

# THE COUNCIL OF THE CITY OF NEW YORK

Hon. Melissa Mark-Viverito  
Speaker of the Council

Hon. Rory I. Lancman  
Chair, Committee on Courts and Legal Services



Report of the Finance Division on the  
Fiscal 2018 Preliminary Budget

## **Courts and Legal Services**

March 7, 2017

### **Finance Division**

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Latonia McKinney, Director  
Regina Poreda Ryan, Deputy Director  
Nathan Toth, Deputy Director

Paul Scimone, Deputy Director  
Sheila D. Johnson, Financial Analyst  
Eisha Wright, Unit Head

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## Courts and Legal Services Budget Overview

This report provides an overview of the City's budget for indigent criminal and family court defense, civil legal services and the Expense and Capital Budgets for court maintenance, repair, rehabilitation and expansion. The first section provides an overview of the Fiscal 2018 Preliminary Budget for Indigent Defense by provider, with a discussion of the year-over-year changes. The second section provides an overview of the criminal indigent defense and civil legal service providers. The third section provides the financial plan summary for courts, the Fiscal 2017-2020 Preliminary Capital Commitment Plan, and Appendix A of the report provides an overview of Fiscal 2017 City Council initiatives related to legal services.

## Indigent Defense Program Overview

State law requires New York City to assume sole responsibility for funding legal representation for indigent criminal defendants. New York City manages the Assigned Counsel Program (18-B or 18-B Program) and contracts with several community-based legal service providers that will represent indigent criminal defendants. The Mayor's Office of Criminal Justice (MOCJ) is the contracting agency responsible for managing the indigent defense services contracts. The City's indigent defense program ensures that all individuals charged with crimes will have fair, just and effective counsel at both the trial and appellate levels.

The City's primary indigent criminal defense provider in State courts at both the trial and appellate levels is The Legal Aid Society (LAS). LAS is the sole institutional provider for Richmond County and on Riker's Island for indigent parole revocation defense. There are five additional indigent defense providers: New York County Defenders (NYCD), Brooklyn Defender Services (BDS), Bronx Defenders (BXD), Queens Law Associates, P.C. (QLA) and the Neighborhood Defender Service (NDS). Lawyers appointed to the 18-B Program represent indigent defendants in all five boroughs.

In the Appellate Courts, LAS, 18-B Attorneys and three other alternative contractors: Appellate Advocates (AA), Center for Appellate Litigation (CAL), and the Office of the Appellate Defender (OAD) handle cases. On a limited basis, the City provides legal representation to indigent parents or guardians in Family Court for Article 10 cases (abuse and neglect). The providers are the Center for Family Representation (CFR), which handles cases in Manhattan and Queens; BDS in Kings County; BXDS in Bronx County; and NDS, which represents defendants from northern Manhattan.

## Indigent Defense Financial Summary

<b>Indigent Defense Funding Summary</b>				
<i>Dollars in Thousands</i>				
	<b>Adopted 2017</b>	<b>Preliminary Plan 2017 2018</b>		<b>*Difference 2017-2018</b>
18-B Assigned Counsel Program	\$12,644	\$12,644	\$12,644	\$0
18-B Assigned Counsel Program	39,751	39,751	39,751	0
<b>Total 18-B Assigned Counsel Program - Sub-total</b>	<b>\$52,395</b>	<b>\$52,395</b>	<b>\$52,395</b>	<b>\$0</b>
Legal Aid Society	\$92,127	\$92,127	\$92,127	\$0
Legal Aid Society - Appellate	9,481	9,481	9,481	0
Legal Aid Society - Conflict	5,643	5,643	5,643	0
<b>Legal Aid Society - Sub-total</b>	<b>\$107,251</b>	<b>\$107,251</b>	<b>\$107,251</b>	<b>\$0</b>
NY County Defenders	\$7,467	\$7,467	\$7,467	\$0
Bronx Defenders	11,915	11,915	11,915	0
Brooklyn Defender Services	14,623	15,975	15,975	1,352
Neighborhood Defender Services	4,933	4,933	4,933	0
Queens Law Associates, P.C.	9,335	9,335	9,335	0
<b>Alternative Providers – Trial Level Sub-total</b>	<b>\$48,273</b>	<b>\$49,625</b>	<b>\$49,625</b>	<b>\$1,352</b>
Appellate Advocates	\$5,448	\$5,448	\$5,448	\$0
Center for Appellate Litigation	5,505	5,505	5,505	0
Office of the Appellate Defender	2,586	2,586	2,054	(532)
<b>Alternative Providers – Appellate Level Sub-total</b>	<b>\$13,538</b>	<b>\$13,538</b>	<b>\$13,006</b>	<b>(\$532)</b>
Bronx Family Defense Practice - Bronx Defenders	\$6,143	\$7,273	\$7,153	\$1,010
Brooklyn Family Defense Project - Brooklyn Defender Services	6,150	6,917	6,860	710
Center for Family Representation	5,838	5,838	5,838	0
Neighborhood Defender Services - CA Harlem	1,890	2,354	2,551	661
<b>Family Court Providers - Sub-total</b>	<b>\$20,021</b>	<b>\$22,382</b>	<b>\$22,403</b>	<b>\$2,382</b>
Bronx Defenders	\$1,767	\$1,767	\$1,767	\$0
New York County Defenders Services	1,470	1,470	1,470	0
Brooklyn Defender Services	2,575	2,575	2,575	0
Queens Law Associates	1,933	1,933	1,933	0
<b>Conflict Case Providers - Subtotal</b>	<b>\$7,745</b>	<b>\$7,745</b>	<b>\$7,745</b>	<b>\$0</b>
<b>Indigent Defense Contract Total:</b>	<b>\$249,223</b>	<b>\$252,935</b>	<b>\$252,424</b>	<b>\$3,201</b>
State Regional Immigration Centers	\$450	\$450	\$450	\$0
State Office of Indigent Defense Funding - Know Your Rights Campaign	127	127	0	(127)
Wage Adjustment	1,342	1,345	1,358	16
Prisoner's Rights Project	750	0	0	(750)
Miscellaneous	3,617	3,367	3,899	282
<b>Other Subtotal:</b>	<b>\$6,286</b>	<b>\$5,289</b>	<b>\$5,707</b>	<b>(\$579)</b>
<b>Grand Total:</b>	<b>\$255,509</b>	<b>\$258,224</b>	<b>\$258,131</b>	<b>\$2,622</b>
<b>Funding source</b>				0
<b>City</b>	\$214,488	\$217,203	\$217,237	\$2,749
<b>State</b>	41,021	41,021	40,894	(127)
<b>TOTAL</b>	<b>\$255,509</b>	<b>\$258,224</b>	<b>\$258,131</b>	<b>\$2,622</b>

