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# A Right to a Lawyer to Save Your Home

By THE EDITORIAL BOARD SEPT. 23, 2016

There are few legal fights more lopsided than landlords suing to evict their lower-income tenants.

In New York City's housing court, it's usually a team of lawyers representing the landlord going against a tenant, unrepresented and alone. The claims for eviction vary — the tenant owes months of back rent, or is not named on the lease. If the landlord doesn't win, very often the tenant is muscled out with threats and harassment.

Many others are pushed out when landlords — eager to raise rents or demolish buildings to make way for pricey new developments — illegally withhold basic services like heat and hot water, or offer paltry buyouts.

Judges witness this unfairness all the time, but there's little they can do about it. While the Constitution guarantees a lawyer to all criminal defendants, there's no such guarantee in civil cases, even when a person's home is at stake.

Now, New York City, where affordable housing is in crippling short supply, could become the first jurisdiction in the country to require lawyers for all lower-income people facing eviction. This new approach, by some estimates, could even save the city money.

The City Council is considering a bill that would provide free legal representation to anyone facing eviction or foreclosure who has an income of less than twice the federal poverty line. In New York City, that means an individual making below \$44,000. Tenants in about 128,000 cases — more than 80 percent of all housing court cases each year — would qualify, according to a report commissioned by the City Bar Association.

Having a lawyer makes all the difference. When tenants represent themselves in court, they end up being evicted almost half the time. With a lawyer, tenants win 90 percent of the time.

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In trying to level the housing-court playing field, Mayor Bill de Blasio has committed \$62 million in the current fiscal year to provide legal help for lower-income tenants, a strategy that has resulted in the lowest eviction rates in a decade. Evictions decreased by 18 percent last year, to 21,988 from 26,857 in 2014. There's also evidence that landlords are bringing fewer eviction cases because they know they're more likely to be challenged by a competent lawyer.

Mr. de Blasio deserves credit for making this a priority, but the city can do much more. Current spending provides lawyers to about one-quarter of lower-income tenants. Legal representation for all would total about \$200 million a year, the bar association report estimates. But the city could save far more than that, both by keeping more than 5,000 families out of homeless shelters — at an annual savings of \$43,000 per family — and by preserving thousands of existing affordable apartments instead of building new ones. The report estimates that the total net savings could exceed \$300 million.

In a city with an \$82 billion budget and a \$1 billion surplus, it shouldn't be hard to find the money to protect thousands of people from wrongful evictions.

Ensuring that the most vulnerable don't lose their homes is both the just and fiscally smart thing to do.

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