

# Lessons from Four Cities Fighting To Stop Evictions with Right to Counsel

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## Background and Overview:

Over the course of the spring of 2021, the National Coalition for a Civil Right to Counsel (NCCRC) and Right to Counsel NYC Coalition (RTCNYC) hosted five webinar sessions to explore the ever-expanding movement for the right to counsel for tenants facing eviction.

With **12 cities** and **3 states** having enacted a right, and many others pursuing the same, we wanted to review what's worked, what hasn't, and how we can keep this movement growing. We heard from folks in **Baltimore, San Francisco, NYC and Cleveland** and held a broad overview session. Below are some highlights from this series!

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# RTC Campaigns Begin

- Baltimore was coming up to a democratic election, so had an opportunity to push some key issues and nail down the candidates on them.
- Like many cities, the pandemic fueled the RTC movement in Baltimore; seeing tenants being laid off and struggling to pay rent motivated Baltimore Renters United (BRU) to organize the campaign.
- The campaign for RTC was birthed right after BRU's successful campaign for a licensing requirement for all rental properties in Baltimore city; a landlord has to pass a health and safety inspection before they can even be licensed to collect rent. Baltimore's campaign began using New York City's RTC law as a model for legislation, translating those concepts into Baltimore city law.
- In San Francisco, had been a dream of tenant organizers in SF for decades, who had passed strong tenant protections in the city, but often saw tenants move anyway, due to lack of representation in court. This campaign also took place during the largest wave of gentrification and rising rents that San Francisco had ever seen and in resistance to the election of Trump.
- The NYC Right to Counsel campaign began after CASA, a tenants rights group, launched their campaign to change housing court.
- The Cleveland movement was highly motivated by NYC's passage and San Fran's pending passage of RTC. Advocates commissioned a study on the local consequences of eviction in Cleveland.



"This should be a right that is not means-tested." - **Matt Hill, Tenant Attorney, Public Justice Center**