The Fiscal 2018 Preliminary Budget for the indigent defense is \$258.1 million, \$2.6 million more than the Fiscal 2017 Adopted Budget of \$255.5 million and \$92,759 less than the current Fiscal 2017 budget of \$258.2 million. Funding for indigent defense is scheduled in the Miscellaneous Budget and is managed by MOCJ. City tax-levy funding accounts for \$217.2 million or 84.2 percent of the budget, with the remaining \$41 million (or 15.8 percent) funded by the State. In the Fiscal 2017 Adopted Budget, the projected Fiscal 2018 Preliminary Budget for indigent defense was \$254.3 million. The Fiscal 2017 Budget for indigent defense as presented in the Preliminary Financial Plan for Fiscal 2017-2021 (the Preliminary Plan) is \$2.7 million more than the adopted budget.

The Fiscal 2018 Preliminary Budget for the indigent defense contracts total \$252.4 million, an increase of \$3.2 million compared to the Fiscal 2017 Adopted amount of \$249.2 million. The year-over-year change for each contract is shown below.

## Financial Plan Changes

### New Needs

- **Trial Level Alternate Providers.** The November Plan added \$1.3 million to the criminal trials contract for Brooklyn Defender Services to support additional staff lines. (See page 5 for details).
- **Family Court Providers.** The Fiscal 2018 Preliminary Budget added \$2.4 million for three of the four family court providers to support additional staff lines and one-time Other Than Personal Service (OTPS) costs. (See page 8 for details).

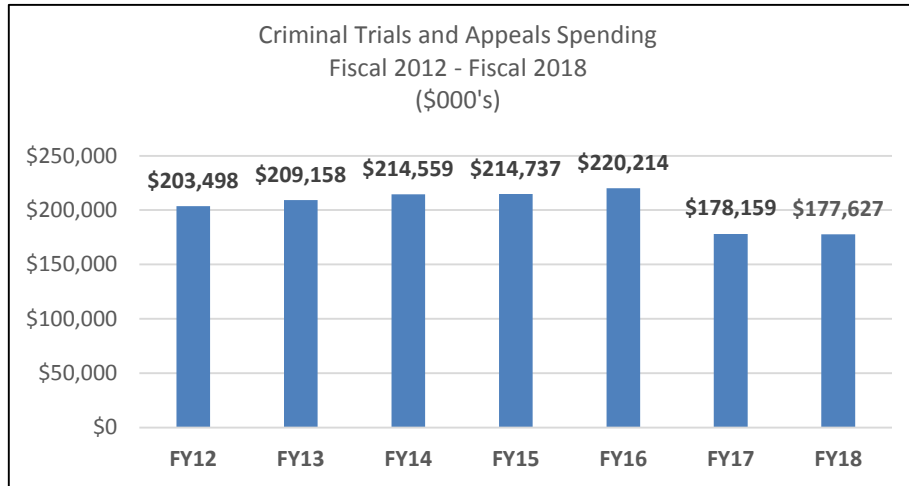
### Other Financial Plan Changes

- **Prisoner's Rights Project.** The Council included \$750,000 in the Fiscal 2017 Budget to support the Legal Aid Society's Prisoner's Rights Project. The program provides legal services to low income inmates and their families in order to address abuse of prisoners, improve jail conditions, promote safety and protect the basic human rights of incarcerated individuals within the City's jail system. This funding is not included in the Fiscal 2018 Preliminary Budget.

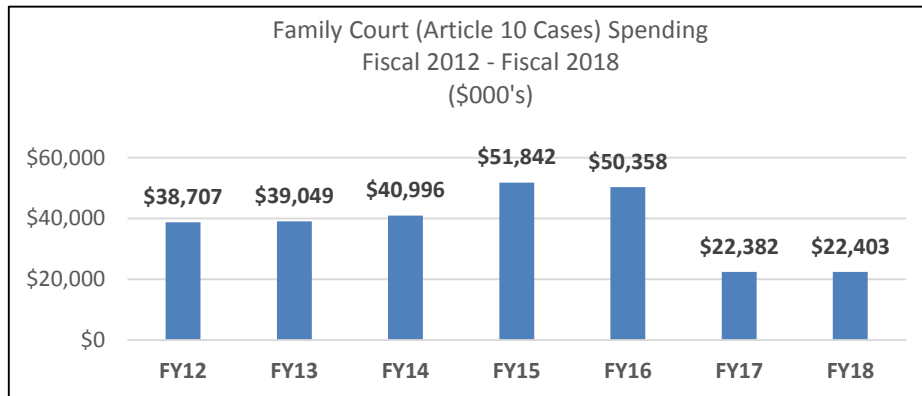
## Overall Indigent Defense Spending

The two charts below show historical and projected spending on indigent defense for criminal trials and appeals and on Article 10 cases in Family Court from Fiscal 2012 through Fiscal 2018. Spending for the last two years (Fiscal 2017 and Fiscal 2018) is projected. Projections do not include spending for 18-B attorneys since they are paid by the court on a case-by-case basis, not through a contract with the City.

