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# Do Lawyers Matter? Early Evidence on Eviction Patterns After the Rollout of Universal Access to Counsel in New York City

Ingrid Gould Ellen<sup>a</sup>, Katherine O'Regan<sup>a</sup>, Sophia House<sup>b</sup> and Ryan Brenner<sup>b</sup>

<sup>a</sup>New York University Wagner School, New York University Furman Center, New York, USA; <sup>b</sup>NYU Furman Center, New York University, New York, USA

## ABSTRACT

One of the primary eviction prevention measures jurisdictions across the country have taken is to expand access to free legal counsel for low-income tenants facing eviction. In 2017, New York City became the first jurisdiction to enact universal access to counsel (UAC), guaranteeing free legal representation to all low-income tenants facing eviction in the city's housing courts, and other cities are also starting to channel significant resources into programs designed to increase representation in eviction proceedings. Proponents argue that access to counsel will reduce the incidence of evictions and decrease levels of homelessness. Research, however, has yet to evaluate these claims rigorously. We aim to address this gap by examining the effectiveness of legal representation in preventing evictions. Specifically, we study the early implementation of UAC in New York City and use its sequential rollout across ZIP Codes to study impacts on both individual case outcomes and broader eviction patterns. We find relative increases in legal representation for treated ZIP Codes after the adoption of UAC. We also see small relative (and absolute) reductions in the share of filings resulting in executed warrants after UAC was implemented in the earliest ZIP Codes.

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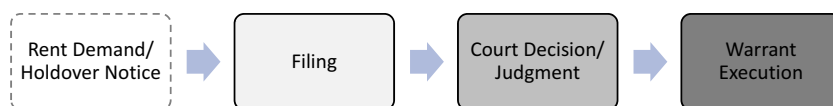
One of the primary eviction prevention measures that jurisdictions across the country have taken is to expand access to free legal counsel for low-income tenants facing eviction. In 2017, New York City became the first jurisdiction to enact universal access to counsel (UAC), guaranteeing free legal representation to all low-income tenants facing eviction in the city's housing courts. Following New York City's enactment of UAC, four other cities also adopted universal representation initiatives: San Francisco, California; Newark, New Jersey; Cleveland, Ohio; and Philadelphia, Pennsylvania (Brey, 2019). Several other jurisdictions such as Los Angeles, California; Boston, Massachusetts; Washington, DC; and San Antonio, Texas are currently piloting or considering proposals for such programs (Reyes, 2019; Riker, 2019; Schoenberg, 2019). In December 2019, two U.S. senators (Michael Bennet, Democrat, Colorado, and Rob Portman, Republican, Ohio) even took up the issue at the federal level, proposing increased federal funding to support tenant representation (Bennet, 2019).

Advocates have argued that representation is necessary both to provide due process to tenants facing eviction and to enforce tenants' statutory and common-law rights, such as the right to a habitable dwelling, which find redress primarily through the court system.<sup>1</sup> Proponents have also suggested that access to counsel will reduce the incidence of evictions and decrease levels of homelessness. Jurisdictions have thus begun to channel significant resources into programs designed to increase representation in eviction proceedings. Research, however, has

yet to evaluate these claims rigorously. We aim to address this gap by examining the effectiveness of legal representation in preventing evictions in the private rental market. Leaving aside other justifications for expanding access to counsel in housing court, we provide some preliminary evidence about how access to counsel shapes representation and eviction rates to shed light on whether marginal eviction prevention dollars should be spent on legal representation. We study the early implementation of UAC in New York City and use its sequential rollout across ZIP Codes to study impacts on both individual case outcomes and broader eviction patterns.

## I. The Eviction Process in New York City

Eviction filings in New York City housing court fall into two categories: nonpayment cases predicated on a claim that the tenant owes some amount of rent, and holdover cases that include some claim other than solely rental arrears (e.g., the tenant violated the lease, stayed after the lease ended, or never had a lease).<sup>2</sup> For both types of cases, a New York City landlord is required to give a tenant notice that the landlord will file and give the tenant a period within which to correct the alleged violation. If the tenant cures the alleged violation by paying the rent they owe, correcting any lease violations, or vacating the apartment, the case ends; otherwise, the landlord can begin a proceeding in housing court by filing a petition (see Figure 1).



**Figure 1.** Main stages in the eviction process. Although the formal process begins with the rent demand/holdover notice, cases only show up in the data once the landlord files a petition.

The court can enter a default judgment against a tenant who does not answer the petition. All defaulting tenants receive postcards from the court advising them that they are in default and to come to court to avoid eviction. Many cases simply end after a landlord files; court records provide no information in these cases as to whether the landlord and tenant resolved the issue, the tenant left the unit, or the landlord gave up pursuing the issue.

Once a case has begun, the landlord and tenant can either negotiate an agreement (known as a stipulation)—the most common resolution of housing court cases—or litigate a case through pretrial motions or, ultimately, a trial. A stipulation may or may not include a judgment (the court’s final resolution of the dispute between the landlord and tenant). Even if the court issues a judgment for the landlord, the court will often provide ways for a tenant to avoid eviction by paying arrears or fixing the violations alleged in the landlord’s petition.

After receiving a judgment in their favor, a landlord can evict a tenant by obtaining a warrant of eviction from the court and requesting that a city marshal or sheriff execute the warrant. The marshal or sheriff executes the warrant by physically removing the tenant’s belongings from the unit and changing the locks. Before the warrant is executed, the tenant is given another opportunity to cure any nonpayment or lease violations. Tenants can also ask the court to delay or prevent an eviction before execution or to reverse an eviction after execution.

## II. Background: Existing Literature

Tenants’ advocates have argued strenuously that access to counsel helps tenants to avoid eviction. Pro se (or self-represented) litigants face several disadvantages in court. The procedural rules of housing court are by “nature and design...such that nonprofessionals would find them difficult to

maneuver” (Tyler & Zimmerman, 2010, p. 497). Even if a pro se litigant overcomes the procedural hurdles or is able to receive brief advice from a legal services provider, they nevertheless lack the strategic insights of experienced litigators. They thus face challenges in meeting evidentiary requirements, presenting the full range of facts essential to certain legal claims, and utilizing all available defenses (Baldacci, 2006). The volume of cases in housing court may also cause judges to try to move through their dockets quickly at the expense of pro se litigants navigating an unfamiliar system (Bezdek, 1992).

Citing these and other hardships faced by pro se tenant litigants, proponents of expanding access to counsel argue that access to counsel reduces the number of evictions, prevents homelessness, and saves government funds by reducing shelter costs and other related expenses. Dean Preston, one of the principal architects of San Francisco’s UAC program, has argued that the initiative “will help thousands of San Franciscans stay in their homes and prevent homelessness” (quoted in Singh, 2018). Denver, Colorado, City Councilman Paul Kashmann similarly claims that Denver’s access to counsel pilot initiative will help “stem the tide of homelessness,” as representation “improves the chance a renter will be able to stay in their home and reduces the financial burden on taxpayers” (Denver City Council, 2018).

Lawyers can do a great deal to help tenants stay in their homes, by challenging procedural defects in eviction proceedings, asserting relevant counterclaims, and negotiating with landlords’ attorneys over rent abatements and repayment of arrears. In some cases, however, the effectiveness of representation will be limited. Housing attorneys can do little to change the long-term affordability of tenants’ apartments and may have few resources to assist with the multifaceted challenges tenants face in other spheres of their lives. In some cases, reaching tenants in housing court may simply be too late. Legal representation may not, therefore, significantly improve outcomes for some tenants without access to additional social services or housing subsidies. Alternatively, some tenants may have such strong cases that the presence of counsel is unnecessary to avoid eviction. Finally, landlords argue that increasing tenant representation will simply prolong eviction proceedings and burden owners with nonpaying tenants for longer periods of time, ultimately increasing the cost of housing in the city and undermining the benefits of UAC. When it comes to preventing evictions, programs that could successfully identify and target at-risk tenants for short-term financial assistance before they even get to housing court might be more effective than increasing access to counsel.

The evidence from which to evaluate the marginal benefit of representation in preventing eviction is scant. The best evidence comes from three studies that involved random assignment. Importantly, however, in each of the three studies, attorneys selected the cases in which they believed their assistance would be likely to prevent eviction. Although those cases were then randomly assigned to either the treatment or control group, this methodology excluded cases in which representation might be least likely to be effective. The findings are accordingly unlikely to apply to universal access models, in which counsel is available even to tenants who have no obvious defenses or whose cases are so easily resolved that they might prevail even without representation (for example, because they have already paid the rent due). No study has yet assessed the impact of programs that make counsel available to all tenants, with no preliminary screening of cases.

Seron, Frankel, Ryzin, and Kovath (2001) studied eviction cases in Manhattan in 1993 and 1994, and found that an offer of representation led to statistically significant reductions in warrants of evictions issued at the end of cases. Tenants who were offered representation were less likely to default or fail to appear in court (15.8% vs. 28.2% for the control group); less likely to have a final judgment against them (31.8% vs. 52.0%); and less likely to have a warrant of eviction issued (24.1% vs. 43.5%).

Greiner et al. (2013) studied tenants in one Massachusetts court in 2011 and found that 66% of tenants offered full representation retained possession of their units at the conclusion of the legal proceeding, compared with 38% of the control group (those offered only limited representation, such as advice and consultation).<sup>3</sup> A warrant of eviction was issued in only 12% of the cases of those

offered representation, compared with 60% of those in the control group. However, an earlier study by Greiner et al. (2012) conducted in a different Massachusetts court found no statistically significant differences between case outcomes for those offered full representation and those offered limited representation, suggesting that further research is needed to understand how and at what levels representation is effective in preventing evictions.

