

# Westchester Right To Counsel Coalition

Preventing Unrepresented Evictions of  
Low-Income Westchester Households

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## Pre-Pandemic Evictions in Westchester

- Over **10,000** annual eviction proceedings in Westchester
- They are unequal contests: **93%** of landlords have lawyers, but only **7%** of tenants do
- Cases are rushed – Yonkers hears up to 100 cases in 2 hours
- Tenants without lawyers rarely win their cases
- Most tenants without lawyers lose their cases – and their homes – in just 2-3 minutes in a devastating blur
- The lobby is packed with baby strollers of the families packed inside waiting to lose their homes

Source: Legal Services of the Hudson Valley

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## Evictions Are The 1<sup>st</sup> Step Toward Homelessness

- Over **10,000** annual eviction proceedings in Westchester
- In FY2019, **4,960** people entered Westchester's shelter system
- Of those, **2,911** people were new to our shelter system
- Most evicted people don't immediately enter shelters.
- Terrified of being homeless, most people first drain their savings and exhaust their family and social networks. They double-up in overcrowded housing. They "couch-surf" for weeks or days at a time.
- Eventually many wind up in shelters.

Source: "FY2019 System Performance Measurement Module: Summary Report for NY-604: Yonkers/Mount Vernon/Westchester County CoC", Westchester County Continuum of Care Partnership to End Homelessness (WCCoC)

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## Long-Term Impacts of Losing Your Home

- Evictions make it harder to rent future apartments
- Becoming homeless often leads to the loss of belongings (e.g. lost during illegal lockouts, stolen when put outside by marshalls during evictions, destroyed by fire, abandoned when fleeing domestic violence, or lost when the homeless person can't afford continued storage room fees)
- Homelessness helps lock in long-term poverty
- Losing your home causes psychological trauma
- Homelessness creates feelings of hopelessness and terror that span generations – especially for kids who lose the security of believing that their parents will be able to provide them a home

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## Homeless Disparities Are Core Racial Equity Issues

- African-Americans make up **14%** of Westchester’s population and **25%** of our people in poverty but **68%** of our homeless people and **75%** of our homeless families with children
- These disparities show that race – not poverty – is the major risk factor for homelessness in Westchester
- White non-Hispanics’ average length of time homeless in Westchester is **84** days. For African-Americans it is **158** days: **88%** longer.
- African-Americans are **7.5** times as likely as White non-Hispanics to return to homelessness within 6 months of leaving the shelter

Source: “An Examination of Racial Equity Within Westchester’s Continuum of Care: FY2019”, WCCoC

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## What Causes Racial Disparities In Homelessness?

- Racial discrimination in housing, both direct and indirect (e.g. source of income discrimination, zoning barriers to multi-family or workforce housing)
- Racial disparities in education, income, individual & family wealth
- Racial disparities in “social capital”, e.g. how many people in your social network could lend you \$1,000 or offer you a spare bedroom

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## The Pandemic Has Created An Eviction Crisis

- The Pandemic brought 3 major changes:
- Eviction Moratoria: NYS, the CDC and HUD created moratoria that temporarily prevent many evictions from proceeding, but DON'T prevent rent arrears from accumulating
- Dramatically Increased Need: Business furloughs and closures are forcing thousands of Westchester renters to fall behind on their rents
- Increased Legal Complexity: Each moratorium comes with its own set of rules, requirements, procedures and exceptions. These rules keep changing every few weeks or months.

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## Experts Predict a Nationwide “Tsunami of Evictions”

- Eviction Moratoria: The moratoria have already created nearly 8 months of pent-up eviction cases. At 10,000/year, this would be over **6,000** cases in Westchester alone.
- Dramatically Increased Need: No one knows for sure how many additional renters have fallen behind on their rent due to COVID. A national study in July estimated that **46%** of renters in NYS were facing rent shortfalls and potential eviction.<sup>1</sup>
- Before the pandemic (Census 2013-2017), Westchester had **133,154** renter households, including **31,622** (23.7%) who spent 30-50% of their income on rent and **37,579** (28.2%) who spend over 50%.<sup>2</sup>

<sup>1</sup> Source: <https://www.forbes.com/sites/niallmccarthy/2020/07/28/report-more-than-40-of-us-renter-households-are-at-risk-of-eviction-infographic/#3afcd0ff164e>

<sup>2</sup> Source: “Cost-Burdened Renter Households, Westchester County, 2013-2017”, Westchester County Planning Department using U.S. Census American Community Survey data, 2013-2017.