The first chart shows total expenditures for criminal trials and appeals. Totals include actuals for LAS, 18-B Assigned Counsel, the five alternate providers and the three appellate providers. The second chart shows total expenditures for the five alternate family court providers and 18-B Assigned Counsel.



Source: MOCJ



Source: MOCJ

## Indigent Defense Providers

**The Legal Aid Society (LAS).** The Fiscal 2018 Preliminary Budget for LAS is \$107.2 million. This includes \$106.9 in City tax-levy funding and \$385,000 in State Office of Indigent Legal Services funding. The State aid supports client representation in immigration law and deportation matters. For Fiscal 2017, LAS is contracted to intake a total of 217,050 cases, including 210,000 for criminal trials, 6,200 conflict cases, and 850 appellate cases

The two charts below show historical and projected spending and case intake for the Legal Aid Society from Fiscal 2012 through Fiscal 2018. Spending and case intake for the last two years (Fiscal 2017 and Fiscal 2018) is projected. For Fiscal 2018, MOCJ has not provided caseload projections.

Legal Aid Society - Spending Fiscal 2012 – Fiscal 2018							
	FY12	FY13	FY14	FY15	FY16	FY17	FY18
<b>Trials</b>	\$84,700	\$86,686	\$88,414	\$90,341	\$89,387	\$92,127	\$92,127
<b>Appeals</b>	8,100	11,423	8,302	7,685	9,596	9,481	9,481
<b>Conflict</b>	-	-	4,621	3,503	2,627	5,643	5,643
<b>TOTAL</b>	<b>\$92,800</b>	<b>\$98,109</b>	<b>\$101,337</b>	<b>\$101,529</b>	<b>\$101,610</b>	<b>\$107,251</b>	<b>\$107,251</b>

Source: MOCJ

- In the last five years, annual expenditures for LAS have averaged \$87.9 million for criminal trials and \$9 million for criminal appeals.
- Expenditures for criminal trials increased by approximately \$2 million from Fiscal 2012 to Fiscal 2013 due to labor-related costs. Expenditures for criminal appeals increased by \$3.3 million from Fiscal 2012 to 2013 to cover costs associated with 218 appellate cases that were handled in Fiscal 2012.

Legal Aid Society – Case Intake Fiscal 2012 – Fiscal 2018							
	FY12	FY13	FY14	FY15	FY16	FY17	FY18
<b>Trials</b>	209,741	211,820	220,242	188,243	159,636	210,000	N/A
<b>Appeals</b>	1,118	1,294	950	969	1,133	850	N/A
<b>Conflict</b>	-	-	8,253	6,163	6,420	6,200	N/A
<b>TOTAL</b>	<b>210,859</b>	<b>213,114</b>	<b>229,445</b>	<b>195,375</b>	<b>167,189</b>	<b>217,050</b>	<b>N/A</b>

Source: MOCJ

- In the last five years, LAS has averaged an annual case intake of 197,936 for criminal trials and 1,093 for criminal appeals. For the last three years, LAS has an annual averaged a case intake of 6,945 for conflict cases.
- The drop in case intake for criminal trials for Fiscal 2015 and Fiscal 2016 is due to reform efforts that have reduced the number of people arrested and arraigned on violations and misdemeanors.

**Alternate Criminal Trial and Criminal Appellate Indigent Defense.** In addition to LAS, the City contracts with eight other indigent defense legal service providers; five for trial level representation and three for the appellate level. The five trial court defenders include NYCDS, BXD, BDS, QLA and NDS. The three appellate level legal service providers are CAL (1<sup>st</sup> Appellate Department), AA (2<sup>nd</sup> Appellate Department) and OAD (1<sup>st</sup> Appellate Department).

**Trial Level Alternate Providers.** The Fiscal 2018 Preliminary Budget includes \$57.4 million (\$49.6 million for trials and \$7.7 million for conflict cases) for the five trial court defenders. This includes \$57.1 million in City tax-levy funding and \$308,000 in State Office of Indigent Legal Services funding.

Case Intake by Alternate Provider for Fiscal 2017 Criminal Trials and Conflicts			
Provider	Criminal Trials	Conflict Cases	Total
NYCDS	18,000	2,500	20,500
BXD	28,000	3,000	31,000
BDS	38,000	4,440	42,440
NDS*	10,000	-	10,000
QLA	26,000	3,600	29,600
<b>TOTAL</b>	<b>120,000</b>	<b>13,540</b>	<b>133,540</b>

\*NDS does not have a contract for conflict cases

The State aid supports client representation in immigration law and deportation matters. The Fiscal 2018 Preliminary Budget shows growth of \$1.3 million above the Fiscal 2017 Adopted amount due to an increase in the contract value for Brooklyn Defender Services. According to MOCJ, the \$1.3 million in funding for BDS will support 12 additional attorneys and a senior paralegal to assure compliance with statutory case caps limits and to meet the obligations of an increasing and more complex pending caseload. In Fiscal 2017, the alternate providers collectively are contracted to intake a total of 133,540 cases in Fiscal 2017. This includes 120,000 for criminal trials and 13,540 for conflict cases.

