bill for Low-Income Seniors:

First of Its Kind Law Could Serve as Model for Other Cities

Today, New York City Councilmember Rosie Mendez introduced a new law that will give low-income senior citizens the right to have an attorney represent them in fighting eviction from their apartments or foreclosure of their homes .

The legislation – the first of its kind in the country – makes people age 62 and over eligible to have lawyers provided for them at no cost if they meet income guidelines set by the New York Senior Citizen Rent Increase Exemption (SCRIE) program. There are about 10,000 seniors in the five boroughs who would be eligible for free representation to fight evictions, and many others who would be eligible to fight foreclosures.

“It is unconscionable that poor seniors could be forced out of their homes and onto the street solely because they could not afford a lawyer,” says Laura Abel, Deputy Director at the Brennan Center Strategic Fund. “No one would want their grandmother in that situation. We believe that providing legal representation will move us closer to the goal of ensuring that no one is forced out of her home except in accordance with the law.”

Many people are surprised to find that there is currently no right to counsel in most civil proceedings, including eviction and foreclosure cases. In New York City Housing Court, about 98% of landlords have lawyers while only 10% of tenants do. The few tenants with lawyers are far more successful at fighting eviction than those without.

Says Laura Abel: “This bill could become a model for civil right to counsel bills across the country. Eviction and foreclosure proceedings are confusing, even to those with legal experience. We can’t expect seniors to represent themselves when the stakes are so high.”

The “Right to Counsel for Low-Income Seniors Facing Eviction and Foreclosure” bill is expected to save the city money overall. When seniors are forced out of their homes, the city often pays the cost—of homeless shelters, nursing homes, or adult care facilities. Foreclosures impose additional costs, as government loses tax revenues and incurs increased policing costs. According to the Brennan Center for Justice, lawyers will *save* the city approximately \$61,740 for every senior household that is saved from becoming homeless. For each foreclosure they prevent, they will save the city as much as \$20,000.

The bill is supported by a broad coalition of more than 80 different tenant advocacy groups, community groups, and legal services organizations.