

Right to Counsel Proposal

No likely beneficiaries
Massive guaranteed losses

Let's really think about what right to Council means:

- It means that we think there is not adequate protection and resources for tenants, when the following organizations spend millions of dollars annually and have not expressed a lack of resources for tenant advocacy:
 - Waterfront Project
 - Essex-Newark Legal Services
 - Senator Stack's office, which refers matters to Union City resources including its tenant advocate, its rent control attorney Barry Sarkisian and its outside Chasan Lamparello

Why are we spending new money on a function that is adequately performed?

- It means that the more than 20,000 rent-controlled apartments in Jersey City in buildings with 8 or fewer tenants are just waiting for the last nail in their coffin – they cannot afford for non-paying tenants to be extended by lawyering for the sake of lawyering. The intent of this law seems to be to create an environment similar to that in Union City, there are a couple of recent examples that can show us the dynamic that can result, including:
 - A tenant moved out of an apartment and allowed their friend to occupy the unit without the knowledge of the landlord, and that tenant did not pay rent.
 - An eviction notice for non-payment of rent was served, and the tenant advocate became the attorney for the squatter.
 - Through aggressive and clever lawyering, the case went on for 6 months, resulting in the accrual of more than \$9000 in unpaid rent; \$6000 in attorneys' fees paid by the attorney; an estimated \$3000 paid to the tenant advocate. So, the total cost of this episode, which is only unusual in that the municipality knowingly represented a person who is not even a legal occupant, is \$18,000 beyond the initial cause of eviction.
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- It means that we are ignoring the fact that this law is being justified over potential for landlords to exploit non-rent payment issues in the eviction courts. From our research, these represent less than 1% of all cases. Did the Sponsors research the matter? The balance 99% are simple non-payment or rent cases, many of which are resolved through negotiation within the current process. The balance of the cases, where the tenant cannot pay rent, result in either eviction or in rental assistance that forestalls eviction. That is where this issue should be managed: with direct support for tenants who cannot pay rent and not with a sideways program that does not address a real problem.
- It means that the City's value system is to create bureaucracy and protections as a result of political actions and not an outcry from the public. Essentially the City would be hiring a phalanx of public defenders, but there is no crime here and no constitutional right to counsel in a civil proceeding. The problem that was invented to provide the solution of hiring more attorneys and creating talking points, not to actually address an issue of relevance or proportion.

This whole situation sets up as an abuse of the property owner, who:

- Receives no indemnification from the City that restores rent that was lost as the result of a fallacious litigation whose true purpose is to secure housing without paying rent. If the City is so certain that this protection is legitimately rendered through this Ordinance, it should also pay for the landlord consequence after the fact.
- Provides no small landlord who cannot afford the legal fees to defend their interests, which is a clear violation of the concept of equal protection. Property owners in Union City point to paying twice the amount of legal fees simply to confront the tenant advocate, and there is a greater volume of cases and unpaid rent as a result.
- Must then get a judgment against the tenant, a consequence that disables their ability to obtain future credit and housing but is unlikely to yield payment to the property owner.

Does the City, with all of its fiscal challenges, want to burden the taxpayers and further harass property owners, whose taxes have gone insane, with expansive costs for a program for which there is no demonstrated need? So someone can declare a political win?