**Redesign of the Trial-Level Indigent Criminal Defense Services Program Model.** The Mayor's Office of Criminal Justice (MOCJ) released a Request for Proposal (RFP) in December 2016 for trial level indigent criminal defense for primary, conflict and homicide cases. The current indigent defense contract does not include homicide cases; attorneys selected for a specialized 18-B panel represent indigent defendant's charges with homicide. MOCJ expects to award multiple contracts for each county. Providers will be required to represent clients from intake until final case resolution. The proposal period ended in February 2017 and MOCJ is currently reviewing bids. The new contracts would begin July 1, 2017 through June 30, 2019. Requirements of the new contract include:

- Each trial-level criminal defense provider will be required to maintain a central office near the county's criminal court in each contracted county; and
- Each trial-level criminal defense provider will be expected to maintain an array of resources that include: legal staff, social worker, paralegals, investigators, and experts that can serve non-English speaking defendants.

Total available funding for the trial-level indigent criminal defense services will be approximately \$150 million annually for all five counties.

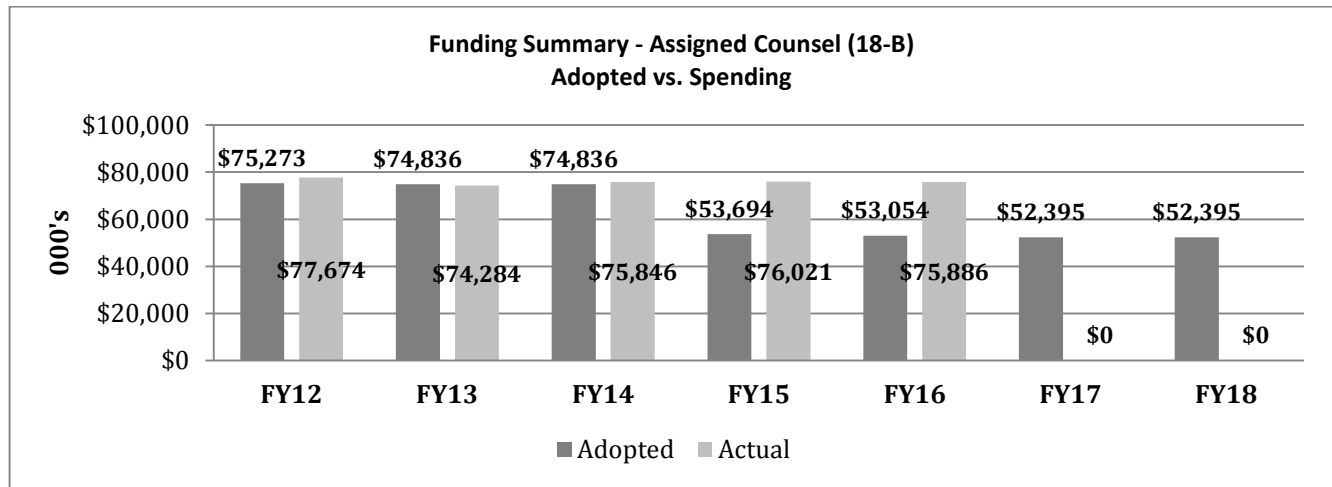
### **Assigned Counsel Program (18-B)**

The courts appoint attorneys from the Assigned Counsel Program to represent defendants when representation by one of the indigent defense providers would present a conflict of interest or when a defendant is charged with a crime punishable by death or life imprisonment. Attorneys appointed to the 18-B program represent indigent defendants in criminal trials, appeals, family court proceedings, parole violation and integrated domestic violence (IDV) cases. IDV cases are cases involving families where domestic violence is the underlying issue and one judge presides over all criminal, civil and family court matters involving the family.

The Fiscal 2018 Preliminary Budget for the 18-B Program is \$52.4 million. This includes \$12.6 million in City tax-levy funding and \$39.7 million in State funding. The funding level has remained unchanged from the Fiscal 2017 Adopted Budget. Rates for 18-B attorneys are \$60 per hour for misdemeanor cases and \$75 per hour for all other cases. 18-B Attorneys do not have fixed caseloads and must submit vouchers to the Court for reimbursement when final disposition occurs. As a result, the projected budget for Fiscal 2018 is an estimate of the actual costs.

The chart below shows the historical expenditures for the Adopted Budget compared to actuals for the Assigned Counsel program from Fiscal 2012 through Fiscal 2016 with projected spending for Fiscal 2017 and Fiscal 2018. Projected spending is shown below because 18-B Attorneys do not have fixed caseloads, therefore one lump sum of funding is included to cover all cases. The table provides actual expenditures for the last five years by case type.





- In the last five years, the adopted budget for the Assigned Counsel 18-B program has averaged \$66.3 million and during the same time period annual actual expenditures have averaged \$75.9 million.

Actual Expenditures Summary by Case Category Assigned Counsel (18-B)					
	FY12	FY13	FY14	FY15	FY16
<b>Criminal – Trials and Appeals</b>	\$50,602,993	\$46,916,345	\$47,767,767	\$45,591,899	\$45,940,729
<b>Family</b>	\$25,892,958	\$26,156,232	\$26,778,908	\$29,250,975	\$28,799,061
<b>Integrated Domestic Violence</b>	\$679,107	\$722,086	\$794,115	\$742,721	\$627,939
<b>Parole</b>	\$499,300	\$489,422	\$505,319	\$435,784	\$518,193
<b>TOTAL</b>	<b>\$77,674,358</b>	<b>\$74,284,085</b>	<b>\$75,846,109</b>	<b>\$76,021,379</b>	<b>\$75,885,922</b>

Source: MOCJ

- In the last five years, annual expenditures for criminal trials and appeals have averaged \$47.4 million, while family court representation has averaged \$27.4 million, IDV representation has averaged \$713,194, and the average for parole cases was \$489,604.

### Appellate Level Alternate Providers

The Fiscal 2018 Preliminary Budget for appellate litigation services includes \$13 million for three providers, reflecting a \$532,000 decrease compared to the Fiscal 2017 Adopted Budget. The decrease is a result of adjustments in OAD's Fiscal 2018 contract value scheduled in a previous Financial Plan. OAD provides

representation to indigent defendants in the First Department, primarily criminal appeals in State Court and collateral proceedings in State and federal court. In Fiscal 2017, the appellate providers are contracted collectively to intake 1,240 cases.

