

## CityViews: New York Now Has ‘Right to Counsel,’ but Tenant Organizing Still Matters

By [Susanna Blankley](#) | November 27, 2018



Edwin J. Torres/Mayoral Photog

*A tenant advocate cheers the new Right to Counsel policy at the bill signing in 2017. While in its earliest stages of implementation, the RTC policy is one that could be adopted in other cities where displacement is a concern.*

A year ago, the tenant movement won a hard fought three-year [campaign](#) in New York City to make it the first city in the nation to make eviction defense a right. Tenants decided to launch a campaign because housing court has been weaponized: Evictions are a tool of displacement in targeted investment strategies, and a main deterrent to organizing.

We also understood right to counsel (or RTC) as a racial and economic justice struggle. Right to counsel stops evictions, but it also creates space to organize and build tenant power to win bigger and bolder demands. It moves tenants who are in danger of leaving our city to the center. At its core it's about building tenant power in our city.

Therefore, we didn't stop organizing when we won RTC. We're organizing even harder because we believe having the shield can help sharpen the sword.

It's our hope that with RTC, the tenant movement can more boldly organize to address many of the root causes of the housing crisis. In the 1930's thousands of tenants went on rent strike—demanding that rents

be reduced by 15 percent because they were too high. Bold organizing can create cooperatives and land trusts, strengthen our laws and much more. RTC should help us take risks. We are inspired by global movements that use eviction defense to build the power to demand the right to housing.

We also organize to humanize the people who are evicted, so that they aren't reduced to numbers. They are people with families, stories, memories and homes for whom eviction isn't easy—it's traumatic and dehumanizing. One of the tricks of supremacy is to take political, economic, and social problems and disguise them as individual ones. In New York City, landlords try to legally evict close to 1 million mostly Black and Brown individuals every year. Evictions are one of the many forms of institutionalized injustice that make people of color poor. The larger narrative of individual responsibility, which says that evictions, poverty, and high rents are the tenant's fault, and simply about rent, benefits landlords. The existence of RTC counters this by saying those landlords must be challenged, not just on a case by case basis, but systemically.

Across the country, cities are inspired by New York. San Francisco became the second city to make eviction defense a right, and we are working closely with tenant organizing groups in cities across the country who see RTC as a tool to build tenant power in their cities as well.

Because Right to Counsel is so successful, though, in some cities there is movement for RTC that isn't led by the tenants who are most impacted and the larger tenant movement. While we applaud the academics, lawyers and legislators who are moved by this issue, it's important to remember that RTC won't be a right without organizing. There are many reasons why.

### **Why organizing matters**

The first is that the oppression of tenants as a class has happened historically in part because tenants haven't been a part of creating or enacting policy. This is even more significant when we are talking about low-income Black and Brown tenants, especially women, who are the majority of evicted tenants in this country.

If progressive advocates, lawyers and policy makers get a seat at the table to talk about RTC but don't ensure the tenants and organizers are at the table leading the conversation, these progressives—despite their best intentions—are continuing this long history of oppression instead of disrupting it. If we are fighting for RTC to build tenant power, then our belief in building tenant power has to be reflected in everything we do. Otherwise we risk fighting for RTC to build tenant power, while disenfranchising tenants in the process.

Also, we all have a lot of rights that don't realize their full promise—that don't transform our lives. Without organizing, without building community to confront the fear and isolation many tenants face, many people will choose not to claim their rights, including any right to counsel. We have to remember that housing court is a battleground: landlord threats and retaliation should not be underestimated. Many tenants have been told by their landlord or their representative that if they fight their case, it will turn out worse for them, which is part of why so many tenants never show up to housing court or move out before the landlord even serves an eviction notice. Often, tenants are worried about what threats they'll get from their super or what services they will be denied if they fight their case in court. Even before bringing an eviction case, landlords often falsely tell tenants that they don't have the right to repairs because they are behind in rent. Because of these intimidation tactics, tenants are denied access to the vast amount of housing laws that govern their homes, their buildings, and their rents.

Organizing is also critical for countering the social stigma attached to free legal representation. Despite the fact that landlords receive the vast majority of public subsidies (welfare in the form of tax breaks), there is a strong stigma attached to poor people of color claiming their rights (they get labeled as taking government “handouts.”) When RTC is a tenant organizing victory, it creates space for folks to see it for what it is—a right that tenants demanded and won— which will hopefully translate into a sense of community power over the right and therefore increase the likelihood that people will claim it. Without organizing, RTC will be just a legal services program; it’s really only a right that people know and claim when organized tenants have ownership over it.

A strong organizing base also makes for better policy. It’s essential for tenants and organizers to lead the campaign because lawyers and policymakers tend to be more risk-averse and are often limited by their analysis of what’s possible. Often, they limit themselves and their demands before they even start— saying things like a full right isn’t possible, so we’re only going to ask for a pilot or a limited right to start. Tenants and organizers, who have more to lose from not winning, tend to understand that what we win is based on the power we build and our job is to make the impossible possible.

And as is the case in New York City, once you win, the campaign isn’t over! Implementation is a whole new campaign. When organizing is connected to the implementation of RTC, tenants and attorneys can work together to identify patterns on the ground: for example, identifying the worst evictors, the worst lenders, housing discrimination, etc. In addition, tenants can inform how the implementation works when they are engaged in larger organizing around RTC.

RTC doesn’t change the fact that housing is a commodity bought and sold on the market. Landlords want tenants out. If they can’t get tenants out in housing court, what will they do next? That’s why tenants need to be connected to and members of community groups so that they can continue to organize against the various forms of harassment, intimidation, and neglect that landlords already employ and which are likely to intensify or adapt in response to right to counsel. Organized tenants can also connect to and build a larger movement for social justice because they aren’t just tenants—they’re workers, moms, elders—they are people, and organized people are powerful.

Right to Counsel is a tool to shift power back to tenants, to stop displacement, and to build the tenant movement. It’s not the only tool and it’s certainly not the solution to the housing crisis, nor will it be a tool that has the same impact everywhere. We hope that when it’s rooted in the strategic choice of the tenant movement, that it’s one step on the long road to make housing a right.

*Susanna Blankley is the Coalition Coordinator for the Right to Counsel NYC Coalition. Because of the growing demand for RTC, the group is developing a documentary about our campaign and a campaign toolkit, and it hopes to be of service to the tenant movement across the country. Sign up [here](#) to learn more!*