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Working Paper

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This paper was published in *Housing Policy
Debate*, Volume 31, Issue 3, 2021

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Do Lawyers Matter? Early Evidence on Eviction Patterns after the rollout of NYC’s Universal Access to Counsel

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Households across the United States face substantial housing instability. In some cities, as many as one in eight families faces eviction every year (The Eviction Lab, 2018). In New York City alone, approximately 230,000 households faced eviction in housing court in 2017 (NYC Office of Civil Justice, 2017). A growing body of sociological research shows that eviction is associated with economic hardship (Bäckman, Brännström, & Kahlmeter, 2017), worse health outcomes (Desmond & Kimbro, 2015), and prolonged residential instability (Desmond, 2016). Two recent papers use quasi-experimental designs to show that evictions lead to a greater likelihood of homelessness, increased hospitalizations for mental health, and reduced credit scores and access to credit (Collinson & Reed, 2019; Humphries et al., 2019). Yet while this burgeoning research provides crucial insights into the harms of evictions, very little is known about how best to prevent them.

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. Following New York City’s enactment of UAC, four other cities also adopted universal representation initiatives: San Francisco, Newark, Cleveland, and Philadelphia (Brey, 2019). Several other jurisdictions such as Los Angeles, Boston, Washington, D.C., and San Antonio are currently piloting or considering proposals for such programs (Reyes, 2019; Riker, 2019; Schoenberg, 2019). In December 2019, two U.S. Senators (Michael Bennet, D-CO, and Rob Portman, R-OH) 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.¹ 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

¹ Access to counsel initiatives have grown out of decades of advocacy by tenant organizing groups, housing advocates, and academics for a 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, R. (2004). Housing Gideon: The Right to Counsel in Eviction Cases. *Fordham Urban Law Journal*, 31(6), 1507-1532; Sweet, R. W. (1998). Civil Gideon and Confidence in a Just Society. *Yale Law and Policy Review*, 17(1), 503-506; Scherer, A. (1988). Gideon’s Shelter: The Need to Recognize a Right to Counsel for Indigent Defendants in Eviction Proceedings. *Harvard Civil Right-Civil Liberties Law Review*, 23(2), 557-592.

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. Eviction Process in New York City²

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 other claim than solely rental arrears (e.g. the tenant violated the lease, stayed after the lease ended, or never had a lease). 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.

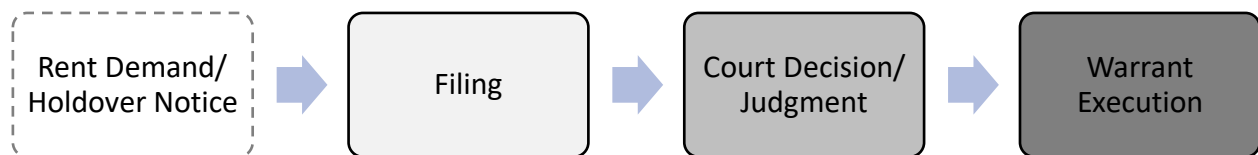


Figure 1: Main stages in the eviction process. Though the formally process begins with the rent demand/holdover notice, cases only show up in the data once the landlord files a petition.

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 (or 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

² For a comprehensive overview of the eviction process in New York City, see Scherer and Schneider, 2019.

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). If a pro se litigant overcomes the procedural hurdles or is able to receive brief advice from a legal services provider, pro se litigants nevertheless lack the strategic insights of more experienced litigators. They thus face challenges 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 universal access to counsel program, has argued that the initiative "will help thousands of San Franciscans stay in their homes and prevent homelessness" (Singh, 2018). Denver 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 multi-faceted 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 therefore not 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 non-paying 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 may be least likely to be effective. The findings accordingly are 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 et al. (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% versus 28.2% for the control group); less likely to have a final judgment against them (31.8% versus 52.0%); and less likely to have a warrant of eviction issued (24.1% versus 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 to 38% of the control group (those offered only “limited” representation, such as advice and consultation).³ A warrant of eviction was issued in only 12% of the cases of those offered representation, compared to 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 in these studies were relatively small. The New York City study involved fewer than four hundred 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 Universal Access to Counsel (UAC) program presents the opportunity to study 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 State benefit from legal protections—such as rent stabilization, which covers approximately 45% of the City’s rental units (Been, Ellen,

³ Of the tenants offered full representation, 97% accepted.

and 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 of scarce government funds are at stake, but more importantly, given the alarming rates of evictions Desmond and others have documented and the accompanying hardships, the welfare of millions of households is at risk.

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 one percent of tenants in housing court were represented by lawyers, compared with 95 percent of landlords.

The lack of tenant representation 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 universal access to counsel. 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 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. 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 to provide all tenants facing eviction with access to legal services within five years.

Over the next three 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 non-profit legal services organizations to provide representation and advice to low-income tenants in eviction proceedings.⁴ HRA had also funded services to combat

⁴ Among other initiatives, the City’s Human Resources Administration has provided legal assistance to tenants through initiatives such as Anti-Eviction Legal Services and the Housing Help Program under the Homelessness Prevention

tenant harassment and displacement, particularly in neighborhoods designated for rezoning.⁵ 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 2015, which was the first year that the mayor's budgetary priorities were funded. The figure below shows the increase in funding for legal services (including, but not limited to, legal services for tenants) that began in Fiscal Year 2015 (NYC Office of Civil Justice, 2019). In Fiscal Year 2018, 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 on the first phase of Universal Access implementation (NYC Office of Civil Justice, 2018). Once fully implemented, New York City projects that it will spend \$166 million annually on UAC (NYC Human Resources Administration, 2019).

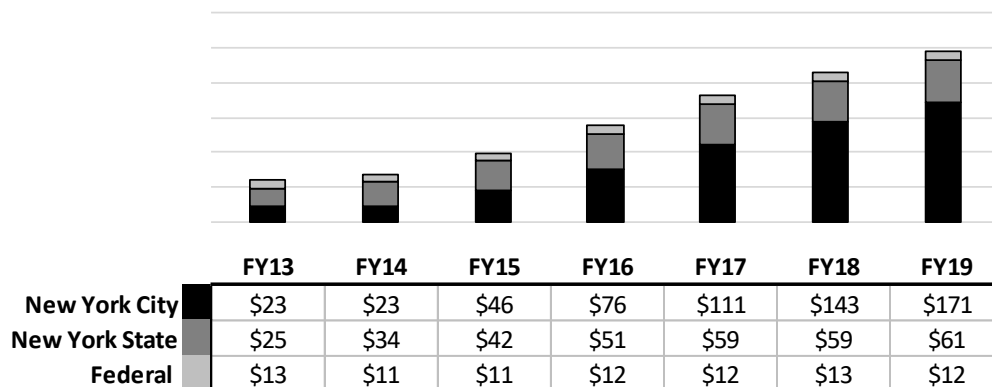


Figure 2: Public funding for legal services (FY13-FY19). Dollars are in millions. Source: Office of Civil Justice 2018 Annual Report.