The scope and sample sizes of these studies were relatively small. The New York City study involved fewer than 400 cases and focused only on evictions predicated on nonpayment of rent, thus excluding holdover evictions based on a violation or termination of the lease. The study also was limited to cases in which a tenant filed an answer. Today, these criteria would exclude over half of all eviction cases filed in New York City's housing courts. The Massachusetts studies were even more limited in their size and scope. The 2013 study included 76 cases in the treated group and 53 cases in the control group. All representation was provided by two attorneys, and nearly all cases were presided over by the same judge. The 2012 Massachusetts study included 85 treated cases and 99 control cases. Once again, only two attorneys (who were not the same attorneys studied in 2013) were responsible for providing representation, and most cases were heard by the same judge. These limitations raise questions about whether the Massachusetts findings—which are also conflicting—extend when cases are handled by a broader, or simply different, set of actors.

Studying New York City's UAC program presents the opportunity to examine the effects of access to representation on a much larger scale. Some aspects of New York City's legal landscape may limit the generalizability of our findings to other jurisdictions. In particular, tenants in New York City and New York State benefit from legal protections—such as rent stabilization, which covers approximately 45% of the city's rental units (Been, Ellen, & House, 2019)—that enable legal services providers to raise claims and defenses unavailable to tenants in some other cities. Nevertheless, given the limited scope of existing studies, new and reliable research on the effects of New York City's program is critical to help educate other jurisdictions concerned about evictions and how to address them. Hundreds of millions in scarce government funds are at stake, but more importantly, given the alarming rates of evictions that Desmond and others have documented, and the accompanying hardships, the welfare of millions of households is at risk (Bäckman, Brännström, & Kahlmeter, 2017; Collinson & Reed, 2019; Desmond, 2016; Desmond & Kimbro, 2015).

### III. Background: Access to Counsel for Tenants in New York City

Concern about the lack of tenant representation in New York City's housing courts dates back several decades. Since at least the 1980s, advocates have argued for increased funding for legal services organizations to represent low-income tenants in housing court. The imbalance in representation was substantial: as recently as 2013, only 1% of tenants in housing court were represented by lawyers, compared with 95% of landlords.

The lack of tenant representation has received renewed attention in the past two decades as rents have risen and incomes have failed to keep pace, squeezing the budgets of New York renters. Two recent reports were instrumental in building momentum for UAC. In 2011, Make the Road New York released *Home Court Advantage: How Landlords Are Winning and Tenants Are Losing in Brooklyn Housing Court*, documenting the challenges and disadvantages that self-represented tenants faced in Brooklyn housing court. In 2013, Community Action for Safe Apartments (CASA) and the Community Development Project released a joint report entitled *Tipping the Scales: A Report of Tenant Experiences in Bronx Housing Court*, arguing for legislation establishing a right to counsel in housing court (Community Action for Safe Apartments and Urban Justice Center, 2013). In 2014, these and other advocates joined with a broader group of tenants, scholars, and legal services providers to form New York City's Right to Counsel Coalition. Later that year, the advocates saw their first tentative legislative victory when two city council members introduced a bill to require the city to establish programs, within 5 years, to provide all tenants facing eviction with access to legal services.

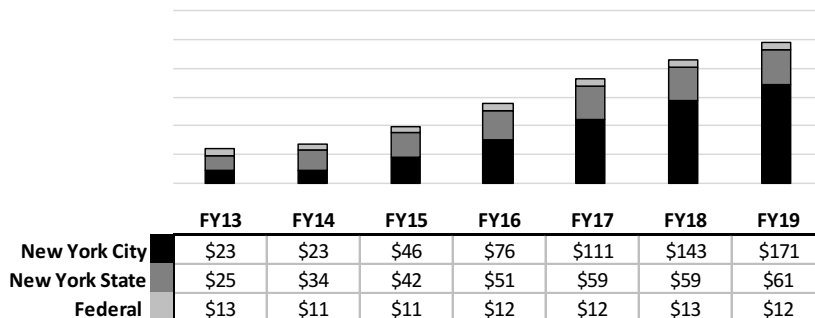
Over the next 3 years, the coalition continued an extensive mobilization effort that included direct outreach to tenants, presentations at community boards throughout the city, town halls in four boroughs, and press conferences and local and national media coverage on the need for tenant representation in housing court ([Right To Counsel NYC](#)). Although the coalition emphasized that access to counsel should be available to all low-income tenants—an objective they would eventually achieve—along the way, advocates secured other expansions of civil legal services to particular neighborhoods or groups of vulnerable tenants, the details of which are outlined below.

New York City provided some support for legal assistance for tenants in housing court prior to the rollout of UAC. For example, the city's Human Resources Administration (HRA) had already contracted with nonprofit legal services organizations to provide representation and advice to low-income tenants in eviction proceedings.<sup>4</sup> HRA had also funded services to combat tenant harassment and displacement, particularly in neighborhoods designated for rezoning.<sup>5</sup> The city's support expanded considerably in the early years of the de Blasio administration, which somewhat complicates any assessment of the impact of UAC.

All in all, the de Blasio administration significantly expanded resources for civil legal services for tenants across the city, starting in Fiscal Year (FY) 2015, which was the first year that the mayor's budgetary priorities were funded. [Figure 2](#) shows the increase in funding for legal services (including, but not limited to, legal services for tenants) that began in FY2015 (NYC Office of Civil Justice, [2019a](#)). In FY2018, the de Blasio administration committed \$41 million for anti-eviction legal services, \$35.7 million for anti-harassment services (NYC Office of Civil Justice, [2017](#)), and \$15 million to the first phase of universal access implementation (NYC Office of Civil Justice, [2018](#)). New York City projects that it will spend \$166 million annually on UAC once it is fully implemented (NYC Human Resources Administration, [2019](#)).

Beginning in 2014 and 2015, other sources of funding, including partnerships among nonprofit and private organizations and among city and state agencies, have also contributed to the expansion of legal services for tenants in New York City.<sup>6</sup> Additionally, both advocates and the city have consistently engaged in tenant outreach to increase awareness about the availability of representation and to provide information, advice, and other services to tenants facing the possibility of eviction.<sup>7</sup> The Right to Counsel Coalition has also continued to provide direct community outreach to increase awareness about the availability of new services, and to meet regularly with judges and court staff to oversee the implementation of UAC ([Right To Counsel NYC](#)).

UAC thus built on a gradual expansion of access to counsel for tenants, as well as increased access to information, advice, and other services in housing court. UAC began with the introduction of the Expanded Legal Services (ELS) pilot program in 10 ZIP Codes in early 2016. Through ELS, the city



**Figure 2.** Public funding for legal services (FY13–FY19). Amounts are in millions of dollars. Source: Office of Civil Justice 2018 Annual Report.

provided universal legal representation in eviction cases for individuals living in those 10 ZIP Codes with household incomes at or below 200% of the federal poverty line (NYC Office of Civil Justice, 2016).<sup>8</sup> The ELS ZIP Codes were selected (in part) based on rates of shelter entry (NYC Office of Civil Justice, 2016). In contrast to previous initiatives described above, ELS “resemble[d] a court-based ‘public defender’ model,” in which all eligible tenants who appeared in court were referred to legal services providers for same-day screening and intake (NYC Office of Civil Justice, 2016). As access to counsel expanded, advocates continued public and community outreach to raise awareness about the availability of counsel in housing court.

In July 2017, the City Council passed an amended bill establishing UAC in housing court. In August 2017, Mayor de Blasio signed the bill, making New York City the first U.S. jurisdiction to enact legislation guaranteeing free legal representation to all income-qualified tenants facing eviction in housing court. The law provides that, subject to appropriation, all New York City tenants with household incomes at or below 200% of the federal poverty line will be given access to free legal counsel in eviction cases “no later than July 31 2022.”<sup>9</sup>

To implement UAC, the city’s Office of Civil Justice largely built upon processes developed for ELS, working with legal service providers, judges, and staff in each housing court to establish intake processes. Providers, whose offices are located inside the court and close to the UAC-designated courtrooms, speak with tenants to offer legal services and conduct intake and eligibility screening. After intake has been completed, providers file notice with the court that the tenant is represented (NYC Office of Civil Justice, 2017). Accordingly, although tenants’ advocates have focused outreach efforts on UAC ZIP Codes to increase overall awareness of the availability of counsel, tenants in those ZIP Codes must answer a filing and appear in court to receive representation.

UAC was designed to be phased in throughout the city by ZIP Code over a 5-year period. The city selected the 10 ELS ZIP Codes, where a pilot UAC program was already underway, and added five new ZIP Codes<sup>10</sup> clustered around the 10 ELS ZIP Codes in October 2017. The city selected these ZIP Codes based on a combination of factors, including shelter entries, the prevalence of rent-regulated housing, the volume of eviction proceedings, and whether the area was already being served by other legal services programs (Mironova & Waters, 2017). Five additional ZIP Codes were added to UAC in November of 2018,<sup>11</sup> and five more were added in December of 2019<sup>12</sup> (New York City Office of Civil Justice, 2019a). According to the Office of Civil Justice, these ZIP Codes were selected based on similar factors to those used in selecting the initial ZIP Codes (NYC Human Resources Administration, 2019).

#### IV. Methodology

Identifying how access to counsel affects eviction rates and trends in the private rental market from observational studies is challenging, given that tenants with representation tend to differ from those without it in unobserved ways. We use an event-study approach that exploits the sequential rollout of the program across ZIP Codes over time. That is, we compare changes in a set of eviction-related outcomes for ZIP Codes pre- and post-UAC treatment with changes in similar ZIP Codes that have been selected to be treated but have not yet received those services. As a benchmark, we also observe trends in other ZIP Codes in the city that will receive UAC by 2022, to control for secular trends and the availability of tenant services citywide.

