



# EQUAL JUSTICE AMERICA

## Summer 2023 EJA Fellow:

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### Update 1:

I am happy to share that this summer I am an Equal Justice America fellow working with The Legal Aid Society. I will be working with the dedicated attorneys at LAS's Harlem Community Law Office to represent low-income tenants in Manhattan who are facing eviction. In these first few weeks, I have participated in important discussions about the structural causes of poverty, structural racism, the housing crisis, and client-centered advocacy. I have also assisted with client intake at the Manhattan housing court and with preparations for a succession rights trial. New York's eviction moratorium ended on Jan. 15, 2022. In the year following, landlords and the city evicted almost 4,400 families from their homes. As pandemic-related protections continue to expire, tenant advocates expect eviction rates to return to pre-pandemic levels (17,000 families were evicted in 2019). In 2017, NYC enacted landmark legislation that established universal access to legal services for low-income residents facing eviction. NYC's right to counsel program has its flaws and limitations, but it is not surprising that tenants who are represented by counsel fare better than those who must face landlords and their attorneys alone. As a right to counsel provider, The Legal Aid Society helps tenants fight back against the fraud, abuse, and greed of landlords that continue to drive the city's eviction and homelessness crises. I look forward to working with and learning from the passionate tenant advocates at LAS this summer.

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### Update 2:

Time for another EJA Fellow Update on my work in tenant defense with The Legal Aid Society. This week I worked with a client facing one of the scariest things a tenant can face: an eviction notice. When a client is served with a notice of eviction, our job is to buy them more time. More time to come up with the money they owe, figure out their next living situation, or simply move out with dignity. Ideally, we want our clients to stay in their homes, but at a bare minimum, we are trying to prevent clients from becoming homeless.

Evictions are state-sanctioned violence because they very often lead to homelessness. This violence is perpetrated against those who are guilty of nothing more than being poor. By upholding a landlord's "right" to profit above people's basic human needs (which in the US are very far from being recognized as legal rights), the state sentences poor people to extreme suffering, and very often death.

An all-too-common response to being confronted with this harsh reality is to place the blame on poor people



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for being poor. They should simply get a job, work harder, go to school, etc. There are so many things wrong with this way of thinking, it is hard to even begin to address it here. If this is your response to what I have stated, I would encourage you to educate yourself about poverty and the relationship of poverty to capitalism, namely that capitalism literally cannot exist without it.

Tenant attorneys do their best to give clients a fighting chance to avoid the violence of evictions. But, did you know that while NYC has a “right to counsel” in housing court, only tenants whose household income falls at or below 200% of the federal poverty level qualify for free legal representation? For single people who live alone, that’s just \$29,160. For a family of four, just \$60,000. Tenants whose incomes are above these limits are eligible only for brief legal advice. With the mentorship of my supervising attorneys, I’ve practiced explaining complex housing law concepts to those without a legal background and informing them of free community resources for tenants so that they are as equipped as possible to face their landlord’s attorney on their own. Some tenants are capable of advocating for themselves in housing court, especially if they are lucky enough to land before a judge who is competent at working with unrepresented tenants. Many tenants struggle without a lawyer. A system in which only one party has the benefit of legal representation hardly feels like a just one, especially considering the stakes for the unrepresented party.

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### **Update 3:**

It’s been two weeks since my last EJA Fellow Update and during this time I have been focused primarily on helping a team of attorneys with preparing for a trial. It’s not so often that housing cases get to trial, so I am very grateful for this opportunity.

In this case, a tenant is fighting back against a landlord who is trying to kick them out of a rent-stabilized apartment that has been in their family for generations. This case has dragged on for years, causing prolonged stress and insecurity for our client and their children. Through preparing for this case, I’ve learned more about succession rights in NYC (the right of an occupant of a rent-regulated apartment to take over the regulated lease of a co-residing family member who has permanently left the apartment) and the NY rules of evidence. I’ve drafted several subpoenas and worked with the client and their family members to gather as much evidence as possible and prepare the witnesses to testify. While the prospect of the trial is nerve-racking in light of the stakes, I look forward to our client having their day in court.