Law Project (HPLP). Although annual funding data are not available, HRA reports show that in Fiscal Year 2013, HPLP was funded at approximately \$4.9 million and at \$25.8 million by Fiscal Year 2017. In Fiscal Year 2017, 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 consist of: 10452 (Highbridge, Bronx); 10456 (Morrisania, Bronx); 11212 (Brownsville, Brooklyn); 11207 (East New York, Brooklyn); 11226 (Flatbush, Brooklyn); 11432 (Jamaica, Queens); 11691 (Far Rockaway, Queens); 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 Fiscal Year 2015 to \$18 million in Fiscal Year 2016 and \$32.9 million in Fiscal Year 2017 (NYC Office of Civil Justice, 2016; NYC Office of Civil Justice, 2017). AHTP Targeted Neighborhoods consist of: 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); 11692 (Far Rockaway, Queens) (NYC Office of Civil Justice, 2017).

Beginning in 2014 and 2015, other sources of funding, including partnerships among non-profit and private organizations and among city and state agencies, have also contributed to the expansion of legal services for tenants in New York City.⁶ Additionally, both advocates and the City have consistently engaged in tenant outreach to increase awareness about the availability of representation and provide information, advice, and other services to tenants faced with the possibility of eviction.⁷ 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 universal access to counsel (Right to Counsel NYC).

Universal Access to Counsel (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 ten ZIP Codes in early 2016. Through ELS, the City provided universal legal representation in eviction cases for individuals living in those ten ZIP Codes with household incomes at or below 200 percent of the federal poverty line (NYC Office of Civil Justice, 2016).⁸ 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 universal access to counsel 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,

⁶ A partnership between HRA, the Access to Justice program of the state judiciary, and non-profit 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, non-attorney 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 non-profit civil legal services organizations. The City Council also awards discretionary funding to civil legal service providers for eviction prevention services through its Anti-Eviction/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, pre-litigation 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); 11434 (South Jamaica, Queens).

all New York City tenants with household incomes at or below 200 percent of the federal poverty line will be given access to free legal counsel in eviction cases “no later than July 31, 2022.”⁹

To implement UAC, the City’s Office of Civil Justice (OCJ) 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 in order to receive representation.

UAC was designed to be phased in throughout the City by ZIP Code over a five-year period. The City selected the 10 ELS ZIP Codes, where a pilot UAC program was already underway, and added five new ZIP Codes¹⁰ 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 (Waters and Mironova, 2017). Five additional ZIP Codes were added to UAC in November of 2018,¹¹ and five more were added in December of 2019¹² (City of New York, 2019). According to OCJ, these ZIP Codes were selected based on similar factors as were 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 to 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.

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, 2019). During the first phase of the UAC roll out, only heads of NYCHA households over 62 years old are eligible for representation; by 2022, representation will be available to all income-eligible NYCHA tenants (*ibid*).

¹⁰ 10025 (Upper West Side, Manhattan); 10314 (Bull’s Head, Staten Island); 10468 (Jerome Park, Bronx); 11225 (Prospect Lefferts Gardens, Brooklyn); 11373 (Elmhurst, Queens).

¹¹ 10031 (Hamilton Heights, Manhattan); 10310 (West Brighton, Staten Island); 10462 (Van Nest, Bronx); 11226 (Flatbush, Brooklyn); 11385 (Glendale, Queens).

¹² 10029 (East Harlem, Manhattan); 10034 (Inwood, Manhattan); 10453 (Morris Heights, Bronx); 11207 (East New York, Brooklyn); 11691 (Rockaway, Queens).

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 universal access to counsel 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 it 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 inspecting eviction-related pre-trends.

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, as well as nonpayment and holdover 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 complete within 2 years, though 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.¹³ While this is true for both ZIP Codes where UAC has been implemented and 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, though 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, percent white, and the lagged change in the outcome (between 2013 and 2015).

¹³ Unfortunately we cannot observe if a case is still in process or whether it has been resolved without a warrant.

Finally, we also examine changes in overall eviction filings for nonpayment and holdover issues. While 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 excluded filings from the New York City Housing Authority (NYCHA). Additionally, we excluded filings from condos 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 2010-2014 five-year estimates of resident demographics and housing conditions from the 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 period in 2019, filings 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, though they have decreased at a faster rate than holdover cases: the share of filings that were for nonpayment fell from 88 percent in 2010 to 82 percent 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 this same time period (NYU Furman Center 2019).

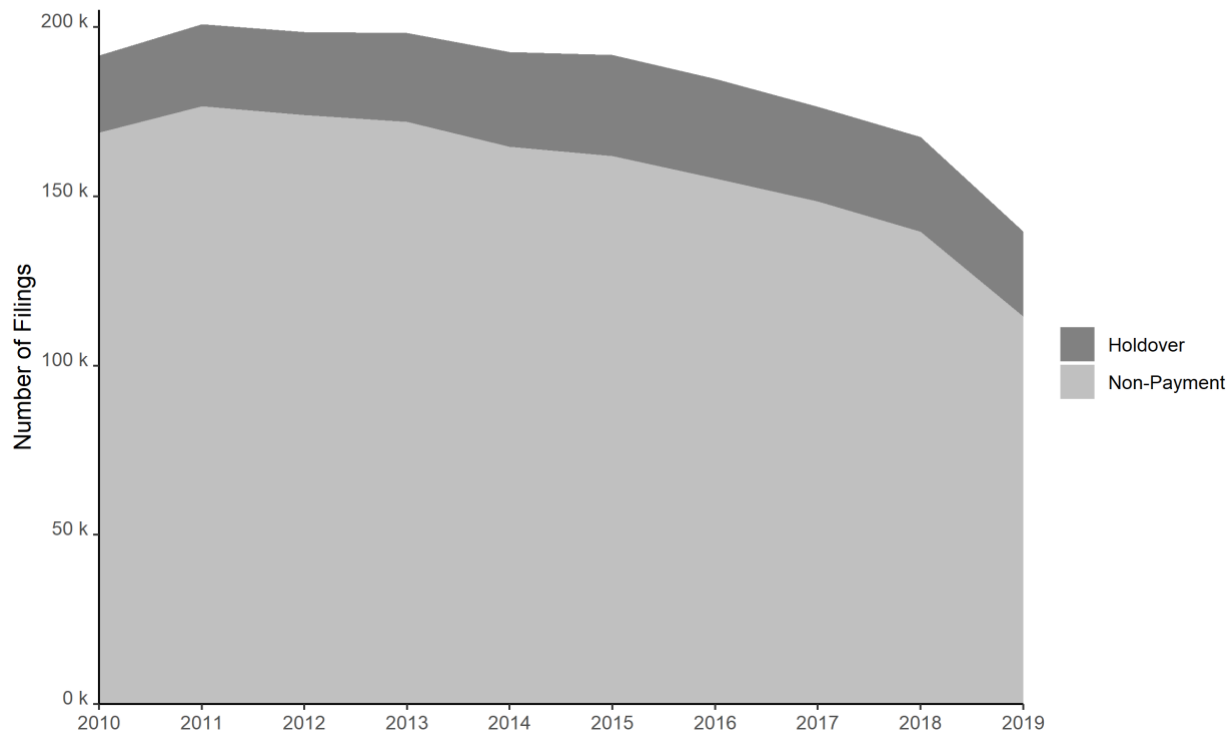


Figure 3: Private eviction filings by case type across New York City (2010-2019). Source: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