Case Intake by Provider for Fiscal 2017 Criminal Appeals	
Provider	Caseload Intake
Appellate Advocates	500
Center for Appellate Litigation	530
Office of the Appellate Defender	210
<b>TOTAL</b>	<b>1,240</b>

## Family Court Providers

On a case-by-case basis, institutional providers provide legal representation for indigent parents or guardians in Article 10 abuse and neglect cases heard in Family Court. The Fiscal 2018 Preliminary Budget includes \$22.4 million, \$2.4 million more when compared to the Fiscal 2017 Adopted Budget of \$20 million. The \$2.4 million increase will enhance the contract value for three of the four family court providers, supporting additional staffing, case management system updates and technological upgrades. The enhancement will also include one-time Other Than Personal Service purchases for tablets, wireless service installation and file management software. According to MOCJ, funding will allow providers to mitigate their organization's growing attorney caseloads while continuing to intake new clients and fulfill their contractually obligated caseload. Of the \$2.4 million increase, \$1 million is for Bronx Defenders, \$710,000 is for Brooklyn Defender Services and \$661,000 is for Neighborhood Defender Services. In Fiscal 2017, the family court providers are contracted to collectively intake 3,400 cases.

Caseload Intake by Provider for Fiscal 2017 Article 10 Cases	
Provider	Caseload Intake
Center for Family Representation	905
Bronx Defenders	1,025
Brooklyn Defender Services Project	1,155
Neighborhood Defender Services	315
<b>TOTAL</b>	<b>3,400</b>

## Civil Legal Services Overview

The City offers free legal representation and advice to low income New Yorkers for a variety of civil matters. The scope and breadth of programming has grown dramatically during the past few years and the management of civil legal service contracts has been restructured. Prior to Fiscal 2015, City Council funding supported more than half of the City's entire civil legal services. In 2014, the de Blasio Administration consolidated almost all civil legal service contracts into the Human Resources Administration's (HRA) budget. The consolidation streamlined the contracting process, and allowed for a more transparent process to identify and address service gaps and evaluate emerging new needs. Concurrent with the consolidation, the Council and the Administration began to increase funding for civil legal services.

Pursuant to Local Law 61 of 2015, the Administration established the Office of Civil Justice (OCJ) within HRA and transferred responsibility for civil legal service programs into OCJ. OCJ's primary responsibility is providing low-income New Yorkers with access to civil legal services that will assist in resolving housing, immigration, domestic violence and employment related issues.

## Civil Legal Services Overall Funding Summary

As requested by the City Council, HRA created a new legal services unit of appropriation (U/A) and budget function program area in an effort to provide transparency for legal services funding. Previously, legal services funding was allocated across multiple program areas in HRA. This program area includes only HRA's actuals and planned spending on contracts for legal services; related costs including agency staff are not yet included. The headcount for OCJ is budgeted elsewhere. According to HRA, there are currently 43 staff assigned to work in OCJ. The 43 staff include central administration, program development staff, a contract management team and housing court liaisons. Below is the Financial Plan Summary Chart which provides actual expenditures for Fiscal 2015 and Fiscal 2016, the Adopted Budget for Fiscal 2017, and planned

expenditures and contracts for Fiscal 2017 and Fiscal 2018 as proposed in the Fiscal 2018 Preliminary Plan.

<b>Legal Services - Other Than Personal Services</b>						
<i>Dollars in Thousands</i>	<b>Actual 2015</b>	<b>Actual 2016</b>	<b>Adopted 2017</b>	<b>Preliminary Plan 2017</b>	<b>Preliminary Plan 2018</b>	<b>*Difference 2017 - 2018</b>
<b>Spending</b>						
Contractual Services - Social Services	\$38,854	\$66,084	\$94,238	\$110,822	\$71,645	(\$22,593)
Other Services & Charges	270	3,174	0	6,548	0	0
Supplies & Materials	0	0	409	0	0	(409)
<b>TOTAL</b>	<b>\$39,124</b>	<b>\$69,258</b>	<b>\$94,647</b>	<b>\$117,370</b>	<b>\$71,645</b>	<b>(\$23,002)</b>
<b>Funding</b>						
City Funds			\$80,183	\$97,211	\$45,176	(\$35,007)
Federal - Other			10,199	16,961	22,204	12,005
State			4,265	3,198	4,265	0
<b>TOTAL</b>	<b>\$39,124</b>	<b>\$69,258</b>	<b>\$94,647</b>	<b>\$117,370</b>	<b>\$71,645</b>	<b>(\$23,002)</b>
<b>Contracts - Homeless Family Services</b>			116	116	77	(39)
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>116</b>	<b>116</b>	<b>77</b>	<b>(39)</b>

The Fiscal 2018 Preliminary Budget for legal services totals \$71.6 million, a decrease of \$23 million compared to the Fiscal 2017 Adopted Budget of \$94.6 million. The budgeted number of contracts also dropped by 39 from 116 at adoption. The Fiscal 2017 Budget as of the Preliminary Plan shows growth of \$22.7 million compared to the Adopted Budget. Year-over-year changes are primarily due to City Council contracts that are not included in the Fiscal 2018 Preliminary Budget.

### Financial Plan Actions

- **Improved Reimbursement for Legal Services.** The Fiscal 2018 Preliminary Plan recognizes baselined federal revenue beginning in Fiscal 2017 for the reimbursement of anti-eviction legal services. The Plan removes city tax-levy funding of \$6.7 million in Fiscal 2017 and \$12 million in Fiscal 2018 and in the outyears and replaces it with federal revenue.