# Changing the Power Balance between Tenants and Landlords

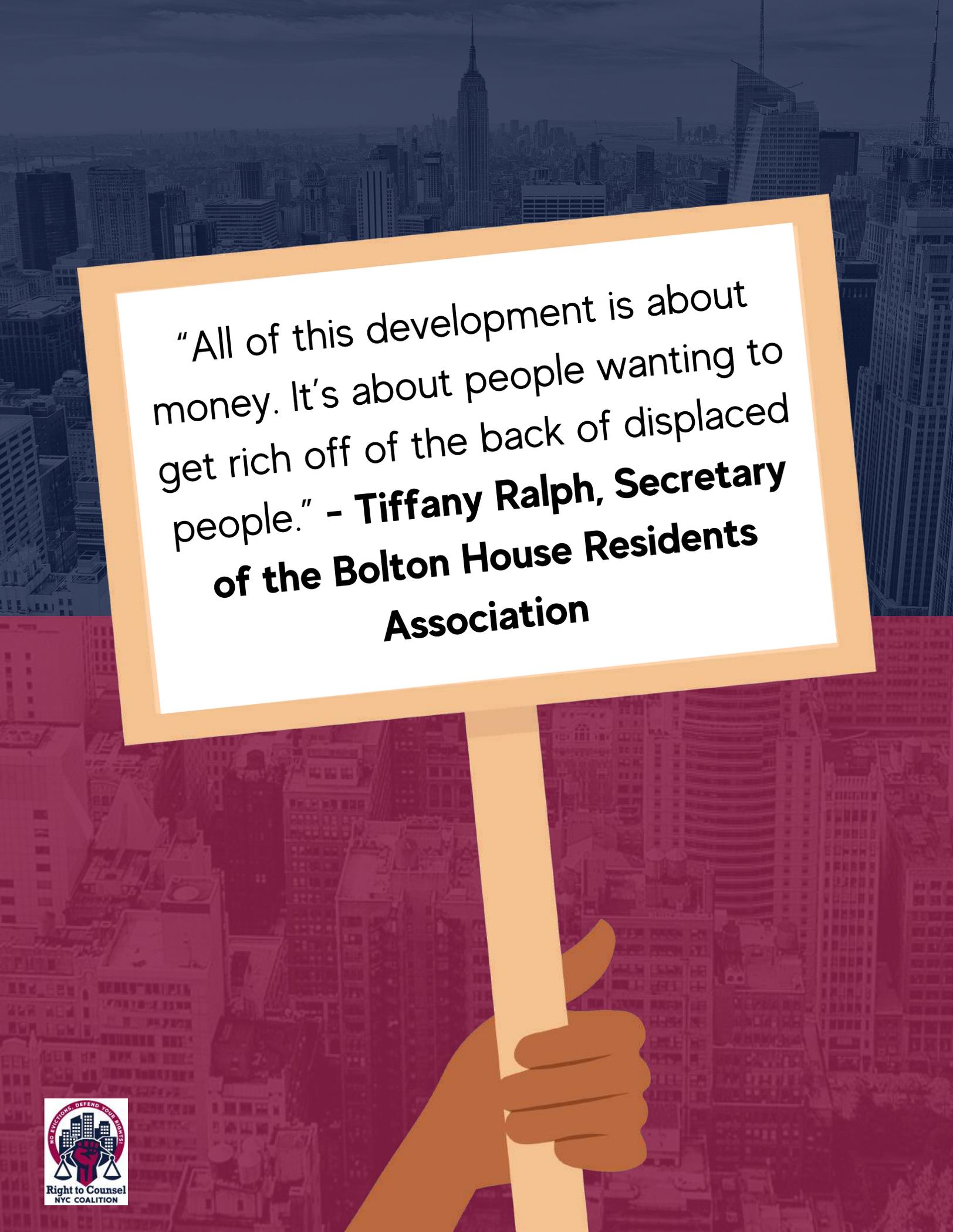
- Right to Counsel changes the power dynamic between tenants and landlords; landlords try to bully and intimidate tenants through retaliation, but tenants who have Right to Counsel have support in standing up for themselves.
- Landlords have been able to weaponize housing courts and use it as a strategy for gentrification, for getting rid of low-income Black and brown tenants.
- Right to Counsel addresses power imbalances between tenants and landlords; fights the devastating consequences of eviction; addresses racial, economic, and gender inequities and helps build towards a right to housing over private profit.
- If landlords know that everyone is getting representation, they are less likely to just bring a bunch of eviction cases for no reason.
- It's important to call out slumlords who profit off of tenants without any consequence. Focusing on the power imbalance in housing courts is a crucial part of messaging. Highlighting landlords' abuses is key, but do not make them the center of attention. It's about establishing a right.

“When you have systemic representation and landlords know that tenants are represented every single time if they want counsel, that really changes the calculus of what landlords engage in when they think of how to behave, not just in terms of filing an eviction, but in general.”

**- John Pollock,  
Coordinator, National  
Coalition for Civil Right  
to Counsel**

“The need for proper legal counsel for tenants to know exactly what their rights are, where they stand in the law, and not be run over by these greedy developers, landlords, and slumlords was an absolute necessity for their survival.” - **Tiffany Ralph, Secretary of the Bolton House Residents Association**



A hand holding a sign against a city skyline background. The sign is white with an orange border and contains a quote. The background is a dark, blue-tinted cityscape with the Empire State Building prominent in the center. The bottom half of the image has a red overlay.

“All of this development is about money. It’s about people wanting to get rich off of the back of displaced people.” - **Tiffany Ralph, Secretary of the Bolton House Residents Association**



“Right to Counsel is about empowering tenants to have something more to do than just always being on the defense when it comes to evictions brought against them, but actually taking proactive steps to have livable, dignified conditions.” - **Lauren Springer, Tenant Leader, Catholic Migration Services**