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) to the remaining ZIP Codes in the city that were not already part of a different, place-based tenant representation program. As a group, the poverty rate ranged from 19 to 32 percent for the UAC cohorts, 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 percent, 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 to 41 percent for the rest of the city, and all cohorts had a higher share of Hispanic residents than the rest of the city. 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.

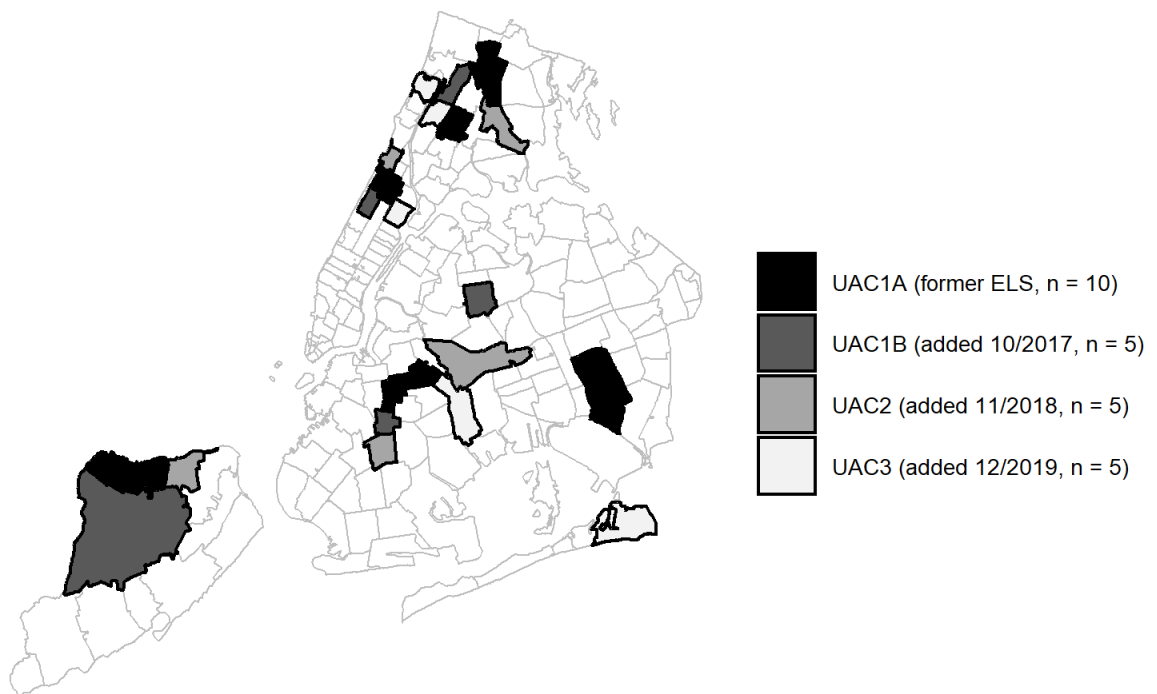


Figure 4: Map of UAC ZIP Code cohorts.

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 the rest of the city (around 33% in all cohorts compared to 31% in the rest of the city). Median gross rent increased over our study period by around 10 percent (after adjusting for inflation) in the rest of the city, and though all UAC cohorts saw increases to their median gross rent, two cohorts increased faster than the rest of the city and two cohorts decreased slower.

	Outside UAC	UAC 1A (ELS)	UAC 1B	UAC 2	UAC 3
n	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%)
Percent Asian	14.10% (+/- 0.15%)	4.60% (+/- 0.35%)	17.80% (+/- 0.63%)	6.00% (+/- 0.52%)	3.18% (+/- 0.38%)
Percent Black	16.73% (+/- 0.14%)	48.26% (+/- 0.72%)	16.92% (+/- 0.55%)	31.71% (+/- 0.78%)	36.09% (+/- 0.83%)
Percent Hispanic	24.74% (+/- 0.20%)	33.99% (+/- 0.70%)	31.36% (+/- 0.94%)	37.73% (+/- 0.97%)	48.83% (+/- 1.05%)
Percent 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
Percent 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%

Table 1: Demographic indicators comparing UAC ZIP Code cohorts and the rest of the city. All monetary values are adjusted to 2019 dollars. Most indicators use 5-year ACS data for 2010-2014. Program Eligible Population uses 2011-2015 data as that is the earliest window the indicator is available. Percent Change in Rent compares 2007-2011 data with 2014-2018 data. Medians were calculated using binned frequency tables and linear interpolation with the bin containing the median observation.

What really sets these ZIP Codes apart from the rest of the city is their greater activity in housing court. While 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 percent of cases in all of the UAC cohorts as well 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. While 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 category. 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 in order 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 also 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).

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, while we see a citywide increase in tenant representation between 2014 and 2017 from around 1 percent to 10 percent, 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 percent 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 percent of the poverty line in the UAC1B cohort may explain why post-UAC representation rates are lower there than in the UAC1A ZIP Codes.)