Specifically, we compare eviction patterns across four cohorts of ZIP Codes: the 10 ZIP Codes that began receiving treatment at the start of 2016 (through ELS) and continued to receive treatment through UAC from 2017 onward (UAC1A); the five ZIP Codes that received UAC starting in October of 2017 (UAC1B); the five ZIP Codes that entered the program in November of 2018 (UAC2); and, finally, the five ZIP Codes that entered the program in December of 2019, for which we have no post-UAC data (UAC3). We exploit the variation in timing of adoption to measure impacts. Although we believe that the timing of when UAC was rolled out was fairly random within this group, we check this



assumption empirically by assessing differences across the cohorts on a variety of demographic and housing characteristics and by inspecting eviction-related pretrends.

In terms of outcomes, we start by simply testing for an increase in representation among tenants after the implementation of UAC in their ZIP Code of residence. We look at the share with representation among any tenants receiving an eviction notice and look for increases at the time of implementation. We also examine whether tenants are more likely to go to court in response to a complaint. If tenants know about the availability of access of counsel, they may be more likely to answer a complaint after UAC is rolled out in their ZIP Code. As noted above, tenants can only receive legal assistance if they answer a complaint.

We then examine the warrant execution rate, which is the outcome with the most significant effects on individual tenants' lives. Specifically, it captures the share of cases filed in a given year that ultimately resulted in an eviction before the end of our time period. Access to counsel should presumably reduce this proportion. We consider all cases in total, as well as nonpayment and holdover cases separately, as any effects of access to counsel may vary by type of case. Since it takes time between filing and warrant execution, not all of the cases filed in a given year reach the point of execution within the same year. Most cases are completed within 2 years, although a small share go on for many more years. Thus, we only track the warrant execution rate for cases filed through 2017, and we may even be understating the eviction rate for 2017, since some evictions for cases filed in 2017 may still have been in process at the end of 2019 when the data were pulled.<sup>13</sup> Although this is true both for ZIP Codes where UAC has been implemented and for those where it has not yet been implemented, it is possible that legal representation extends the time between filing and a judgment, suggesting the bias may be greater for ZIP Codes where UAC has been implemented. There is little we can do about this, although we do examine shifts in timing between filing and judgment and between filing and warrant execution rate.

To test whether any differences between early UAC ZIP Codes and other ZIP Codes are statistically significant, we estimate a series of simple multivariate regressions that control for ZIP Code demographics and lagged changes in the dependent variable. Specifically, we regress the change in the outcome between 2015 and 2017 on a dummy variable indicating early UAC implementation, a dummy variable indicating that UAC had not been adopted as of 2019 (so the omitted or comparison group is the set of ZIP Codes where UAC was launched between 2017 and 2019), the ZIP Code poverty rate, percentage White, and the lagged change in the outcome (between 2013 and 2015).

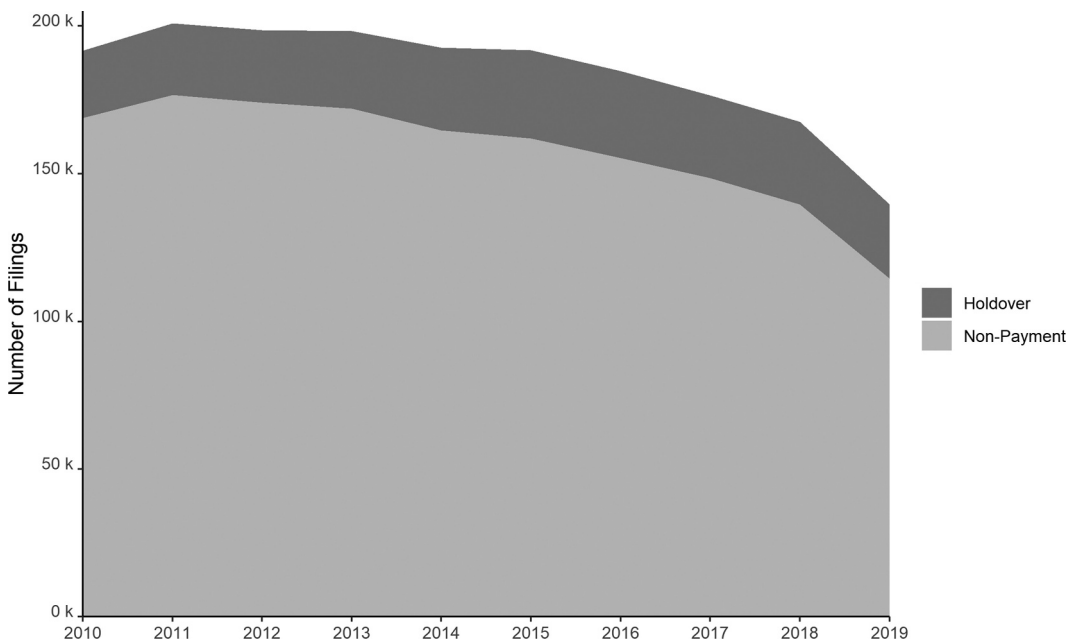
Finally, we also examine changes in overall eviction filings for nonpayment and holdover issues. Although access to legal counsel should not directly affect filings, landlords may respond to the availability of legal counsel for tenants by filing fewer claims.

## V. Data

This study uses data from the New York State Office of Court Administration on all cases filed in housing courts in New York City from 2010 through 2019. The data contain the complete record of each case including the date of every action taken before the court, whether each party was represented, the court's decision (if reached), and the date a warrant of eviction was executed (if completed). The data are anonymized such that there is no identifying information regarding the tenants or landlords, and the only spatial information about the rental unit is the ZIP Code. Since we are focusing on the private rental market, we exclude filings from the New York City Housing Authority (NYCHA). Additionally, we exclude filings from condominiums and co-ops throughout our analysis because the process, outcomes, and drivers affecting them can differ from traditional rental evictions. We supplement these eviction data with 5-year estimates of resident demographics and housing conditions from the 2010–2014 American Community Survey.

Overall, the volume of eviction filings decreased during our study period across New York City (see [Figure 3](#)). Filings from non-NYCHA rental units peaked in 2011, at 200,809. By the end of the



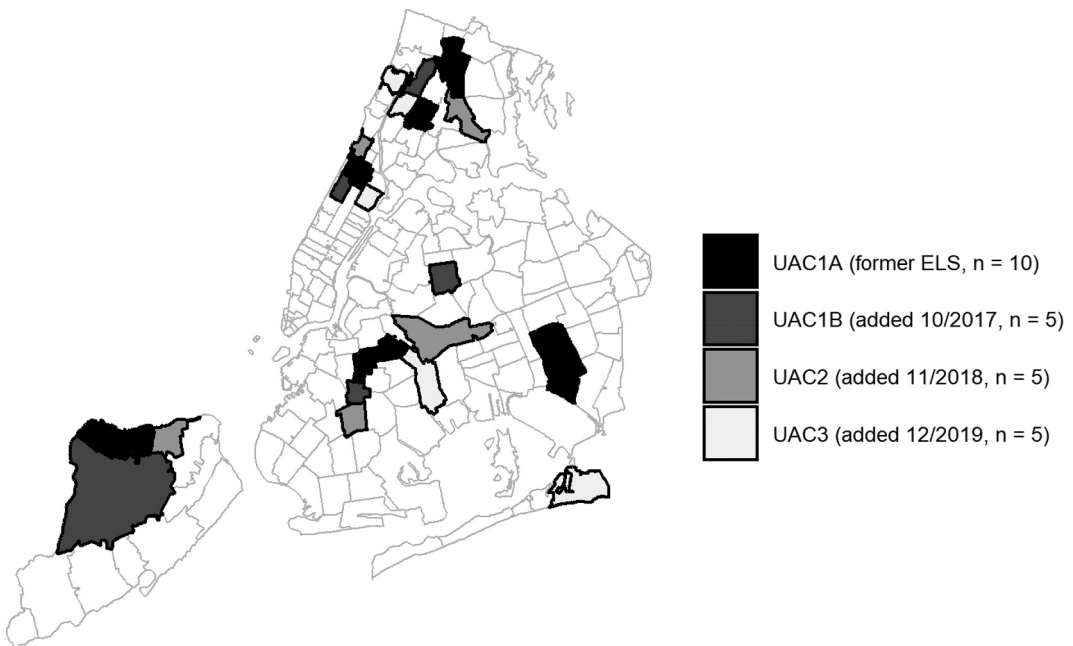


**Figure 3.** Private eviction filings by case type across New York City, 2010–2019. Source: New York State Office of Court Administration’s Universal Case Management System, NYU Furman Center.

study period in 2019, filings had decreased by about a third, to 139,614. (Some of the decline between 2018 and 2019 could be due to incomplete data in the final quarter of 2019; for the analyses below, we thus restrict the sample to filings through the third quarter of 2019.) Nonpayment cases make up the vast majority of filings, although they decreased at a faster rate than holdover cases: the share of filings that were for nonpayment fell from 88% in 2010 to 82% in 2019. Note that the Bronx is a clear outlier from this otherwise city-wide trend, with a much higher filing rate and an increase in the number of filings during the same time period (NYU Furman Center, 2019).