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## The Nationwide Right To Counsel Movement

- America has a nationwide right to counsel in criminal cases. No such nationwide right exists for low-income people facing eviction.
- New York City was at the forefront of a national movement to provide a right to counsel for low-income people facing evictions. Its program has been phasing in for several years and has dramatically reduced evictions, reducing evictions in RTC zip codes by 29% in two years.
- Similar programs are being adopted around the country including Newark, Cleveland, Minneapolis, Santa Monica, San Francisco and Rochester.

Source: "Right to Counsel and Stronger Rent Laws Helped Reduce Evictions in 2019", by Oksana Mironova, Community Service Society, February 24, 2020.

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## But Why Provide Lawyers? Isn't Money The Only Issue?

### **NO!**

1. Attorneys help ensure that the rent arrears claimed are accurate and don't include illegal add-ons or penalties.
2. Attorneys help ensure that issues of habitability and lack of basic services are addressed so that government doesn't fund slums.
3. Attorneys help ensure that tenants know their rights and raise all appropriate defenses, e.g. protections due to COVID-related loss of income.
4. Attorneys buy time so government and private agencies can investigate each renter's situation, develop a longer-term sustainability plan, and assemble the total rent arrears needed, often from multiple sources.

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## Westchester County Has 3 Choices For Addressing The Coming “Eviction Tsunami”

1. Do Nothing: Close our eyes and wait until hundreds or thousands of people need expensive homeless shelter that we don’t have
2. Fling Money Blindfolded: Hand out stacks of \$20,000 checks for rent arrears **without** providing lawyers to check the accuracy of the claims, assess the habitability of the housing, raise all available legal defenses, and buy time for public and private caseworkers to assess each tenant’s financial situation, develop a longer-term housing stabilization plan, and assemble the rent arrears, often from multiple sources
3. Create a Comprehensive Approach: Prevent evictions by combining rent arrears with legal assistance and budget counseling, as the cities of Yonkers, Mount Vernon and New Rochelle did after the 2008 recession with their HUD-funded Homelessness Prevention and Rapid Rehousing (HPRP) programs.

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## The Westchester Right 2 Counsel Coalition

Westchester’s R2C Coalition is asking county residents to email their local county legislator and urge them to:

1. Expand emergency access to legal services as part of their immediate response to the current eviction crisis
2. Fund a cost-benefit study proposed by national consultants Stout Risius Ross to evaluate the long-term cost-effectiveness of implementing the right to counsel countywide for approximately \$55,000. (Each family that enters emergency housing here costs \$39,000 per year).

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## Rationale for Westchester R2C Coalition's Plan

1. The "Eviction Tsunami" is already building and is expected to hit hard in January. We don't have time to plan and implement a full Right To Counsel by January but we also can't afford to do nothing. We need to immediately expand emergency access to legal services as part of a more comprehensive response to the current eviction crisis.
2. Ultimately we need to understand the true costs and benefits of implementing a Right To Counsel in Westchester. That is a complex question that involves projecting the impact of multiple costs (e.g. emergency housing, long-distance school busing, increased hospitalizations and emergency services). Westchester County has a proposal from national consultants Stout Risius Ross to evaluate the long-term cost-effectiveness of implementing the right to counsel countywide. The study would cost \$55,000 and be completed in 6 months. This would give us a solid basis for developing a sustainable Right To Counsel plan for 2022.

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## Please Take Two Minutes To Change The World

Westchester's R2C Coalition is asking county residents to:

1. **Find your county legislator:**  
<https://giswww.westchestergov.com/ElectedOfficials/index.html>

2. **Email your county legislator:** Here's sample text:

Dear County Legislator \_\_\_\_\_: I am one of your constituents and live in \_\_\_\_\_. I urge you to support the Westchester Right 2 Counsel Coalition's recommendations to: 1) immediately expand access to legal services for low-income households facing evictions and 2) fund the cost-benefit study proposed by Stout Risius Ross to determine the long-term feasibility of implementing a Right To Counsel in Westchester.

3. **Send a cc of the email to County Executive George Latimer** at [CE@westchestergov.com](mailto:CE@westchestergov.com).

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## One Last Request

Thank you for paying attention. Now can you can encourage others to act?

1. Forward this presentation to your friends and family in Westchester
2. If you are part of a local faith community, ask your clergy and lay leadership to support this effort. The Westchester R2C Coalition has created a Faith Communities Committee to encourage faith communities to collectively make the moral case for addressing this issue as a matter of basic human rights and racial equity. The Committee's co-chairs are Jill Bradshaw- Soto and Melinda Bellus. Both can be reached at: [rtcwestchester@gmail.com](mailto:rtcwestchester@gmail.com).