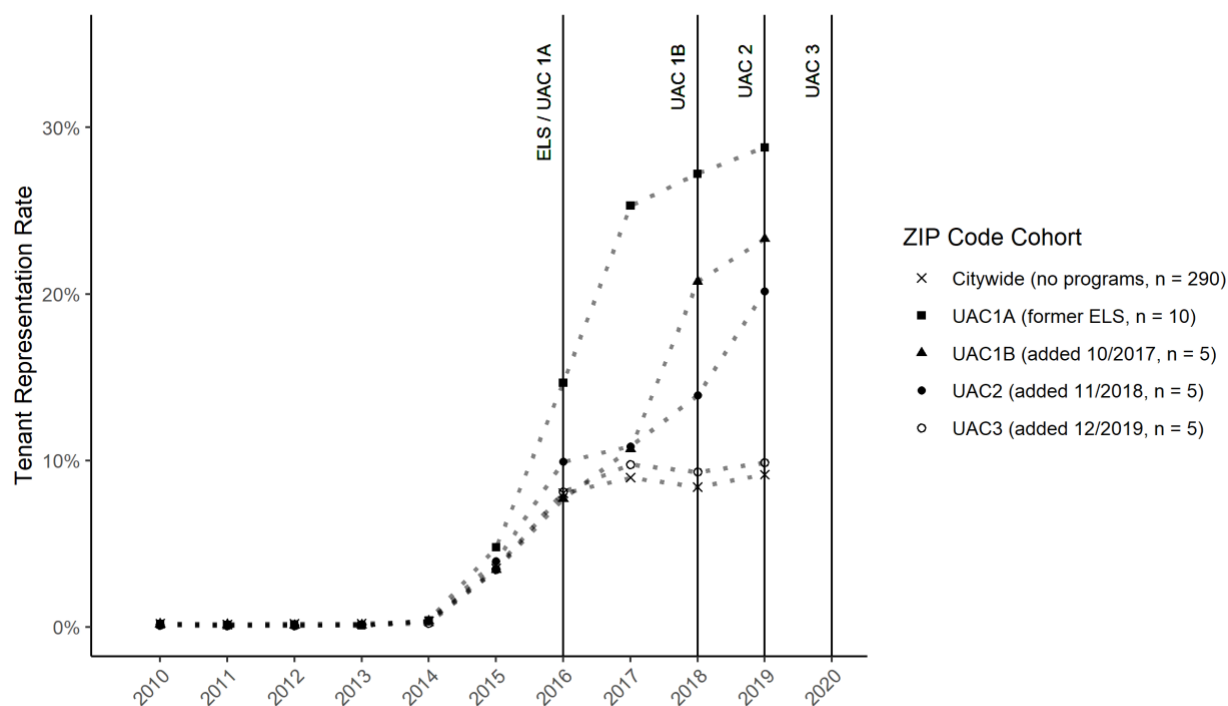


Figure 5: Tenant representation rate by ZIP Code cohort. The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

We see somewhat similar patterns when we look separately at nonpayment and holdover cases (see Appendix), though 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 about a 20 percentage point difference 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 percent to 40 percent; only the UAC2 ZIP Codes saw a larger increase, from about 20 percent to 45 percent. Thus, there is little indication that the rollout of UAC increased the share of tenants responding to eviction filings, though perhaps the outreach and publicity surrounding UAC spilled over to other ZIP Codes. Interestingly, holdover cases (see Appendix) have a somewhat larger increase in answer rate in early UAC ZIP Codes after the start of the program.

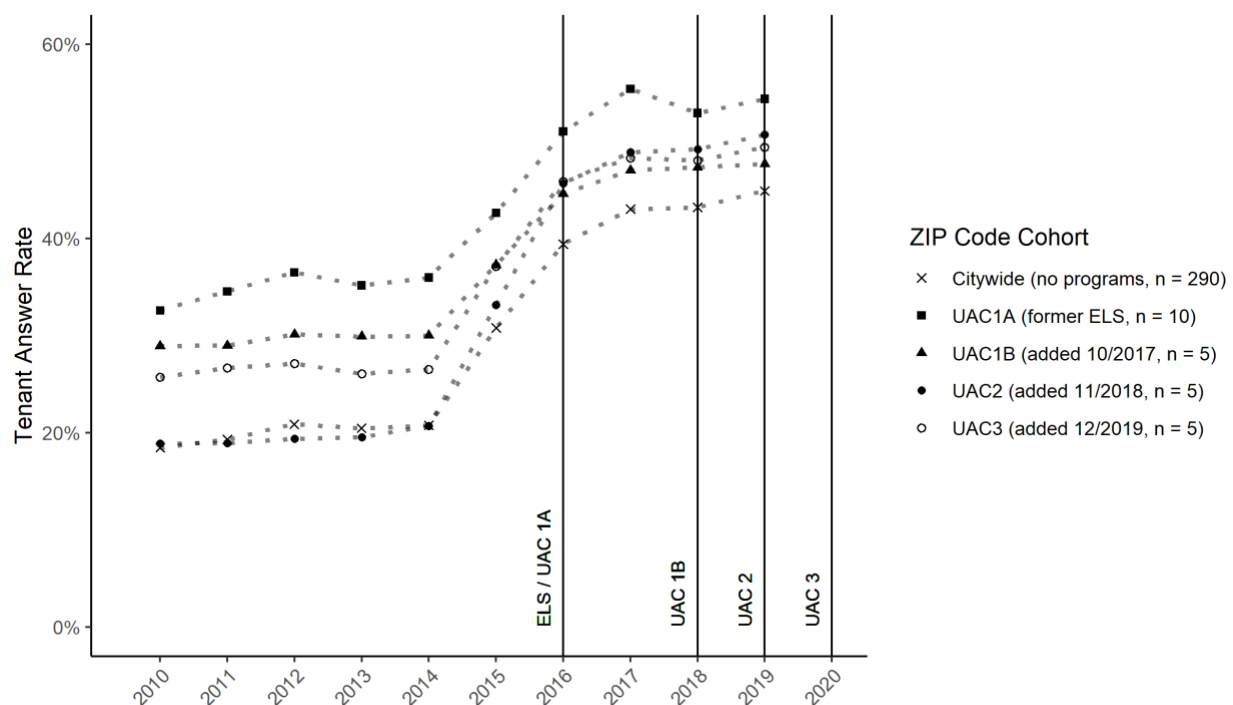


Figure 6: Tenant answer rate by ZIP Code Cohort. The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

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 two 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 only be confident that our execution rate is accurate 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 to those in the rest of the city. In these ZIP Codes, the warrant execution rate fell from 10.4 percent in 2015 to 8.8 percent in 2017. While 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 percent to 9.8 percent, while the ZIP Codes where UAC was adopted between 2017 and 2019 saw a slight decrease from 8.3 percent to 8.0 percent.

We estimate a series of simple multivariate regressions (shown in 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 the Appendix table, the 2015-2017 decline in eviction rate 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 ten percent level) from the trend in the ZIP Codes where UAC was adopted between 2017 and 2019 (omitted category), after controlling for prior trends in eviction (model 3). The Appendix table also shows similar regressions for 2015-17 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 Appendix), we observe a decrease in warrant execution rates for both 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.