Figure 4 shows the distribution of UAC ZIP Code cohorts across New York City. As mentioned, the initial cohorts were equally distributed across the five boroughs. Table 1 compares the UAC ZIP Code cohorts prior to the rollout (2010–2014) with the remaining ZIP Codes in the city that were not already part of a different, place-based tenant representation program. The poverty rate ranged from 19% to 32% for the UAC cohorts as a group, but all of the cohorts had a higher poverty rate than the rest of the city (17%). Similarly, the share of the population within each cohort that was eligible to participate in the UAC program (i.e., the share of households with income at or below 200% of the federal poverty level) ranged from 33% to 54%, but all had a larger share than the rest of the city (31%). Less than one third of the population in each UAC cohort was White, compared with 41% for the rest of the city, and all cohorts had a higher share of Hispanic residents than the rest of the city did. Three of the four cohorts also had a higher share of Black residents and a lower share of Asian residents than the rest of the city did.

Median gross rent in the UAC cohorts ranged from \$1,088 to \$1,333 in 2000–2014, but all of the cohorts had a lower median gross rent than the rest of the city, which had a median gross rent of \$1,392. Despite having a lower median gross rent, the median percentage of household income spent on rent was higher in all of the UAC cohorts than in the rest of the city (around 33% in all cohorts compared with 31% in the rest of the city). Median gross rent increased over our study period by around 10% (after adjusting for inflation) in the rest of the city, and although all UAC cohorts saw increases to their median gross rent, two cohorts increased faster than the rest of the city and two cohorts decreased more slowly.



**Figure 4.** Map of universal access to counsel (UAC) ZIP Code cohorts in San Francisco, California.

What really sets these ZIP Codes apart from the rest of the city is their greater activity in housing court. Whereas the rest of the city had a filing rate of 7.87 filings per 100 private rental units in 2014, the UAC ZIP Code cohorts had filing rates twice this high, ranging from 13.12 to 18.44 filings per 100 private rental units. However, before these programs were rolled out, tenant representation rates were universally low across the city: tenants were represented in less than 1% of cases in all of the UAC cohorts as well as in the rest of the city. Given the large gap in filing rates and other observed (and potentially unobserved) differences between these initial ZIP Codes chosen for UAC and others in the city, we believe the most rigorous impact estimates come from comparisons among these initial UAC ZIP Codes.

In terms of the selection of which ZIP Codes were treated first, [Table 1](#) provides little evidence of systematic differences across ZIP Codes based on timing of implementation. Whereas the UAC1A cohort has the second highest poverty rate, share of population eligible, and eviction filing rate of the four ZIP Code cohorts, the latest cohort of ZIP Codes added (UAC3) has the highest rates in each of these categories. These two sets of ZIP Codes, the first to be treated and the last, appear most similar on the observables, which is useful for our event-study approach.

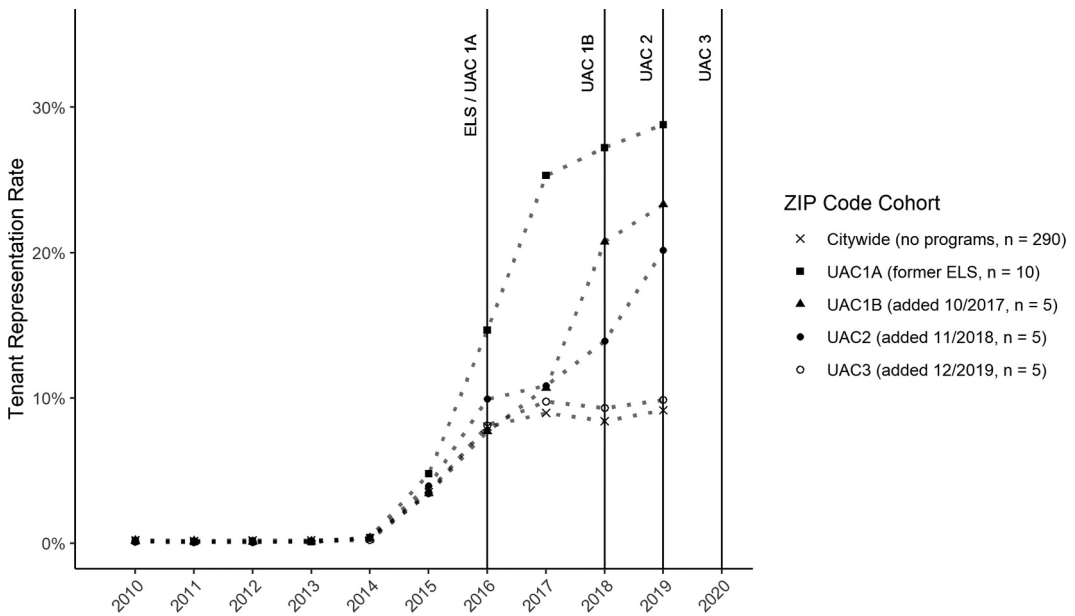
## VI. Results

Our first key question is whether UAC actually increased tenant representation in housing court. Even when access to counsel is offered, several factors may affect tenants' actual take-up of representation. First, the design of the UAC program requires tenants to answer in court to receive representation; if most tenants fail to answer, the program's effectiveness would be limited. Other elements of program design—for example, setting a qualifying income threshold too low—could limit the number of tenants actually receiving representation through UAC. Finally, tenants might decline representation, out of a belief that having a lawyer is not necessary or will not benefit their case, or a mistrust of lawyers and the broader justice system (Greene, 2016; Steinberg, 2015; Tyler & Zimmerman, 2010).

**Table 1.** Demographic indicators comparing universal access to counsel (UAC) ZIP Code cohorts in New York City with the rest of the city.

<i>n</i>	Outside UAC		UAC 1A (ELS)		UAC 1B		UAC 2		UAC 3	
	290		10		5		5		5	
Poverty rate	17.47% (± 0.19%)		26.66% (± 0.77%)		19.20% (± 0.87%)		20.93% (± 0.92%)		32.07% (± 1.17%)	
Program-eligible population	31.16% (± 0.25%)		44.81% (± 1.06%)		33.43% (± 1.09%)		38.18% (± 1.21%)		53.97% (± 1.26%)	
Percentage Asian	14.10% (± 0.15%)		4.60% (± 0.35%)		17.80% (± 0.63%)		6.00% (± 0.52%)		3.18% (± 0.38%)	
Percentage Black	16.73% (± 0.14%)		48.26% (± 0.72%)		16.92% (± 0.55%)		31.71% (± 0.78%)		36.09% (± 0.83%)	
Percentage Hispanic	24.74% (± 0.20%)		33.99% (± 0.70%)		31.36% (± 0.94%)		37.73% (± 0.97%)		48.83% (± 1.05%)	
Percentage White	41.53% (± 0.15%)		10.60% (± 0.40%)		31.99% (± 0.67%)		22.45% (± 0.58%)		10.09% (± 0.47%)	
Median rent (\$)	1,391.56		1,162.23		1,333.00		1,269.71		1,087.72	
Percentage change in rent	9.65		11.89		7.42		10.36		9.47	
Median rent burden (%)	31.43		33.95		33.46		33.19		33.59	
2014 eviction filing rate	7.87		15.32		13.12		13.25		18.44	
2014 tenant representation rate (%)	0.35		0.39		0.36		0.34		0.23	

*Note.* ELS = Expanded legal services. All monetary values are adjusted to 2019 dollars. Most indicators use American Community Survey 5-Year Estimates, U.S. Census Bureau, 2015 (covering the years 2010 – 2014). Program-eligible population uses American Community Survey 5-Year Estimates, U.S. Census Bureau, 2016 (covering the years 2011 – 2015) as that is the earliest window for which the indicator is available. Percentage change in rent compares American Community Survey 5-Year Estimates, U.S. Census Bureau, 2012 (covering the years 2007 – 2011) with American Community Survey 5-Year Estimates, U.S. Census Bureau, 2019 (covering the years 2014 – 2018). Medians were calculated using binned frequency tables and linear interpolation with the bin containing the median observation.



**Figure 5.** Tenant representation rate by ZIP Code cohort. *Note.* The rate for 2019 is only calculated through the third quarter because of data availability. Sources: New York State Office of Court Administration's Universal Case Management System; NYU Furman Center.

Figure 5 presents representation rates as a share of all eviction filings for our study time period. It shows a citywide increase in representation in UAC and non-UAC ZIP Codes alike, starting in 2015 and continuing through 2017. But the figure also shows a larger increase in representation for tenants living in the ZIP Codes where UAC was rolled out. Specifically, we see a relative increase in representation (above and beyond the citywide increase) in the first cohort (UAC1A) starting in 2016, when ELS was launched in those ZIP Codes. For the five ZIP Codes added to the program in October of 2017 (UAC1B), we see a modest relative increase in representation in 2017 and then a sharp increase in representation starting in 2018. Similarly, we see a modest relative increase in representation in 2018 for the ZIP Codes that entered the program in November of 2018 and then a larger increase in 2019. Thus, whereas we see a citywide increase in tenant representation between 2014 and 2017 from around 1% to 10%, we see significantly larger jumps in legal representation for tenants living in the ZIP Codes where UAC has been implemented that correspond with the timing of the UAC rollout in those ZIP Codes. By 2019, roughly 28% of tenants with eviction cases filed against them were represented in the ZIP Codes where UAC was introduced in 2016. UAC, in other words, has succeeded in providing legal representation to tenants in housing court.

Nevertheless, our results show that not all tenants in UAC ZIP Codes are represented. Some may have incomes too high to qualify for UAC representation, some may fail to respond to the complaint and come to court, and others may simply refuse representation (Steinberg, 2015; Tyler & Zimmerman, 2010). (Note in Table 1 that the lower share of households with incomes below 200% of the poverty line in the UAC1B cohort may explain why post-UAC representation rates are lower there than in the UAC1A ZIP Codes.)