# Consequences of Eviction

- Consequences of eviction include homelessness, child custody loss, school disruption, gentrification, health effects, and broader neighborhood effects such as increased crime and loss of unified community and state/county/city revenue. Now more than ever, evictions are a public health issue.
- Evictions have become a public health problem particularly in the context of COVID-19; evicted tenants move in with other people and increase household contact; homelessness increases shelter use, making it harder for shelters to control disease spread; unsheltered homelessness increases exposure due to increased difficulty maintaining sanitary practices.
- The racial implications of evictions are clear; as of now, Black female renters were sued for eviction at double the rate of white renters and this has only been exacerbated by COVID-19. San Francisco has been and still is experiencing a serious affordability crisis when it comes to housing, with communities of color in particular getting pushed out.
- Gentrification can't be ignored when thinking about the power that landlords have, and the ways they are able to take advantage of tenants. In Baltimore, tenants pointed to the role played by universities—UMD, Johns Hopkins and other private institutions—in fueling eviction rates in the city.

# Organizing & The Campaign Process

- In organizing, the process matters. It's not just about passing RTC, but how you pass it. Passing the right to counsel is not just about a law; it is an opportunity to build a people-powered movement, and build tenant power. The aim is to build a strong coalition and movement, and to ultimately put tenants in leadership and central decision making roles.
- Building a strong coalition entails empowering and bringing in tenants, finding and training movement lawyers, creating space in the coalition for tenant organizing spaces and legal working groups.
- The campaign in San Francisco had many volunteers through the tenant union and DSA, who could be mobilized to get signatures and speak to voters. Volunteers were out on the streets with clipboards to speak with people and make the campaign visible.
- Elected officials were not a part of New York's coalition because they believe elected officials are always targets. There was collaboration with electeds, to ensure that they were pushing the campaign, but the Coalition was accountable to the movement for tenants in a distinct way.
- In NYC, there were not many lawyers present during the campaign, lawyers only joined after RTC was won, and then sought to have a voice in implementation. This was a major tension – RTC NYC has long made it a priority to defer to tenant voices over lawyers, this is a central principle of the campaign and coalition.
- Cleveland had a lack of real tenant organizing, which limited their campaign.
- One of the biggest struggles, but most crucial parts, of passing Right to Counsel legislation is enshrining it as a right rather than a program.

“Not everyone should have the same power in a coalition. We want to empower those who are most marginalized who traditionally do not have power or access, and put them in the driving seat.” - **Pablo Estupiñan, Director, CASA**



“One of the aspects of implementation [of RTC] is to use the resources that are already [present] in your city.”

**- Ora Prochovnick, Director of  
Litigation and Policy, San  
Francisco Eviction Defense  
Collaborative**



**“You can never give up on  
base building, you always have  
to do base building.” - Pablo  
Estupiñan, Director, CASA**



# Campaign Strategies, Tactics and Messaging

- The first steps in developing the Baltimore campaign involved accumulating the proper data, specifically mapping and quantifying the racism that is the concentration of evictions in certain areas of Baltimore. This data brought many invested parties together.
- The SF movement also used data to convince organizations to endorse RTC, and to convince voters to vote for it.
- During the NYC Campaign, The Urban Justice Center released Tipping the Scales report, in which Right to Counsel was one of the recommendations to make housing courts more just.
- Grassroots tactics proved successful. In NYC, the mayor was not on board for a really long time so the campaign used grassroots tactics to target him, whether showing up at city hall or calling into radio stations where he was speaking, to push him on RTC. Other tactics used in SF included writing op-eds, phone banking, leadership development opportunities, and door knocking.
- Cleveland is hoping to use the first couple years to collect data on RTC's implementation and cost, then use that data to push for expansion of the right. They will have focus groups for tenants, both those who have received representation and those without.
- Campaigns should prepare to win. The legal services organizations could have done more work to ensure they were ready to take this on before the legislation actually passed. RTCNYC noted that they could have aimed higher by fighting for no income restrictions so all tenants would have RTC. RTCNYC is working on a statewide RTC campaign to guarantee RTC for all NY tenants.