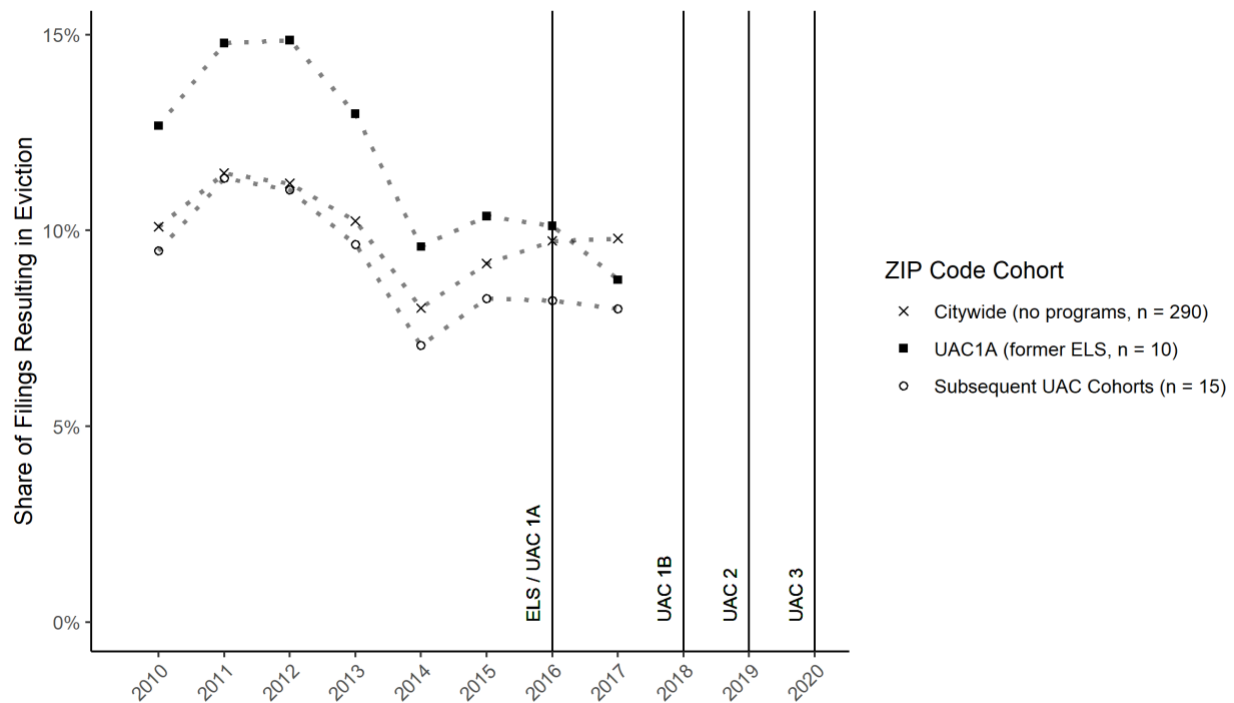


Figure 7: Share of cases filed each year resulting in an executed warrant of eviction, by ZIP Code cohort. Due to a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management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

It is possible that the impacts we are seeing for the initial cohort of UAC ZIP Codes may be due to the fact that lawyers are lengthening the time between filing and final decision and not actually reducing warrant execution rates 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 over 100 in 2017. But while meaningful, the magnitude of this increase is unlikely to fully account for the reduction in the warrant execution rate.

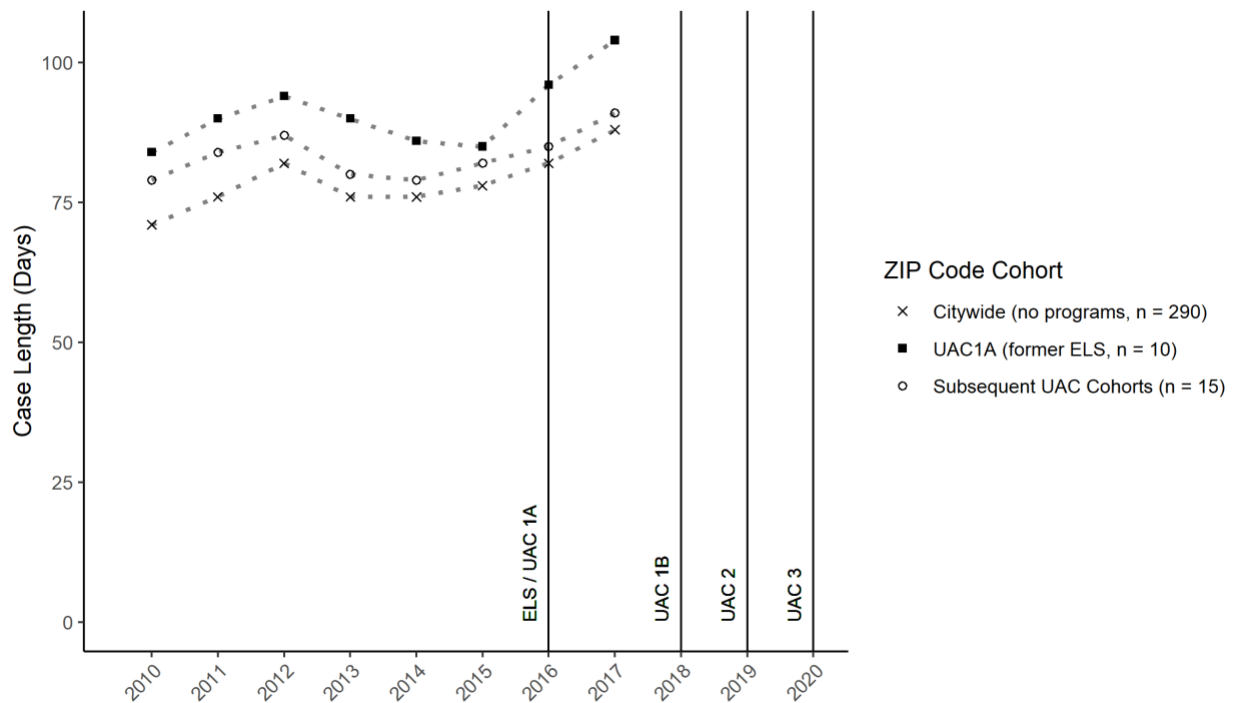


Figure 8: Median days from filing to court decision (for cases with a final decision) by ZIP Code cohort. Due to a large number of active cases, the case length was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System,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

VII. Conclusion

New York City has adopted numerous efforts to increase tenant representation and decrease evictions over the past five 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 isolate its effects from these broader and earlier efforts. We find evidence consistent with UAC improving 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 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 is 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 is implemented in the earliest ZIP Codes, compared to 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. While these patterns are consistent with UAC causing these changes, additional time for eviction cases to come to completion are 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 due to 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. Understanding better 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, as well as indicate a potential source of increased costs beyond the provision of UAC itself. Over the longer run, research 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 provide benefits we are unable to observe at this time. Among other things, 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.