We see somewhat similar patterns when we look separately at nonpayment and holdover cases (see the appendix), although a much greater share of tenants are represented in holdover cases, perhaps because they feel more confident that they can afford to stay in the home over the longer term. The jump in representation after the introduction of UAC for holdover cases appears lagged for the first set of ZIP Codes (ELS) and is also somewhat larger, amounting to a difference of about 20 percentage points in representation in 2019 between tenants in ZIP Codes where UAC was rolled

out in 2016 or late 2017 and those living in ZIP Codes where it would be rolled out at the very end of 2019.

Figure 6 shows that the share of tenants answering eviction filings, or coming to court to contest them, rose substantially during this period. But it rose across the board, not just in UAC ZIP Codes. In non-UAC ZIP Codes, answer rates rose from about 20% to 40%; only the UAC2 ZIP Codes saw a larger increase, from about 20% to 45%. Thus, there is little indication that the rollout of UAC increased the share of tenants responding to eviction filings, although perhaps the outreach and publicity surrounding UAC spilled over to other ZIP Codes. Interestingly, holdover cases (see the Appendix) have a somewhat larger increase in answer rate in early UAC ZIP Codes after the start of the program.

UAC aims most directly at reducing the warrant execution rate, or the share of eviction filings that result in an actual eviction. Unfortunately, because evictions are often executed 2 or more years after a filing, we can only observe true impacts for the group of ZIP Codes where UAC was started in 2016, since we can be confident that our execution rate is accurate only for filings through 2017. This also limits our ability to establish UAC as causing a decline in executed evictions. That said, Figure 7 suggests a clear downward trend in the warrant execution rate for filings in the initial UAC ZIP Codes compared with those in the rest of the city. In these ZIP Codes, the warrant execution rate fell from 10.4% in 2015 to 8.8% in 2017. Whereas this is small in absolute terms, this 1.6-percentage-point decline is the equivalent of about 300 fewer evictions and, if applied to all filings, would equal more than 2,000 fewer evictions citywide. In ZIP Codes where UAC has yet to be rolled out, by contrast, we saw a slight increase between 2015 and 2017, from 9.2% to 9.8%, whereas the ZIP Codes where UAC was adopted between 2017 and 2019 saw a slight decrease, from 8.3% to 8.0%.

We estimate a series of simple multivariate regressions (shown in the appendix) to test whether these differences are statistically significant after controlling for ZIP Code demographics and lagged changes in eviction rates. As shown in the bottom panel of Table A1, the 2015–2017 decline in eviction rates in the initial UAC ZIP Codes is significantly larger than that for the rest of the city, even after controlling for poverty and racial composition (Model 1). It is also significantly different (at a 10% level) from the trend in the ZIP Codes where UAC was adopted between 2017 and 2019

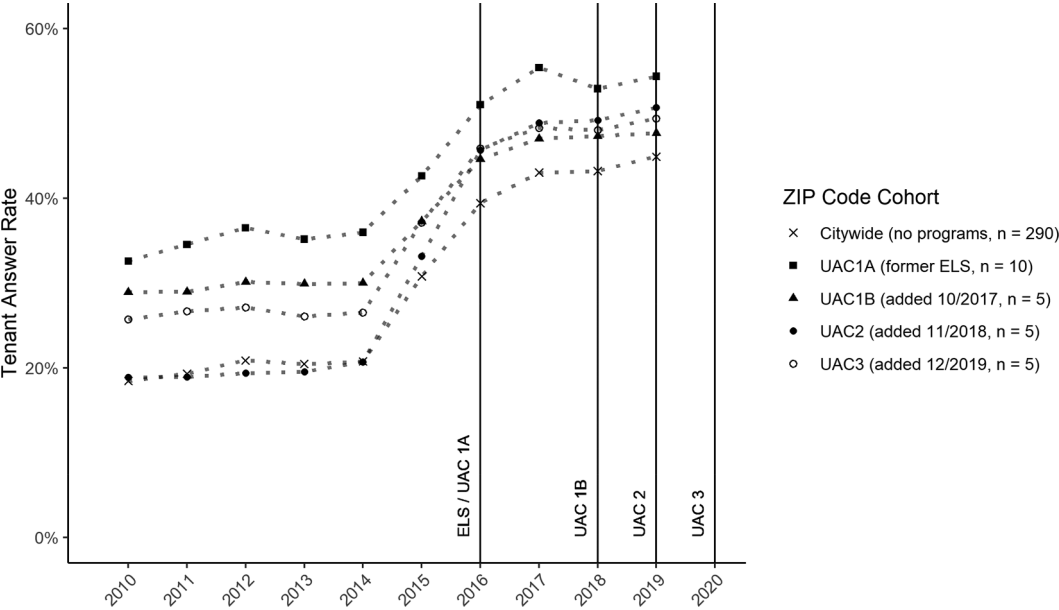
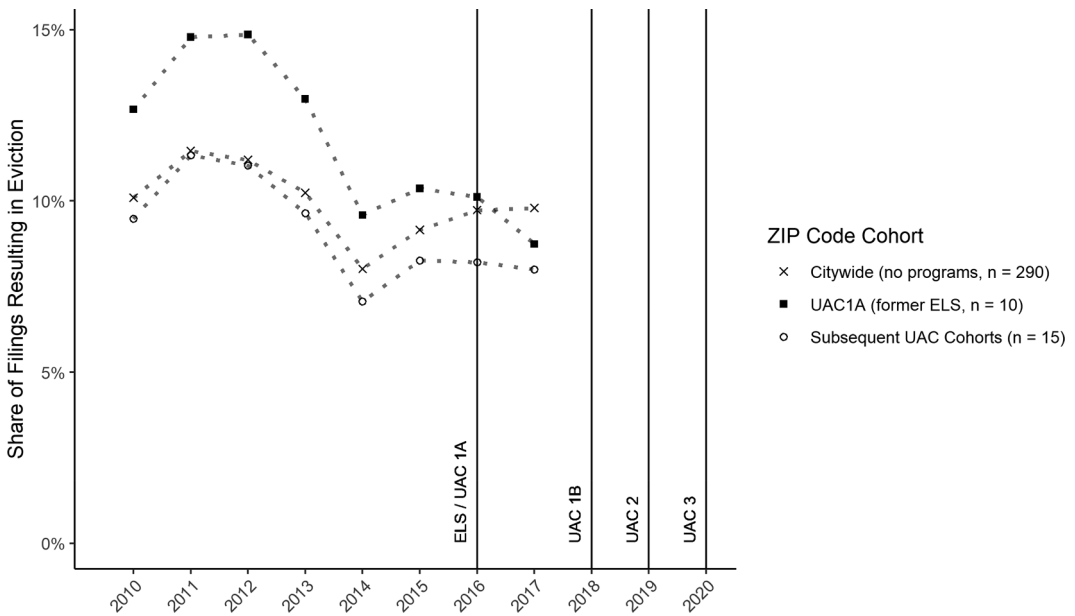


Figure 6. Tenant answer rate by ZIP Code cohort. Note. The rate for 2019 is only calculated through the third quarter because of data availability. Sources: New York State Office of Court Administration’s Universal Case Management System; NYU Furman Center.



**Figure 7.** Share of cases filed each year resulting in an executed warrant of eviction, by ZIP Code cohort. *Note.* Because of a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration’s Universal Case Management System; NYU Furman Center.

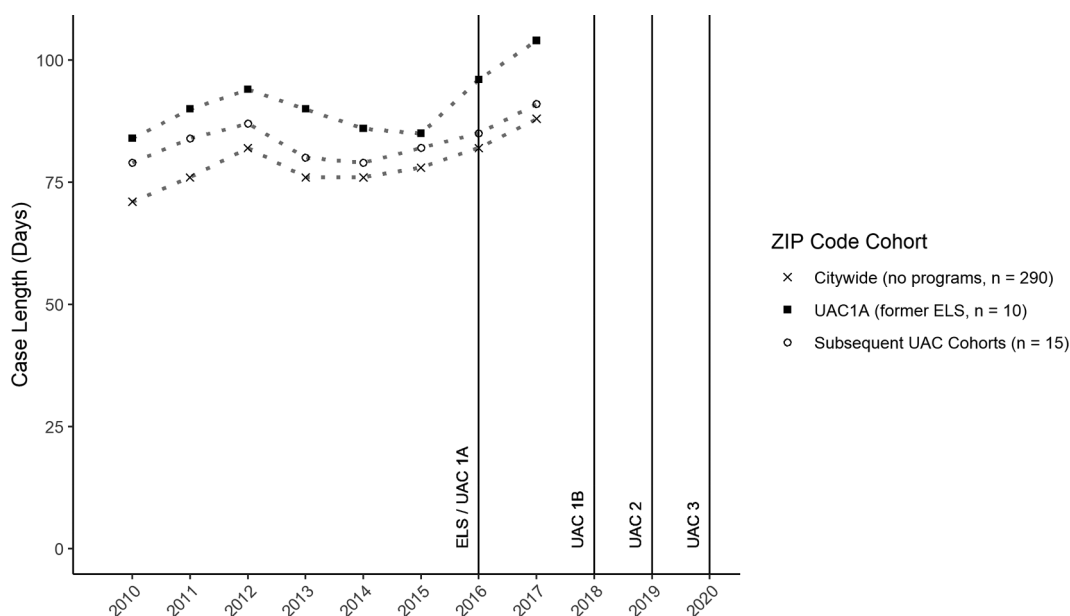
(omitted category), even after controlling for prior trends in eviction (Model 3). [Table A1](#) also shows similar regressions for 2015–2017 changes in the share of tenants represented (see top panel). The regressions show that the increase in representation in the initial UAC ZIP Codes was significantly larger than that in the ZIP Codes where UAC was rolled out between 2017 and 2019 (omitted category), even when controlling for ZIP Code demographics and prior (2013–2015) trends in representation rates. The UAC intervention, in other words, appears to have been successful in providing more tenants with legal assistance.