The Fiscal 2017 Budget supports four consortium contracts with civil legal service providers totaling \$63.7 million. Listed below are the contracts with a description. See Appendix B for the legal service providers and the Fiscal 2017 Budget for each.

- **Homelessness Prevention Law Project (HPLP).** HPLP provides low-income New Yorkers facing eviction or other loss of housing with full legal representation in all five boroughs. Programming also includes the Expanded Legal Services (ELS) project where individuals and families are offered full legal representation in ten neighborhoods that have the highest homelessness percentage.
- **Anti-Harassment Tenant Protection (AHTP).** AHTP provides access to legal advice and representation to low-income New Yorkers living in designated service areas (14 zip codes) in order to prevent tenant harassment, displacement and maintain affordable housing.
- **Immigration Legal Services – Community Services Block Grant (CSBG).** This program provides full legal representation to assist in citizenship, lawful immigration status, social services for survivors of domestic violence and human trafficking, education and advocacy. There are four separate program areas and they are Services for Immigrants (Adults),

Services for Immigrant Victims of Domestic Violence and Trafficking and Services for Immigrant Workers.

- **Immigration Opportunity Initiatives (IOI).** This program provides legal services to non-citizens to assist with applications for citizenship, permanent residence and other immigration related services.

## Council Initiatives

In Fiscal 2017, the City Council added \$22.7 million to HRA's budget for seven legal services initiatives. These are in addition to seven initiatives that fund legal services through other agencies. In total, funding for Council legal service initiatives is \$28 million in Fiscal 2017. All of these initiatives are listed in Appendices A and B.

The Council-funded civil legal services initiatives that are managed by HRA are listed below.

- **Anti-Eviction and Housing Court Resources – \$5.65 million.** The Anti-Eviction and Housing Court program funding supports ten legal service providers. The program provides full legal representation for tenants seeking assistance in Housing Court. In addition, anti-eviction education, counseling and referral services are provided at the City's housing courts.
- **Immigrant Opportunities Initiative – \$2.6 million.** The Immigrant Opportunities initiative supports thirty-one legal service providers that assist immigrant adults gain access to information and resources to strengthen their participation in the democratic process. Specifically, this initiative provides legal services for recent immigrants to assist with applications for citizenship or permanent residency, and various other immigrant related legal services
- **Legal Services for Low-Income New Yorkers – \$5 million.** Legal Services for Low-Income New Yorkers supports four legal service providers. The program provides full legal representation for services that include unemployment insurance, supplemental security income, consumer/finance, education, employment, family, juvenile, health, housing, income maintenance, individual rights and miscellaneous benefits.
- **Legal Services for Veterans – \$350,000.** Legal Services for Veterans supports two legal service organizations that provide legal representation for NYC Veterans in the areas of family law, housing, public benefits, healthcare, homecare, financial planning and consumer protection.
- **Legal Services for the Working Poor – \$2.4 million.** Legal Services for the Working Poor program initiative supports seven legal service providers. The program provides full legal representation for the working poor in matters that include assistance in preventing eviction, foreclosure, improvement of living conditions, removal of hazardous housing conditions, housing code enforcement actions, emergency grants to prevent homelessness, disability benefits, immigration assistance, workplace abuses, consumer protections from creditors and domestic violence.
- **New York Immigrant Family Unity Project – \$6.2 million.** The New York Immigrant Family Unity Project program funding supports three legal service providers. The program provides full legal representation for New Yorkers detained and facing deportation who cannot afford an attorney. Services included are master calendar, bond and individual merit hearings, appeals and social work services.

- **Unaccompanied Minors and Families – \$500,000.** The Unaccompanied Minors and Families program funding supports three legal service providers. The program provides legal services to adults with children to ensure access to critical educational, health and mental health services.

## Courts Overview

New York City has 29 court facilities, which include civil, criminal, family, housing, small claims, supreme and surrogate courts. Pursuant to New York State Law, localities bear the responsibility of providing adequate, functional and sufficient court facilities. Oversight includes contracting capital projects for work done in any New York City Court Facilities. The State and City agencies who manage the operational and programmatic activities in the courthouse include the Office of Court Administration (OCA) - the administrative arm of the New York State court system, the Office of Management and Budget (OMB), MOCJ and the Department of Citywide Administrative Services (DCAS).

To meet the current and emerging needs of the City's court facilities, MOCJ, OMB and OCA manage the infrastructure improvements and upgrading of courthouse facilities throughout New York City. DCAS' Asset Management Division is responsible for managing the maintenance staff that work in the courts and some capital projects. Depending on the scope of work, projects are managed by DCAS, the Department of Design and Construction DDC (the City's primary capital construction project manager) or the Dormitory Authority of the State of New York (DASNY), New York State's facilities finance and construction authority). In addition, DASNY receives approximately three to five percent of the funding for managing these capital projects.

## Courts Financial Plan Summary

The Department of Citywide Administrative Services (DCAS) is responsible for cleaning and maintaining all the City's courts. DCAS' budget includes funding for Court maintenance in two units of appropriation U/A – 300 – Asset Management – Public Facilities (PS) and U/A 390 Asset Management – Public Facilities (OTPS). The courts Financial Summary below provides an overview of the portions of DCAS' budget used for court maintenance, disaggregated by Appellate Courts and Unified Courts System.

The table provides an overview of DCAS' actual expenditures for Fiscal 2015 and Fiscal 2016, the Adopted Budget for Fiscal 2017, and planned expenditures for Fiscal 2017 and Fiscal 2018 as proposed in the Fiscal 2018 Preliminary Plan.