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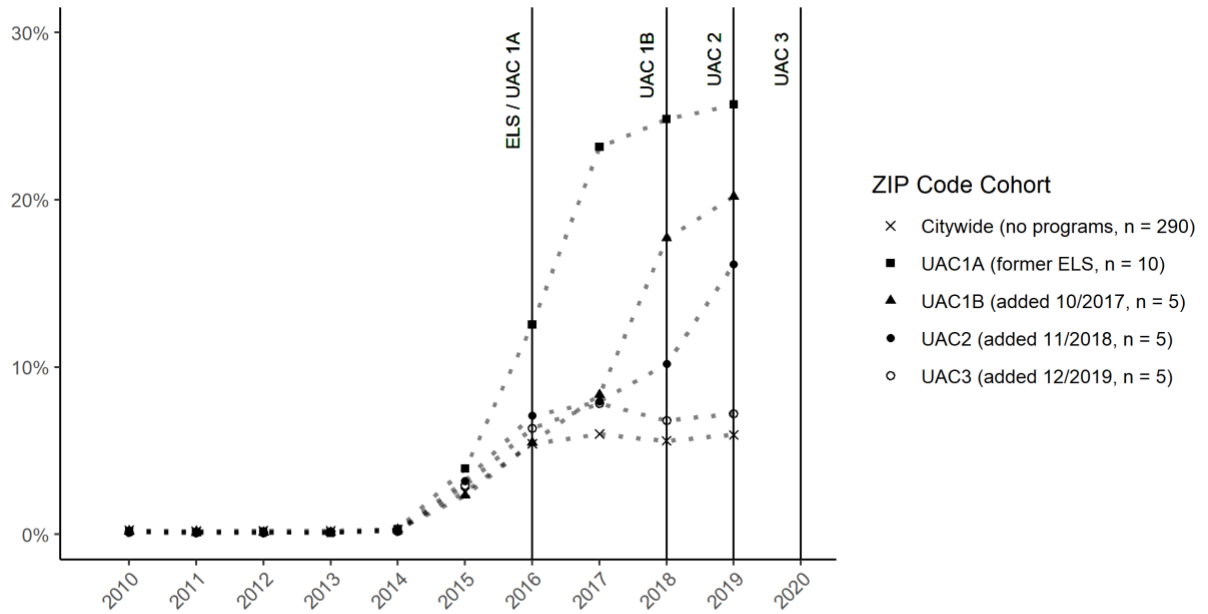
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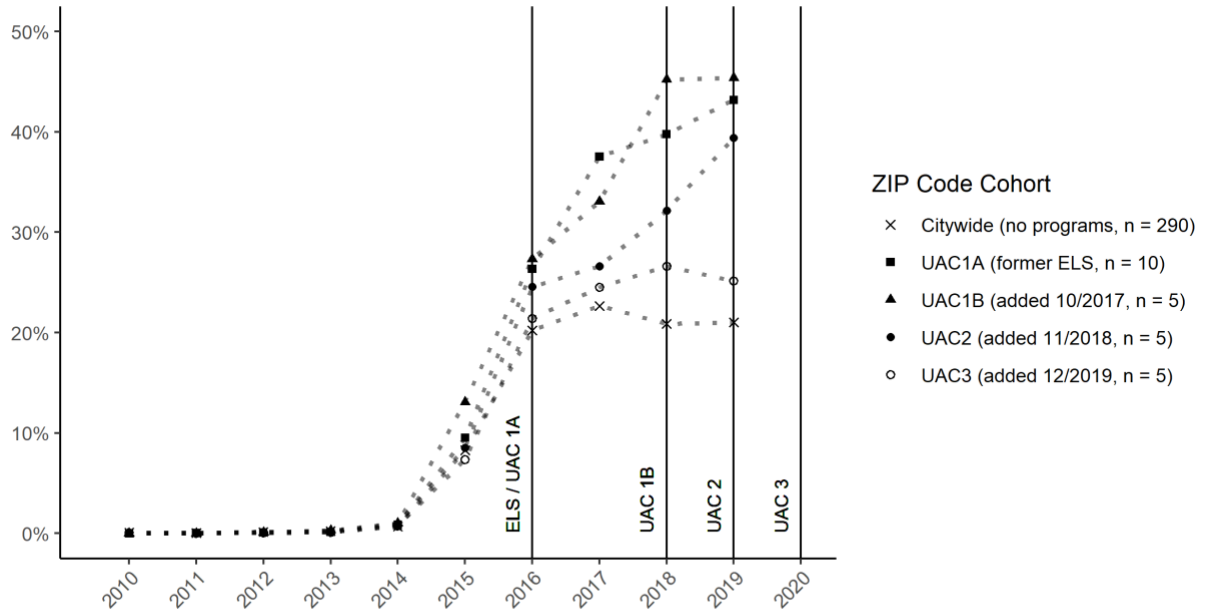
Appendix

Tenant Representation Rate for Nonpayment Cases by ZIP Code Cohort



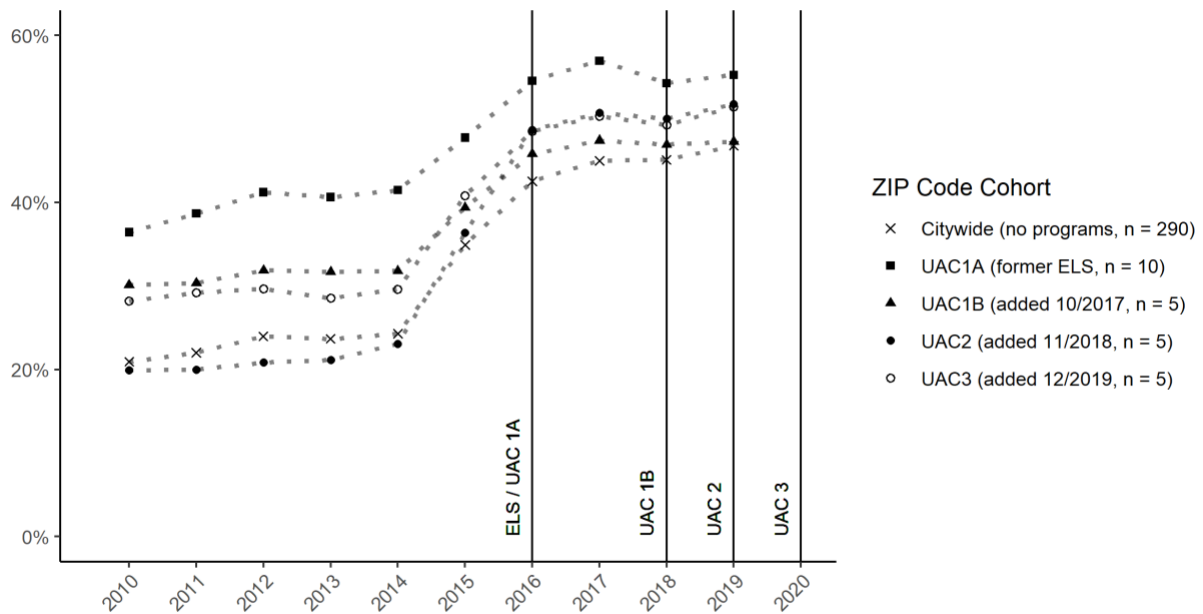
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