“[RTC] opens the door to conversations around a right to housing, and how fundamental housing is in people's lives to ensure well being... If we value housing enough to give people a right to a lawyer, can we take that extra step and say we value housing enough that we believe everyone should have a right to housing?” - **Marika Dias, Managing Director, Urban Justice Center**



“We were having meetings with anybody that was touching housing ... because we wanted to [see if there] was community support...the obstacles we were going to face... what were the things people were going to speak up against or speak for?” - **Hazel Remesch, Esq., Cleveland Legal Aid**



# Opposition to RTC

- In general, the main opposition to enacting RTC is over budget concerns; in NYC, organizers worked with a financial firm to do an analysis that showed that RTC would save more money than it would cost.
- In Baltimore, the biggest challenge was under Maryland state law, the city cannot create rights. But the campaign is trying to enforce this as a right, even if it can't be legally framed as such in the bill language.
- In San Francisco, the city introduced legislation that was weaker than prop F - it had an income cap, did not include tenants in subsidized housing or those accused of nuisance - but this measure was less popular with people.
- In San Francisco, One of the successful arguments made was that most tenants who would benefit were extremely low income- and most of the tenants who would be excluded from service by income certification requirements would be low income folks working in the informal sector, not middle or high income folks. Data from the first year of the program has borne out these predictions. Also, the arguments about means testing fell flat with voters, because tenants across the income spectrum in SF were afraid of displacement, and understood that paying for an attorney would be prohibitively expensive.
- Some legal services organizations opposed RTC because they were accustomed to their old model of gatekeeping (merit screening), effectively controlling who was worthy of their services and who wasn't.
- NYC's Mayor's office did not want to do RTC for public housing tenants, because the city is their landlord. The campaign insisted that RTC must be universal.

**For more info and resources, check out:**



**RTCNYC Coalition Website**

<https://www.righttocounselnyc.org>

**RTCNYC Campaign Toolkit**

<https://www.rtctoolkit.org>

**RTCNYC Documentary**

[https://www.righttocounselnyc.org/rtc\\_documentary](https://www.righttocounselnyc.org/rtc_documentary)

**National Coalition for a Civil Right to Counsel Website**

<http://www.civilrighttocounsel.org>

**NCCRC**  
National Coalition for a  
Civil Right to Counsel



# Session-Specific Resources

## Intro Session

### **NCCRC Talking Points on Right to Counsel in Evictions**

[http://civilrighttocounsel.org/uploaded\\_files/275/NCCRC\\_2021\\_eviction\\_RTC\\_talking\\_points.pdf](http://civilrighttocounsel.org/uploaded_files/275/NCCRC_2021_eviction_RTC_talking_points.pdf)

### **Stout, Risius, & Ross Eviction Right to Counsel Resource Center**

<https://www.stout.com/en/services/transformation-change-consulting/eviction-right-to-counsel-resources>

## Baltimore

### **The Evictions Study Baltimore Map and Report**

<https://evictions.study/maryland/report/baltimore.html>

### **Baltimore Ordinance 20-0625**

<https://baltimore.legistar.com/LegislationDetail.aspx?ID=4659244&GUID=77F2AE9E-8F22-4DA9-8248-775803D3C766&Options=ID%7CText%7C&Search=20-0625>

### **NCCRC, Baltimore Becomes the 7th City With Tenant RTC**

[http://civilrighttocounsel.org/major\\_developments/1467](http://civilrighttocounsel.org/major_developments/1467)

## San Francisco

### **NCCRC, All About RTC for Tenants in San Francisco**

[http://civilrighttocounsel.org/major\\_developments/1179](http://civilrighttocounsel.org/major_developments/1179)

### **San Francisco's Prop F. No Eviction Without Representation Act**

[https://sfelections.sfgov.org/sites/default/files/Documents/candidates/Legal\\_Text\\_No\\_Eviction\\_Without\\_Representation.pdf](https://sfelections.sfgov.org/sites/default/files/Documents/candidates/Legal_Text_No_Eviction_Without_Representation.pdf)