When broken out by nonpayment and holdover (see the Appendix), we observe both a decrease in warrant execution rates for the treated ZIP Codes in the year after UAC adoption and little change in the comparison ZIP Codes. The magnitude of the decline is notably larger for holdover cases, however.

It is possible that the impacts we see for the initial cohort of UAC ZIP Codes are driven in part by lawyers lengthening the time between filing and final decision and not by warrant execution rates actually decreasing over the longer run. [Figure 8](#) suggests that the time between filing and final decision did increase for the ZIP Codes where UAC was rolled out in 2016, with the median time rising from 85 days in 2015 to more than 100 in 2017. But although meaningful, the magnitude of this increase is unlikely to fully account for the reduction in the warrant execution rate.

## VII. Conclusion

New York City has adopted numerous efforts to increase tenant representation and decrease evictions over the past 5 years, complicating our assessment of one specific effort: providing universal access to counsel. For example, we observe an increase in tenant representation in housing court cases starting in 2014. This precedes the implementation of UAC, occurs throughout the city, and is likely due to earlier efforts. Nevertheless, we are able to exploit the timing and geography of the rollout of UAC to help isolate its effects from these broader and earlier efforts. We find evidence consistent with the hypothesis that UAC improves the outcomes focused on by advocates: the share of cases in which tenants are represented and the share of cases resulting in an eviction (as captured by executed warrants of eviction). Specifically, we



**Figure 8.** Median days from filing to court decision (for cases with a final decision) by ZIP Code cohort. *Note.* Because of a large number of active cases, the case length was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System; NYU Furman Center.

find increases in legal representation for housing court cases in treated ZIP Codes relative to ZIP Codes selected to be treated in subsequent years. Importantly, these increases occur at the time UAC was rolled out in those ZIP Codes.

In terms of the share of filings resulting in executed warrants, we observe a notable decline in 2017 after UAC was implemented in the earliest ZIP Codes, compared with almost no change in rates in UAC ZIP Codes that would be treated between late 2017 and 2019, and a continuing increase in rates in the remainder of the city. Although these patterns are consistent with UAC causing these changes, additional time for eviction cases to come to completion is needed for a more robust causal assessment of whether UAC leads to a statistically significant decline in execution rates. That said, this suggestive evidence may be useful to jurisdictions already contemplating and implementing tenant counsel programs.

We find no evidence that the UAC rollout itself directly led to a greater share of tenants responding to complaints by appearing in housing court, the point at which they would receive representation and legal advice that might affect the outcomes of cases. However, answering rates increased dramatically throughout New York City starting in 2014, likely because of the entirety of city efforts, outreach by advocacy and community organizations, and media coverage of those efforts. Answering rates continued to generally increase during UAC's rollout, but not differentially in treated ZIP Codes, perhaps because advocate efforts had effects beyond the specific ZIP Codes in which UAC was implemented. Achieving a better understanding of what contributed to the city-wide increase in answering rates would be very useful for jurisdictions considering UAC-type interventions.

These results focus on the early stages of UAC's rollout, and so should be considered preliminary. They also highlight areas where additional research is needed. For example, the differences we find between nonpayment and holdover cases warrant further research, as jurisdictions weigh resource tradeoffs in potentially targeting limited resources. We also found a relative increase in the median time to warrant execution after the introduction of UAC. This may necessitate a longer timeline for assessing the impacts of access to counsel, and may indicate a potential source of increased costs beyond the provision of UAC itself. Over the longer run, researchers should examine whether UAC affects landlords' willingness to provide rental housing, and at what price. We also note that legal



representation in housing court may affect other aspects of eviction cases and may provide benefits we are unable to observe at this time. Among other benefits, lawyers may be able to negotiate the amount of arrears a tenant is obligated to repay, the length of the repayment period, and rent abatements based on poor housing conditions.

## Notes

1. Access to counsel initiatives has grown out of decades of advocacy by tenant organizing groups, housing advocates, and academics for the right to counsel for tenants in eviction proceedings. This advocacy is part of a broader movement known as civil *Gideon*, which calls for a right to counsel in civil matters equivalent to the right to counsel in criminal proceedings established by *Gideon v. Wainwright*, 372 U.S. 335 (1963). See, e.g., Kleinman, 2004, Sweet, 1998, and Scherer, 1988.
2. For a comprehensive overview of the eviction process in New York City, see Scherer and Schneider (2019).
3. Of the tenants offered full representation, 97% accepted.
4. Among other initiatives, the city's HRA has provided legal assistance to tenants through initiatives such as Anti-Eviction Legal Services and the Housing Help Program under the Homelessness Prevention Law Project (HPLP). Although annual funding data are not available, HRA reports show that HPLP was funded at approximately \$4.9 million in Fiscal Year (FY) 2013, and at \$25.8 million by FY2017. In FY2017, HRA provided \$3 million in funding to the Legal Aid Society through the Housing Help Program (HHP) to offer full representation and brief legal services paired with social work services to families with children facing homelessness in high-risk ZIP Codes characterized by high rates of shelter entry (NYC Office of Civil Justice, 2017). Anti-Eviction Legal Services Targeted Neighborhoods include: 11207, 11212, 11226, 10452, 10456, 10458, 11432, 11691, and 11692. HHP Targeted Neighborhoods are 10452 (Highbridge, Bronx), 10456 (Morrisania, Bronx), 11212 (Brownsville, Brooklyn), 11207 (East New York, Brooklyn), 11226 (Flatbush, Brooklyn), 11432 (Jamaica, Queens), 11691 (Far Rockaway, Queens) and 11692 (Averne, Queens). (NYC Office of Civil Justice, 2016).
5. HRA provides these services primarily through its Anti-Harassment and Tenant Protection (AHTP) program. The program targets households at or below 200% of the federal poverty line in ZIP Codes designated for rezoning. The program's funding grew from \$4.6 million in FY2015 to \$18 million in FY2016 and \$32.9 million in FY2017 (NYC Office of Civil Justice, 2016, 2017). AHTP Targeted Neighborhoods are 10029 (East Harlem, Manhattan), 10034 (Inwood, Manhattan), 10035 (East Harlem, Manhattan), 10301 (Bay Street, Staten Island), 10304 (Stapleton, Staten Island), 10452 (Highbridge, Bronx), 10453 (Morris Heights, Bronx), 10459 (Longwood, Bronx), 10457 (East Tremont, Bronx), 10460 (West Farms, Bronx), 11206 (Bushwick, Brooklyn), 11207 (East New York, Brooklyn), 11208 (East New York, Brooklyn), 11212 (Brownsville, Brooklyn), 11215 (Gowanus/Park Slope, Brooklyn), 11217 (Boerum Hill, Brooklyn), 11231 (Carroll Gardens/Red Hook, Brooklyn), 11233 (Ocean Hill, Brooklyn), 11237 (Ridgewood/Bushwick, Brooklyn), 11101 (Long Island City, Queens), 11354 (West Flushing, Queens), 11358 (Flushing, Queens), 11691 (Far Rockaway, Queens), and 11692 (Far Rockaway, Queens) (NYC Office of Civil Justice, 2017).
6. A partnership between HRA, the Access to Justice program of the state judiciary, and nonprofit housing and service providers supports the Housing Court Navigators program, which began in 2014 and operates in all boroughs but Staten Island. Through the Navigators program, nonattorney volunteers provide information, referrals, and other forms of assistance to tenants facing eviction. Similarly, the Center for Court Innovation provides, through private funding, information and referrals on a variety of civil legal issues, including housing, through the Legal Hand program, which has operated since 2015 in Brooklyn and Queens (NYC Office of Civil Justice, 2016). The Poverty Justice Solutions program provides external funding (through the Robin Hood Foundation, the state court system, and the Center for Court Innovation) for attorneys to represent tenants at nonprofit civil legal services organizations. The City Council also awards discretionary funding to civil legal service providers for eviction prevention services through its Anti-Eviction/Single-Room Occupancy (SRO) Legal Services and other housing court initiatives, including support for tenant education and information through the Housing Court Answers program. All of these efforts started in 2014 or 2015.
7. The city's AHTP program provides resources for tenant outreach as well as preventive, prelitigation services aimed at preventing displacement (NYC Office of Civil Justice, 2017). In 2015, HRA created the New York City Tenant Support Unit, through which the city conducts proactive outreach to tenants in neighborhoods in which legal services and other assistance are available to assist tenants facing harassment or displacement.
8. ELS Targeted Neighborhoods consist of the following ZIP Codes: 10026 (Harlem, Manhattan), 10027 (Harlem, Manhattan), 10302 (Port Richmond, Staten Island), 10303 (Mariners Harbor, Staten Island), 10457 (Tremont, Bronx), 10467 (Williamsbridge, Bronx), 11216 (Bedford-Stuyvesant/Crown Heights, Brooklyn), 11221 (Bushwick/Bedford-Stuyvesant, Brooklyn), 11433 (Jamaica, Queens) and 11434 (South Jamaica, Queens).
9. Tenants who earn incomes above 200% of the poverty line are entitled to free legal advice, but not to representation. Unlike previous access-to-counsel initiatives, UAC will also extend free legal representation to tenants facing eviction from New York City Housing Authority (NYCHA) housing (NYC Office of Civil Justice,

2019a). During the first phase of the UAC rollout, only heads of NYCHA households over 62 years of age are eligible for representation; by 2022, representation will be available to all income-eligible NYCHA tenants (NYC Office of Civil Justice, 2019a).