Tenant Representation Rate for Holdover Cases by ZIP Code Cohort



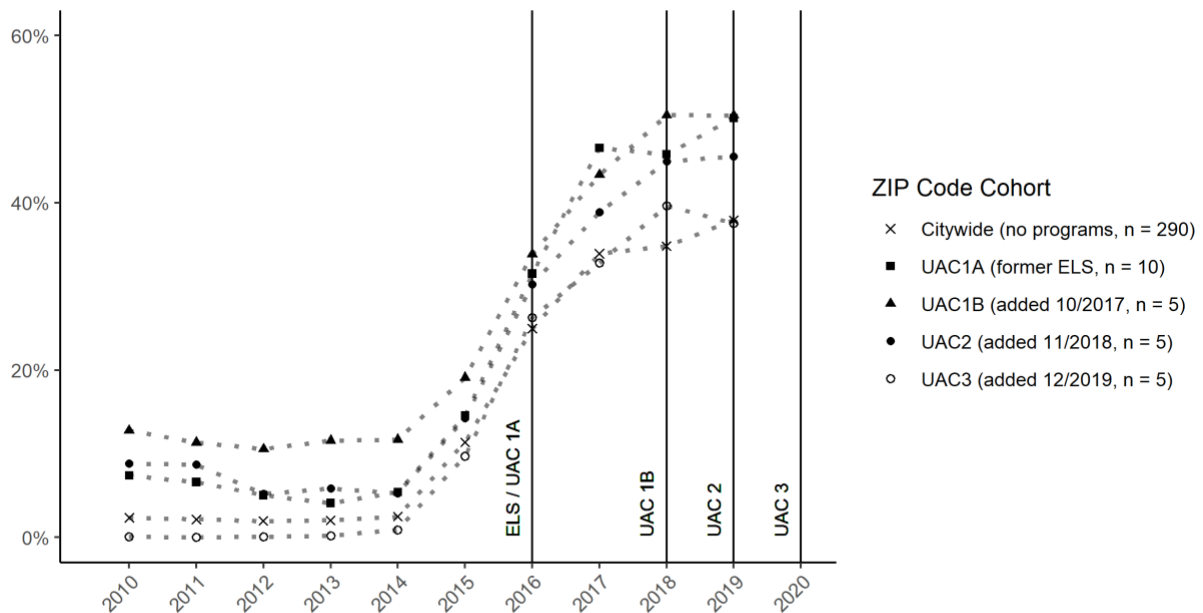
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Tenant Answer Rate for Nonpayment Cases by ZIP Code Cohort



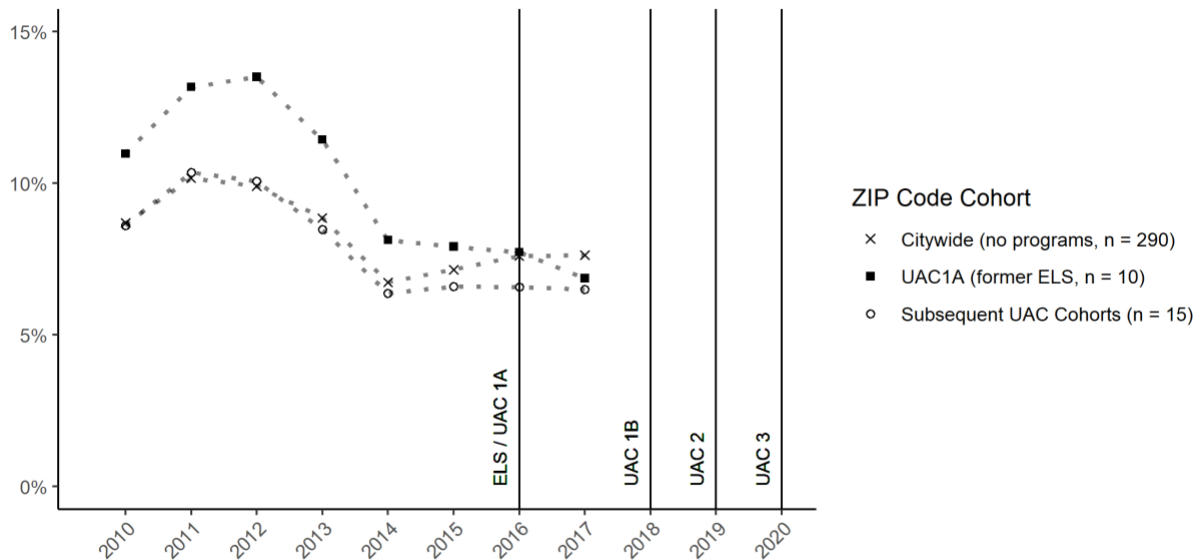
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Tenant Answer Rate for Holdover Cases by ZIP Code Cohort



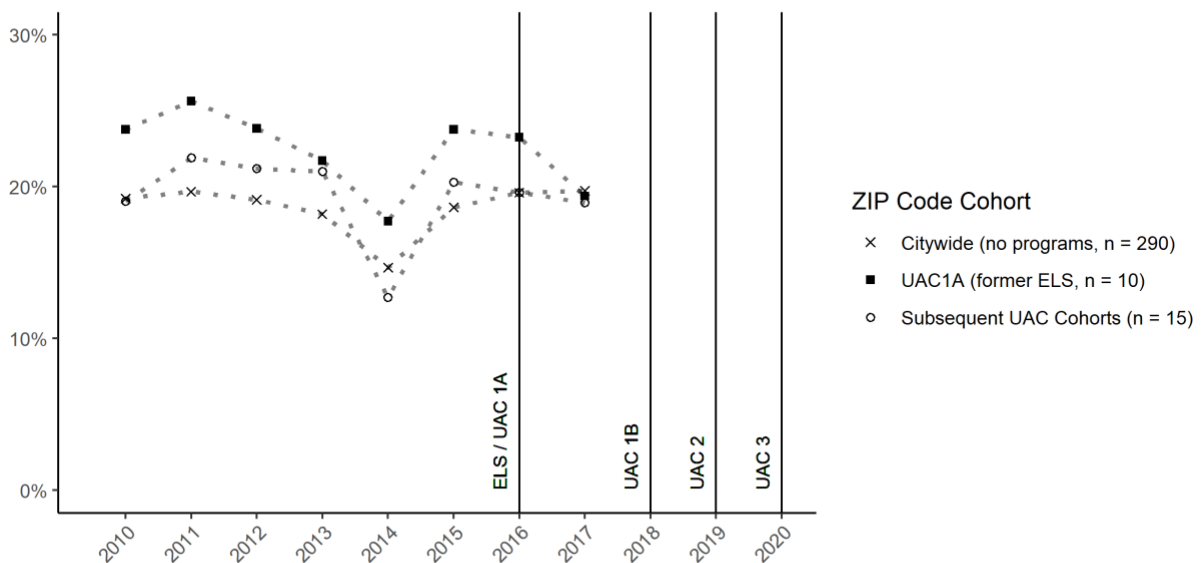
The rate for 2019 is only calculated through the third quarter due to data availability. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