During my time so far with The Legal Aid Society, I have been so impressed with the sense of community and support in the Harlem Community Law Office. There is no denying that this work takes a toll on the attorneys, paralegals, and other staff who care deeply about the clients. Even in my short time here, I have seen that we are not always able to do as much for them as we would like. My mentors at HCLO have demonstrated the importance of leaning on each other during hard times and of setting boundaries, caring for ourselves, and taking breaks when needed. I’ve learned that the best thing I can do as an advocate is show up clear-headed,



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passionate, and energized, which is impossible to do if I let burn out take over. With that in mind, I look forward to a restful and restorative weekend!

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## **Update 4:**

As I near the end of my time with The Legal Aid Society and as an Equal Justice America fellow, I can't help but reflect on how much I have learned this summer. This week in particular I am feeling grateful for the experience I've gained working with clients who do not speak English. So many clients in Manhattan speak Spanish, and it really has me wishing I kept up with learning Spanish after high school! Housing court is scary for any tenant, let alone for those who don't understand what the people around them are saying. While there are language services available in court and through legal services organizations, it takes practice and skill to build client relationships while working with an interpreter. It's been really powerful to observe what a difference a skillful interpreter-advocate team can make in encouraging trust and openness between client and attorney, which are essential to effective representation.

In addition to my hands-on experiences, I've learned a lot from the structured trainings The Legal Aid Society has put together for its interns. I've learned so much about different areas of legal services from practitioners across the organization in areas as diverse as bankruptcy, homeless rights, employment, immigration, and LGBTQ+ rights. It's so powerful to be part of an organization with such a range of skills and specialties that allow us to meet virtually all of our clients' legal needs.

In these last days of my internship I will be engrossed in trial prep. In fact, the trial will occur on my last day. I am anxiously anticipating this culmination of everything I have learned over the course of the summer!

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## **Update 5:**

Working at the Harlem Community Law Office of The Legal Aid Society as an Equal Justice America fellow this summer has been an invaluable experience. It's been a privilege to work alongside Right to Counsel tenant defense attorneys representing low-income tenants facing eviction in Manhattan in the fight against the fraud, abuse, and greed of landlords that continue to drive the city's eviction and homelessness crises. I've had the opportunity to experience the full range of client representation in this practice – from intake days in housing court, client interviews and meetings, housing benefits advocacy to city agencies and charities, drafting court papers, preparing evidence for trial, and even conducting the direct examination of a witness at trial. Through this work I have built on my knowledge and understanding of the structural causes of poverty, structural racism, the housing crisis, and client-centered advocacy. The most rewarding part of this experience has been working directly with tenants facing the scary prospect of eviction, from listening to their fears and concerns, determining a legal strategy based on their needs and priorities, to informing and empowering them with greater knowledge of their rights. One of the best moments of the summer was when a client shared that walking into trial with our team made her feel so much more confident and ready to defend her family home against her landlord's unwarranted attempts to force them out.



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We are fortunate to have a right to counsel for low-income tenants in NYC, but much more is needed to realize its full potential. The vast majority of tenants who are represented by counsel are able to avoid eviction. But less than half of tenants facing eviction actually receive representation. Eligibility determinations are based on the outdated and often-criticized federal poverty guidelines, which utterly fail to accurately measure poverty. Further, legal services providers, including LAS, do not receive enough funding to meet the demand for tenant representation. I look forward to joining the calls for full funding of the right to counsel and the passage of additional tenant protections to stop the eviction and homelessness crises.

As this is my final EJA Fellow Update, I will make one more ask to please consider donating to support me and future EJA Fellows if you are able. My sincere thanks to those who have already done so! And if you are in NYC, especially if you are a tenant like me, please consider learning more about the right to counsel, Good Cause Eviction, and other fights to increase tenant protections!