10. The five new ZIP Codes were 10025 (Upper West Side, Manhattan), 10314 (Bull's Head, Staten Island), 10468 (Jerome Park, Bronx), 11225 (Prospect Lefferts Gardens, Brooklyn), and 11373 (Elmhurst, Queens).
11. The five new ZIP Codes were 10031 (Hamilton Heights, Manhattan), 10310 (West Brighton, Staten Island), 10462 (Van Nest, Bronx), 11226 (Flatbush, Brooklyn), and 11385 (Glendale, Queens).
12. The five new ZIP Codes were 10029 (East Harlem, Manhattan), 10034 (Inwood, Manhattan), 10453 (Morris Heights; Bronx), 11207 (East New York, Brooklyn), and 11691 (Rockaway, Queens).
13. Unfortunately, without a warrant we cannot observe whether a case is still in process or whether it has been resolved.

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## Disclosure Statement

No potential conflict of interest was reported by the authors.

## Notes on Contributors

**Ingrid Gould Ellen** is the Paulette Goddard Professor of Urban Policy and Planning at New York University's (NYU) Robert F. Wagner Graduate School of Public Service and a Faculty Director at the NYU Furman Center. Professor Ellen has published books and numerous articles on housing policy, community development, and residential segregation.

**Katherine O'Regan** is Professor of Public Policy and Planning at NYU's Robert F. Wagner Graduate School of Public Service and a Faculty Director at the NYU Furman Center for Real Estate and Urban Policy. She has written extensively on affordable housing policy and issues of segregation and neighborhood change.

**Sophie House** is a Legal Fellow at NYU's Furman Center for Real Estate and Urban Policy, where her research spans issues of homelessness, housing instability, and fair housing. She holds a J.D. from Yale Law School, an MPhil from the University of Oxford, and a BA from NYU.

**Ryan Brenner** is a Data and Policy Analyst at NYU's Furman Center for Real Estate and Urban Policy, where he uses data science to monitor and evaluate urban policy. He holds a J.D. from Michigan State University, a MS from New York University, and a BS from Colorado State University.

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## Appendix.

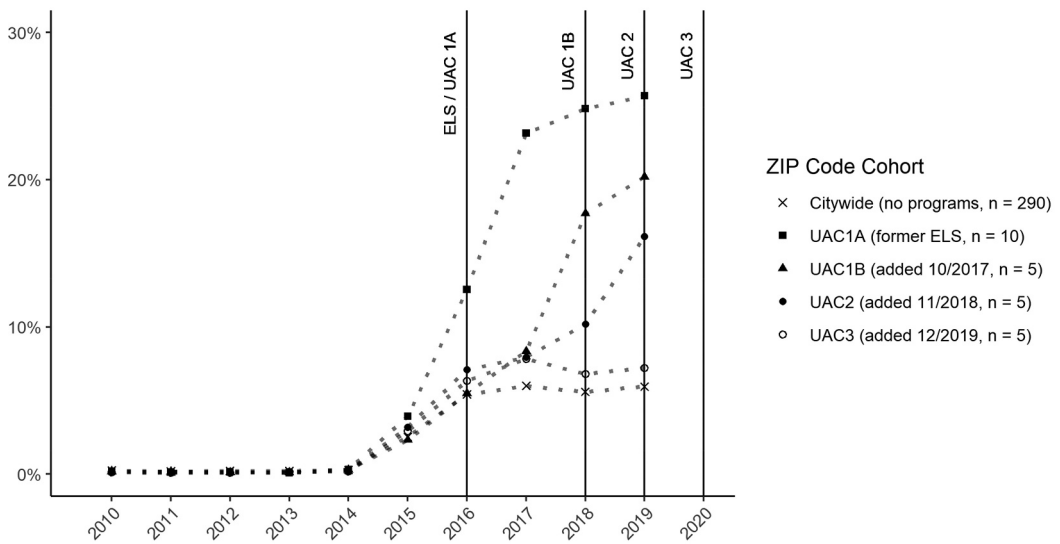
**Table A1.** Changes in representation and eviction rates, 2015–2017.

	Dependent variable: Percentage point change in cases with representation: 2015–2017		
	Coefficient	Coefficient	Coefficient
UAC1A	0.128 (0.015)***	0.108 (0.018)***	0.097 (0.017)***
Poverty rate	0.017 (0.045)	0.005 (0.045)	– 0.035 (0.044)
Share White	0.035 (0.016)**	0.038 (0.016)**	0.004 (0.018)
No UAC		– 0.025 (0.012)**	– 0.018 (0.012)
Percentage point change in cases with representation: 2013–2015			0.433 (0.110)***
No. of ZIP Codes	154	154	154
	Dependent variable: Percentage point change in cases resulting in eviction: 2015–2017		
	Coefficient	Coefficient	Coefficient
UAC1A	– 0.026 (0.012)**	– 0.023 (0.015)	– 0.024 (0.014)*
Poverty rate	– 0.065 (0.036)*	– 0.064 (0.036)*	– 0.075 (0.035)**
Share White	– 0.004 (0.013)	– 0.004 (0.013)	0.001 (0.013)
No UAC		0.003 (0.010)	0.005 (0.010)
Percentage point change in cases resulting in eviction: 2013–2015			– 0.326 (0.089)***
No. of ZIP Codes	154	154	154

*Note.* UAC = Universal access to counsel [1A] receiving treatment from 2017 on; ELS = expanded legal service. Standard errors are given in parentheses. UAC1A is the 10 ZIP Codes that began receiving treatment at the start of 2016 (through ELS) and continued to receive treatment through UAC from 2017 onward. No UAC is the group of ZIP Codes that has not yet received treatment. The poverty rate and the share of the population that is White comes from American Community Survey 5-Year Estimates, U.S. Census Bureau, 2015 (covering the years 2010 – 2014).

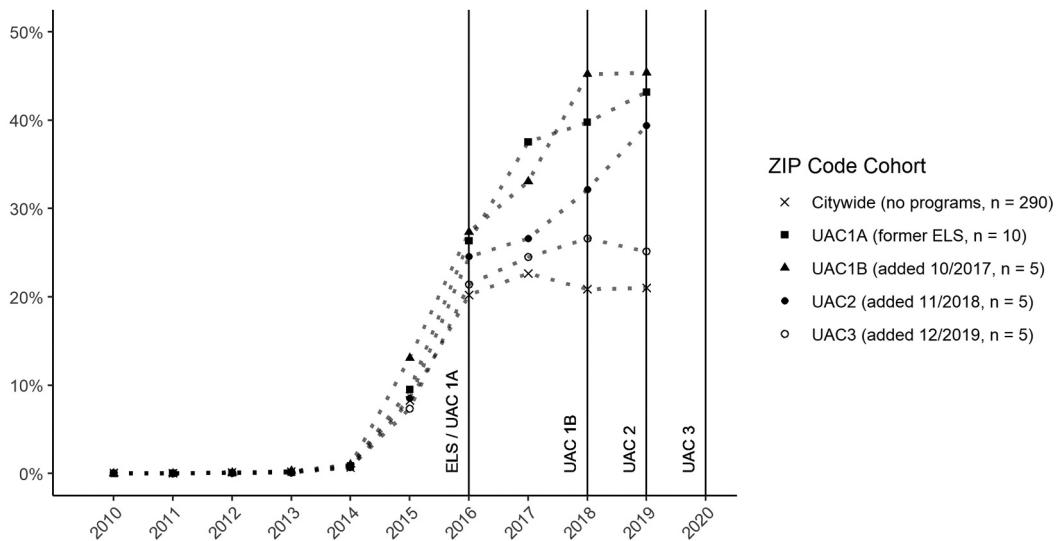
\* $p < .1$ . \*\* $p < .05$ . \*\*\* $p < .01$ .

### Tenant Representation Rate for Nonpayment Cases by ZIP Code Cohort



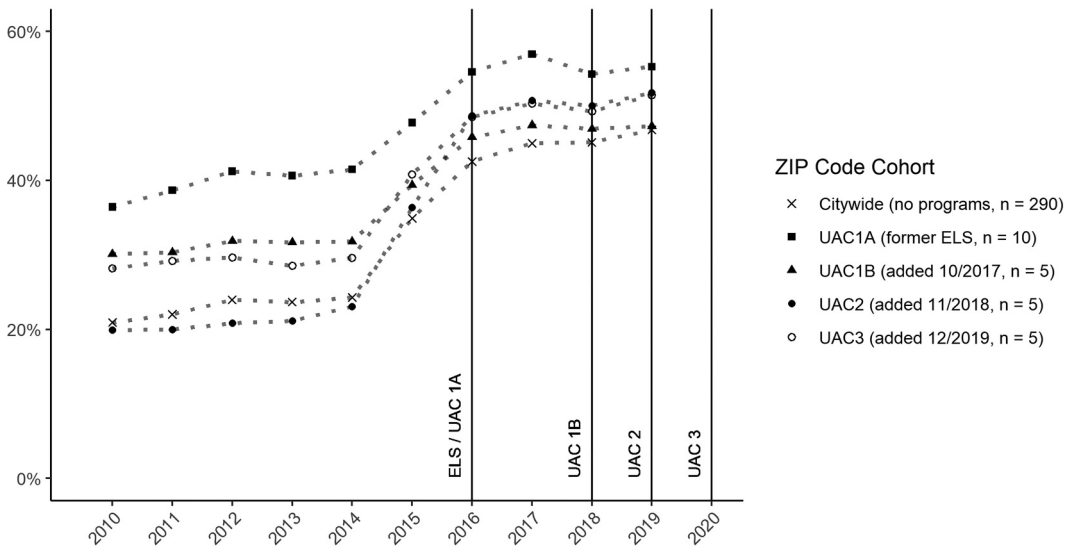
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

