
Int. No. 214

By Council Members Levine, Gibson, Barron, Chin, Dickens, Eugene, Ferreras-Copeland, Johnson, Lander, Mendez, Wills, Treyger, Rodriguez, Kallos, Koslowitz, King, Rosenthal, Cornegy, Cohen, Reynoso, Torres, Palma, Levin, Richards, Espinal, Miller, Mealy, Gentile, Maisel, Koo, Van Bramer, Cumbo, Williams, Constantinides, Rose, Menchaca, Dromm, Crowley and the Public Advocate (Ms. James)

A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for low-income tenants who are subject to eviction, ejection or foreclosure proceedings.

Be it enacted by the Council as follows:

Section 1. Title 27 of the administrative code of the city of New York is amended by adding a new chapter 4 to read as follows:

Chapter 4
Provision of Legal Services in Eviction, Ejection and Foreclosure Proceedings.

§ 27-4001 Definitions. For purposes of this chapter the following terms shall have the following meanings:

- "Covered proceeding" means any action or special proceeding to evict an eligible individual, including those seeking possession for the non-payment of rent or holdover, or proceedings for ejection or foreclosure.
- "Eligible individual" means an occupant of a rental dwelling unit, an owner of shares of a cooperative corporation who occupies the dwelling unit to which such shares are allocated, the owner and occupant of a dwelling unit owned as a condominium or the owner and occupant of a one- or two-family dwelling where such dwelling unit or dwelling is located in the city of New York who is a defendant or respondent in a covered proceeding and whose gross individual income is not in excess of one hundred twenty-five percent of the federal income official poverty line.
- "Designated organization" means an organization or association that is identified and designated by the civil justice coordinator pursuant to section 27-4003 of this chapter.
- "Legal counsel" means a lawyer or lawyers licensed to practice law in New York state.

§ 27-4002 Civil justice coordinator. The commissioner of housing preservation and development shall appoint a civil justice coordinator who shall be responsible for establishing and implementing a program for the provision of legal services for eligible individuals with respect to covered proceedings.

§ 27-4003 Designation of organizations.

- a. The civil justice coordinator shall
 - i. identify one or more organizations eligible to provide legal counsel in accordance with the provisions of this chapter, and/or
 - ii. develop a plan in conjunction with the New York city bar association whereby the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service.

- b. The commissioner of housing preservation and development shall by rule establish procedures for the monitoring by the civil justice coordinator of the services provided pursuant to this chapter to ensure that designated organizations are providing competent legal services.
- c. The civil justice coordinator shall annually review the performance of designated organizations and may decline to renew the designation of any such organization.

§ 27-4004 Method of assigning legal counsel.

- a. The civil justice coordinator shall cause a designated organization to be expeditiously assigned to represent an eligible individual upon receipt of a request for such services from:
 - i. the eligible individual;
 - ii. a judge to whom a covered proceeding has been assigned or an administrative judge; or
 - iii. a designated organization.
- b. The civil justice coordinator shall require each designated organization to identify the geographic areas from which the organization will represent eligible individuals, and for each geographic area to maintain a list of such organizations that will represent such individual.

§ 27-4005 Compensation.

- a. The civil justice coordinator shall provide each designated organization assigned pursuant to this chapter with fair compensation which will allow each organization to provide an organizational structure with appropriate supervision, caseloads and oversight of staff and service delivery to promote high quality representation and legal work.
- b. Services performed by a designated organization pursuant to this chapter or any contract or other agreement entered into pursuant to this chapter shall not be used to satisfy any obligations or responsibilities of such designated organization pursuant to any other program or any other agreement or contract.

§ 2. If any provision of this local law is for any reason found to be invalid, in whole or in part, by any court of competent jurisdiction, such finding shall not affect the validity of the remaining provisions of this local law, which shall continue in full force and effect.

§ 3. This local law shall take effect one hundred eighty days after enactment except that the commissioner of housing preservation and development shall take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

RESOLUTION

In Support of a Right to Counsel for Low-income New Yorkers Who Face Losing their Homes in Legal Proceedings

WHEREAS, a substantial number of people facing eviction and foreclosure proceedings live in poverty, are not able to afford or obtain counsel to represent them, and must appear in court unrepresented, and

WHEREAS, eviction and foreclosure proceedings are technical legal proceedings in which lawyers generally appear for the petitioners and the rules of evidence and procedural and substantive law all apply; they are consequently very difficult for unrepresented parties to navigate, and

WHEREAS, representation by counsel in eviction and foreclosure proceedings keeps people in their homes and communities and out of the homeless shelters and provides fundamental fairness and due process for those who face losing their homes, and

WHEREAS, the consequences of eviction and foreclosure are dire for low-income people: there is a deficit of affordable housing, and low-income families and individuals who lose their homes in legal proceedings often end up in homeless shelters or in housing that is less affordable than the housing they must leave; and they suffer from loss of employment, missed schooling and damage to physical and mental health, and

WHEREAS, these dire consequences for those who lose their homes in turn result in huge costs to the City of New York in providing shelter, social services and other services, and

WHEREAS, Intro 214, which would create a right to counsel in eviction and foreclosure proceedings, is currently pending at the City Council and is co-sponsored by 38 of the 51 Councilmembers.

THEREFORE, BE IT RESOLVED THAT, the X Board supports the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings and urges the City Council and the Mayor to adopt Intro 214 or any other measure that would guarantee the right to counsel for low-income New Yorkers who face losing their homes in legal proceedings.

http://www.righttocounselnyc.org/?utm_campaign=dec_5_fu&utm_medium=email&utm_source=righttocounselnyc

http://mobile.nytimes.com/2014/12/17/nyregion/push-to-provide-lawyers-in-new-york-city-housing-court-gains-momentum.html?_r=0

<http://www.newsweek.com/should-there-be-free-lawyers-housing-court-289660>

<http://www.truth-out.org/news/item/28318-new-york-activists-mobilize-for-right-to-counsel-in-eviction>