<b>Courts Maintenance Financial Summary</b>						
	<b>Actual 2015</b>	<b>Actual 2016</b>	<b>Adopted 2017</b>	<b>Preliminary Plan</b>		<b>*Difference 2017 - 2018</b>
<i>Dollars in Thousands</i>				<b>2017</b>	<b>2018</b>	
<b>Spending</b>						
<b>Appellate Courts</b>						
Personal Services	\$1,518	\$1,611	\$1,732	\$1,732	\$1,750	\$18
Other Than Personal Services	7,946	7,885	8,489	8,489	8,489	0
<b>Subtotal</b>	<b>\$9,464</b>	<b>\$9,495</b>	<b>\$10,221</b>	<b>\$10,221</b>	<b>\$10,239</b>	<b>\$18</b>
<b>Unified Court System</b>						
Personal Services	\$39,202	\$46,117	\$43,277	\$43,277	\$43,616	\$339
Other Than Personal Services	1,831	2,410	0	2,900	0	0
<b>Subtotal</b>	<b>\$41,034</b>	<b>\$48,526</b>	<b>\$43,277</b>	<b>\$46,177</b>	<b>\$43,616</b>	<b>\$339</b>
<b>TOTAL</b>	<b>\$50,498</b>	<b>\$58,022</b>	<b>\$53,498</b>	<b>\$56,398</b>	<b>\$53,855</b>	<b>\$357</b>
<b>Funding</b>						
City Funds	\$0	\$0	\$0	\$0	\$0	\$0
State	50,498	58,022	53,498	56,398	53,855	357
<b>TOTAL</b>	<b>\$50,498</b>	<b>\$58,022</b>	<b>\$53,498</b>	<b>\$56,398</b>	<b>\$53,855</b>	<b>\$357</b>
<b>Budgeted Headcount</b>						
Appellate Courts	19	18	18	18	18	0
Unified Court System	608	624	624	624	624	0
<b>TOTAL</b>	<b>627</b>	<b>642</b>	<b>642</b>	<b>642</b>	<b>642</b>	<b>0</b>

\*The difference of Fiscal 2017 Adopted Budget compared to Fiscal 2018 Preliminary Budget.

## Capital Program

### Capital Budget Summary

The Fiscal 2018 Preliminary Capital Commitment Plan includes \$961 million for Fiscal 2017-2020 for courts (including City and non-City funds). This represents two percent of the City's total \$64 billion January Plan for Fiscal 2017-2020. Courts Preliminary Commitment Plan for Fiscal 2017-2020 is one percent more than the \$953 million scheduled in the September Commitment Plan, an increase of \$8 million. In addition, the Preliminary Ten-Year Capital Strategy for the Department totals \$1.8 billion over ten years (2018-2027) – an increase of \$1.3 million when compared to the Fiscal 2016 Preliminary Ten-Year Capital Strategy.

The majority of the capital projects span multiple fiscal years and it is therefore common practice for an agency to roll unspent capital funds into future fiscal years. In Fiscal 2016, Courts committed \$533 million five percent of its annual capital plan. Therefore, it is assumed that a significant portion of Court's Fiscal 2017 Capital Plan will be rolled into Fiscal 2018, thus increasing the size of the Fiscal 2018-2021 Capital Plan. Since adoption last June, the citywide total Capital Commitment Plan for Fiscal 2017 has increased from \$19.2 billion in the September Capital Commitment Plan to \$20 billion in the Preliminary Capital Commitment plan, an increase of \$785 million, or 4.1 percent.

<b>Courts Fiscal 2017-2020 Capital Commitment Plan</b>					
<i>Dollars in Thousands</i>					
	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>FY20</b>	<b>Total</b>
<b>Adopted Plan</b>	\$210	\$353	\$157	\$233	\$953
<b>Preliminary Plan</b>	\$213	\$359	\$157	\$233	\$961
<b>Change</b>	<b>\$3</b>	<b>\$6</b>	<b>\$0</b>	<b>\$0</b>	<b>\$8</b>

Source: OMB

## Preliminary Budget Highlights

The Preliminary Capital Commitment Plan for Courts for Fiscal 2017-2020 has increased by \$8 million to a total of \$961 million, an increase of one percent when compared to Court's Fiscal 2017 Adopted Capital Plan. The increase in spending is primarily due to a fire alarm upgrade and elevator modernization in the Unified Court at 45 Monroe Street in Manhattan. The majority of the increase is currently shown as City-funded commitments.

Major changes in the Preliminary Capital Plan for Fiscal 2017-2020 that resulted in the one percent increase include:

- **Rehabilitation of Various Court Facilities.** The Fiscal 2018 Commitment Plan includes \$370 million over the next four years for the Manhattan Master Plan Initiative, Renovation and Space Reconfiguration projects in the outer boroughs and relocating the Civil/Housing Court at 210 Joralemon Street in Brooklyn.
- **OCA Relocation from 141 Livingston Street to 210 Joralemon Street in Brooklyn.** The Fiscal 2018 Commitment Plan includes \$79 million over the next four years.
- **Electrical Upgrades to Queens Supreme Court.** The Fiscal 2018 Commitment Plan includes \$46 million over the next three years.
- **Upgrade of Fire Protection/Sprinklers to Bronx County Courthouse.** The Fiscal 2018 Commitment Plan includes \$45 million in Fiscal 2017 and Fiscal 2018 for the fire protection and sprinklers upgrade. The sprinkler upgrade is part of compliance with a citywide mandate to update all City-owned buildings by 2019.
- **Upgrade of Fire Alarm System and Sprinklers at Kings County Courthouse.** The Fiscal 2018 Commitment Plan includes \$39 million in Fiscal 2017, Fiscal 2018 and Fiscal 2019 for the fire alarm system and sprinklers upgrade. The sprinkler upgrade is part of compliance with a citywide mandate to update all City-owned buildings by 2019.
- **DASNY Design and Planning of Brownsville Community Court.** The Fiscal 2018 Commitment Plan includes \$22 million for DASNY to complete the design and planning for the Brownsville Community Court in Fiscal 2017.
- **Electrical and System Upgrade of the Surrogate Court.** The Fiscal 2018 Commitment Plan includes \$18 million in Fiscal 2017 and Fiscal 2018 for the electrical and system upgrade.
- **DASNY Design and Planning of Bronx Criminal Court Complex.** The Fiscal 2018 Commitment Plan includes \$18 million in Fiscal 2017 for the design and planning of upgrades in the Bronx Criminal Court Complex.