### **San Francisco Prop F Ballot Summary**

[https://ballotpedia.org/San\\_Francisco,\\_California,\\_Proposition\\_F,\\_City-Funded\\_Legal\\_Representation\\_for\\_Tenants\\_Facing\\_Eviction\\_\(June\\_2018\)](https://ballotpedia.org/San_Francisco,_California,_Proposition_F,_City-Funded_Legal_Representation_for_Tenants_Facing_Eviction_(June_2018))

### **Eviction Defense Collaborative**

<https://evictiondefense.org/services/right-to-counsel/>

# Session-Specific Resources

## New York City

### **NCCRC, All About the Right to Counsel for Evictions in NYC**

[http://civilrighttocounsel.org/major\\_developments/894](http://civilrighttocounsel.org/major_developments/894)

### **NYC Right to Counsel Bill**

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID%7cText%7c&Search=%22covered+proceeding%22>

### **NYC Office of Civil Justice Universal Access to Legal Services: A Report on Year Three of Implementation (2020)**

[https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ\\_UA\\_Annual\\_Report\\_2020.pdf](https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2020.pdf)

### **Community Action for Safe Apartments Tipping the Scales Report (2013)**

[https://newsettlement.org/wp-content/uploads/2018/01/CDP.WEB\\_.doc\\_Report\\_CASA-TippingScales-full\\_201303.pdf](https://newsettlement.org/wp-content/uploads/2018/01/CDP.WEB_.doc_Report_CASA-TippingScales-full_201303.pdf)

### **Housing Justice: What the Experts Are Saying on New Yorkers' Right to Counsel in Eviction Proceedings (2014)**

[https://d3n8a8pro7vhm.cloudfront.net/righttocounselnyc/pages/23/attachments/original/1433269447/FINAL\\_expert\\_report.pdf?1433269447](https://d3n8a8pro7vhm.cloudfront.net/righttocounselnyc/pages/23/attachments/original/1433269447/FINAL_expert_report.pdf?1433269447)

### **New York Law Journal, Increasing Tenants' Access to Counsel Has Raised Court Efficiency, Fairness, Judges Say (2018)**

<https://www.law.com/newyorklawjournal/2018/09/24/increasing-tenants-access-to-counsel-has-raised-court-efficiency-fairness-judges-say/?sreturn=20210710143836>

### **NYC Tenants Explain Why NYC Must Expand the Right to Counsel**

[https://www.youtube.com/watch?v=z8vofxgh\\_Sw&ab\\_channel=RighttoCounselNYCCoalition](https://www.youtube.com/watch?v=z8vofxgh_Sw&ab_channel=RighttoCounselNYCCoalition)

### **New York City's Right to Counsel Local Law - Int. 214-B**

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1687978&GUID=29A4594B-9E8A-4C5E-A797-96BDC4F64F80&Options=ID%7cText%7c&Search=%22covered+proceeding%22>

# Session-Specific Resources

## Cleveland

### **NCCRC, All About Cleveland's Eviction Right to Counsel**

[http://civilrighttocounsel.org/major\\_developments/1382](http://civilrighttocounsel.org/major_developments/1382)

### **Cleveland's Right to Counsel Ordinance**

[https://codelibrary.amlegal.com/codes/cleveland/latest/cleveland\\_oh/0-0-0-49335](https://codelibrary.amlegal.com/codes/cleveland/latest/cleveland_oh/0-0-0-49335)

### **Case Western's Cleveland Eviction Study**

<https://thedaily.case.edu/homelessness-just-one-of-the-concerns-when-someone-is-evicted/>

### **Cleveland's Annual Report (January 2021)**

<https://laslev.org/wp-content/uploads/January-2021-report-on-initial-6-months-of-Right-to-Counsel-Cleveland-high-res.pdf>

### **Cleveland's Right to Counsel Website**

<https://freeevictionhelp.org/>

## National

### **Washington D.C Expanding Access to Justice Act of 2017**

[http://civilrighttocounsel.org/major\\_developments/1031](http://civilrighttocounsel.org/major_developments/1031)

### **Voices for Civil Justice**

<https://voicesforciviljustice.org/>

**For access to the recordings of the webinars,  
contact:**

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