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



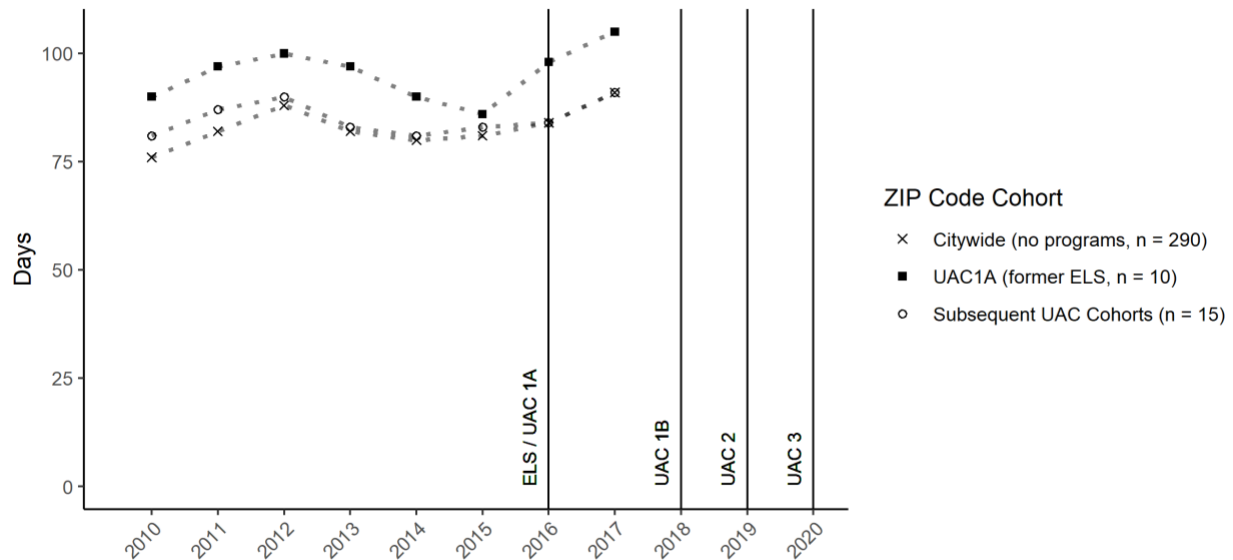
Due to a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

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



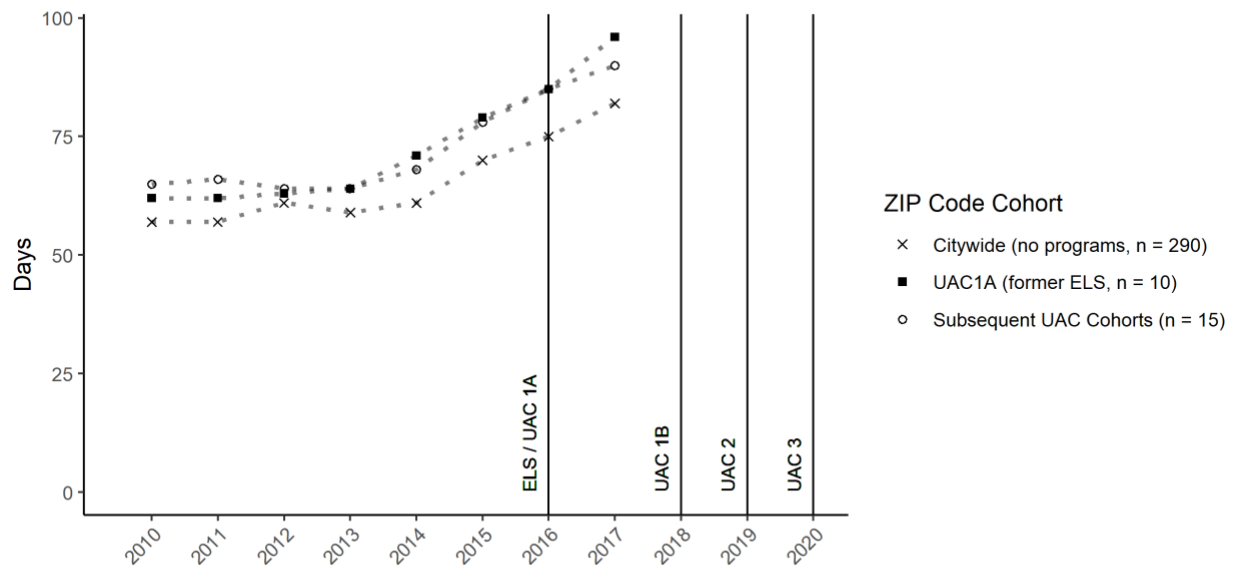
Due to a large number of active cases, the warrant execution rate was only calculated for cases filed through 2017. Sources: New York State Office of Court Administration's Universal Case Management System, NYU Furman Center.

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.

Regression Tables: Changes in Representation and Eviction Rates, 2015-2017

Dependent Variable:						
Percentage point change in cases with representation: 2015-17						
	(1)		(2)		(3)	
	Coefficient	P-value	Coefficient	P-value	Coefficient	P-value
UAC1A	0.128		0.108		0.097	
	(0.015)	0.000	(0.018)	0.000	(0.017)	0.000
Poverty Rate (2013-2017 ACS)	0.017		0.005		-0.035	
	(0.045)	0.699	(0.045)	0.903	(0.044)	0.422
Share White (2013-2017 ACS)	0.035		0.038		0.004	
	(0.016)	0.034	(0.016)	0.020	(0.018)	0.843
No UAC			-0.025		-0.018	
Δ Representation: 2013-2015			(0.012)	0.044	(0.012)	0.123
					0.433	
# of ZIP Codes					(0.110)	0.000
Dependent Variable:						
Percentage point change in cases resulting in eviction: 2015-17						
	Coefficient	P-value	Coefficient	P-value	Coefficient	P-value
UAC1A	-0.026		-0.023		-0.024	
	(0.012)	0.034	(0.015)	0.116	(0.014)	0.089
Poverty Rate (2013-2017 ACS)	-0.065		-0.064		-0.075	
	(0.036)	0.070	(0.036)	0.080	(0.035)	0.033
Share White (2013-2017 ACS)	-0.004		-0.004		0.001	
	(0.013)	0.778	(0.013)	0.756	(0.013)	0.945
No UAC			0.003		0.005	
Δ Eviction Rate: 2013-2015			(0.010)	0.754	(0.010)	0.598
					-0.326	
# of ZIP Codes					(0.089)	0.000

Note: Standard errors in parentheses.