### Tenant Representation Rate for Holdover Cases by ZIP Code Cohort



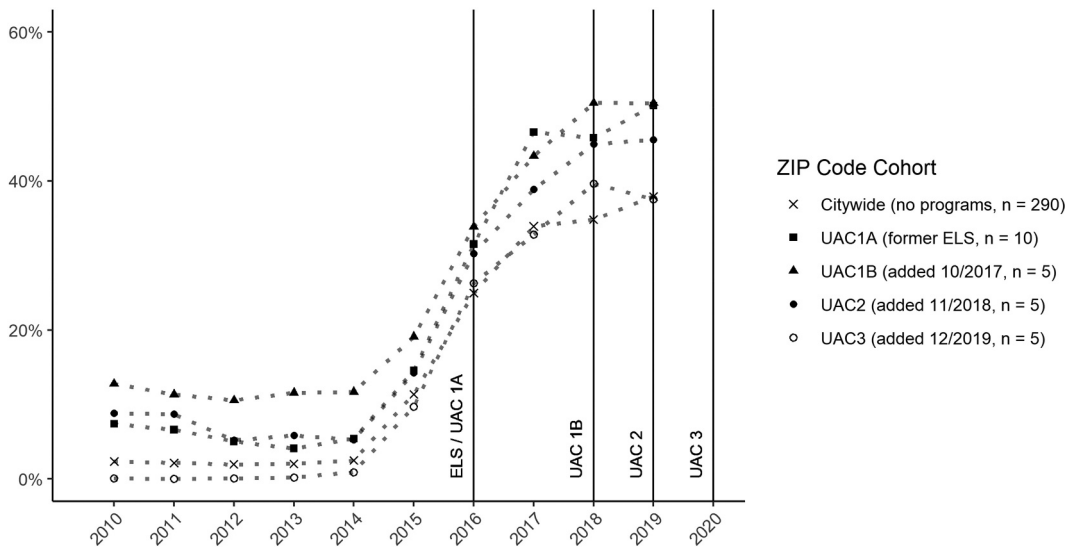
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

## Tenant Answer Rate for Nonpayment Cases by ZIP Code Cohort



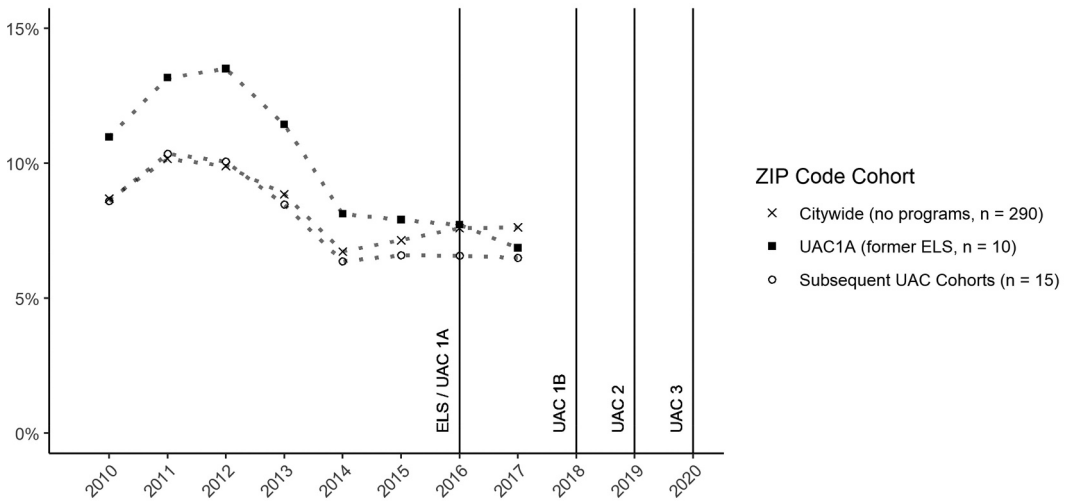
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

## Tenant Answer Rate for Holdover Cases by ZIP Code Cohort



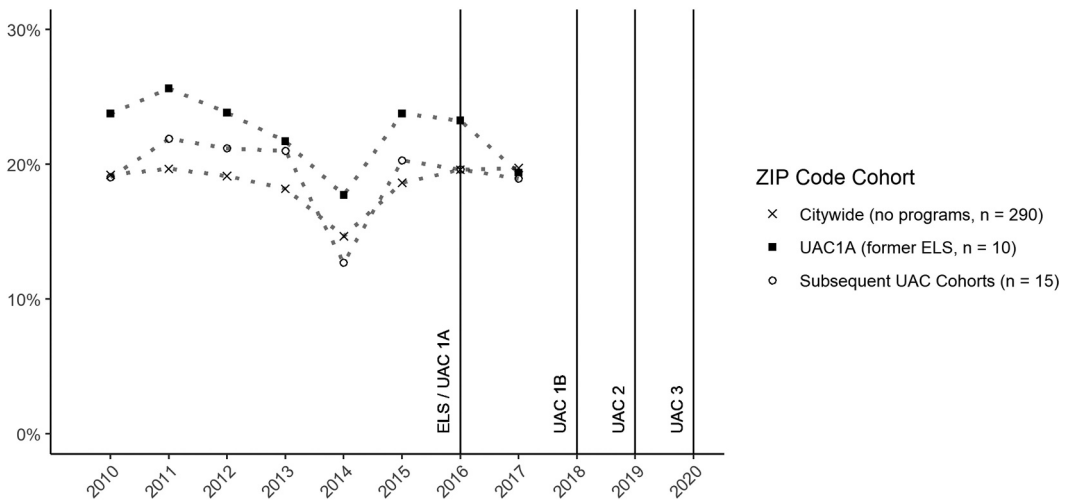
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

### Share of Nonpayment Cases Filed Each Year Resulting in an Executed Warrant of Eviction, by ZIP Code Cohort



Due to a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

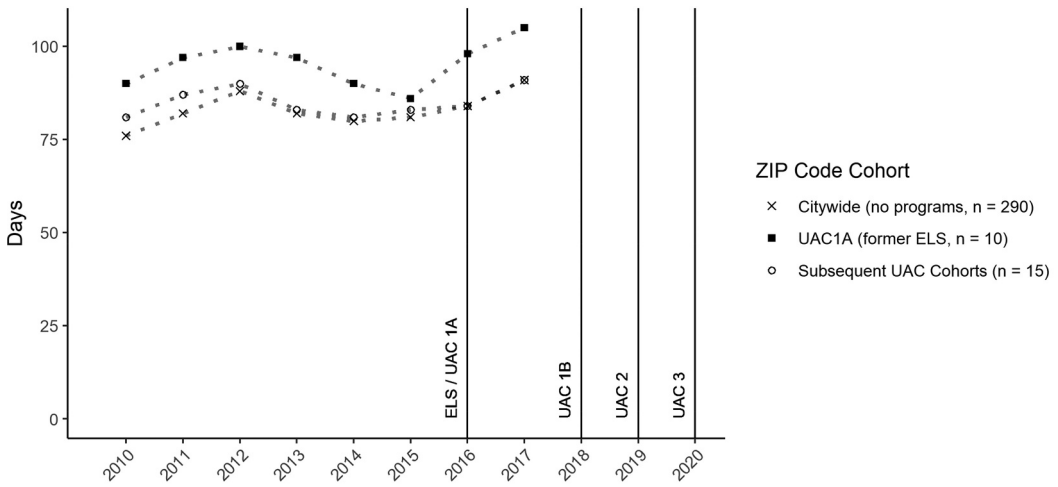
### Share of Holdover Cases Filed Each Year Resulting in an Executed Warrant of Eviction, by ZIP Code Cohort



Due to a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

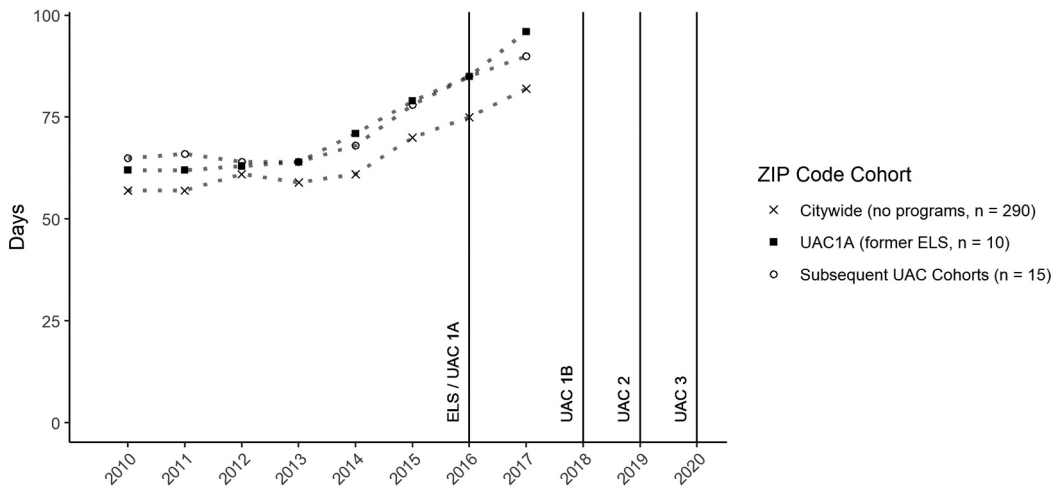


### Median Days from Filing to Court Decision for Nonpayment Cases by ZIP Code Cohort



Due to a large number of active cases, the case length was only calculated for cases filed through 2017.  
Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

### Median Days from Filing to Court Decision for Holdover Cases by ZIP Code Cohort



Due to a large number of active cases, the case length was only calculated for cases filed through 2017.  
Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.