## Preliminary Ten-Year Capital Strategy

The City's Ten-Year Capital Strategy for Fiscal 2018-2027 totals \$89.6 billion in all funds. For Courts, the Fiscal 2018 Preliminary Ten-Year Capital Strategy includes \$1.8 billion for citywide renovation and improvements to court facilities. The Strategy lumps all proposed capital projects into a single category. The capital projects include \$1.1 billion for interior renovation, \$441 million for fire/life safety works, \$67.3 million for exterior renovation, \$64.6 million for electrical upgrades, \$57.3 million for HVAC improvements, \$41.8 million for elevator upgrades and \$8.4 million for roof reconstruction.

## Courts Ten-Year Capital Strategy by Category

Fiscal 2018-2027 Preliminary Ten-Year Capital Strategy											
<i>Dollars in Thousands</i>	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	Total
Reconstruction/Renovation of Court Facilities											
City	\$354	\$157	\$233	\$174	\$136	\$137	\$159	\$128	\$132	\$136	\$1,748
State	\$4	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4
<b>Total</b>	\$359	\$157	\$233	\$174	\$136	\$137	\$159	\$128	\$132	\$136	\$1,752



## Appendix A: Fiscal 2017 City Council Funding for Legal Service Initiatives

CITY COUNCIL LEGAL SERVICE INITIATIVES - FY16-FY17				
City Council Initiative	Contracting Agency	Fiscal 2016 Amount	Fiscal 2017 Amount	Difference Fiscal 2016 – Fiscal 2017
Alternatives to Incarceration (ATI's)	MOCJ	\$199	\$324	\$125
Anti-Gun Violence - Legal Services	MOCJ	\$1,175	\$0	(\$1,175)
Anti-Eviction and Housing Court Resources*	DSS/HRA	\$5,000	\$5,650	\$650
Chamber on the Go (Small Business Mobile Outreach Unit)	DSBS	\$250	\$668	\$418
Domestic Violence and Empowerment (DoVE)	MOCJ	\$639	\$1,249	\$610
Immigrant Opportunities Initiative	DSS/HRA, CUNY	\$2,551	\$2,600	\$49
Legal Information for Families (LIFT)	MOCJ	\$485	\$485	\$0
Legal Services for Low-Income New Yorkers**	MOCJ, DSS/HRA	\$4,750	\$5,000	\$250
Legal Services for the Working Poor	DSS/HRA	\$1,525	\$2,405	\$880
Legal Services for Veterans	DSS/HRA	\$350	\$350	\$0
Mortgage Foreclosure Prevention Program	HPD	\$1,000	\$1,000	\$0
New York Immigrant Family Unity Project	DSS/HRA	\$4,900	\$6,230	\$1,330
Supportive Alternatives to Violent Encounters (SAVE) ***	MOCJ	\$1,225	\$1,225	\$0
Unaccompanied Minor Children and Families	DSS/HRA	\$1,500	\$500	(\$1,000)
<b>TOTAL</b>		<b>\$25,549</b>	<b>\$27,686</b>	<b>\$2,137</b>

\* In Fiscal 2017, Initiative was Renamed. Former Name: Anti-Eviction Legal services and Single Room Occupancy.

\*\*In Fiscal 2017, Initiative was Consolidated with Citywide Civil Legal Services and Unemployment Insurance/Supplemental Security Income.

\*\*\* In Fiscal 2017, Initiative was Consolidated with Connect Inc. – Community Empowerment Program, Immigrant Battered Women's Initiative and Legal Services for Domestic Violence Victims.

## Appendix B: OCJ Civil Legal Services Contracts

Homelessness Prevention Law Project		
Contract Term: October 2015 - September 2018		
Provider	Geographic Area Covered	Fiscal 2017 Budget
The Legal Aid Society	HHP	\$3,000,000
The Legal Aid Society	Bronx	\$1,955,717
Legal Services NYC	Bronx	\$2,222,406
Urban Justice Center	Bronx	\$444,481
Bronx Defenders	Bronx	\$444,481
BOOM! (Bronx Aids Services, Inc.)	Bronx	\$1,600,132
Neighborhood Association for Intercultural Affairs, Inc.	Bronx	\$2,222,406
Legal Services NYC	Brooklyn	\$1,880,497
The Legal Aid Society	Brooklyn	\$1,805,277
CAMBA Legal Services, Inc.	Brooklyn	\$1,880,497
Ridgewood Bushwick Senior Citizens Council	Brooklyn	\$676,979
Brooklyn Legal Services Corporation A	Brooklyn	\$752,199
New York Legal Assistance Group (NYLAG)	Brooklyn	\$526,539
Legal Services NYC	Manhattan	\$645,686
The Legal Aid Society	Manhattan	\$645,686
New York Legal Assistance Group (NYLAG)	Manhattan	\$645,686
Northern Manhattan Improvement Corporation	Manhattan	\$592,642
Housing Conservation Coordinators	Manhattan	\$446,532
Legal Services NYC	Queens	\$1,094,107
New York Legal Assistance Group (NYLAG)	Queens	\$547,054
The Legal Aid Society	Queens	\$1,094,107
The Legal Aid Society	Staten Island	\$227,711
Legal Services NYC	Staten Island	\$227,711
CAMBA Legal Services, Inc.	Staten Island	\$227,711
<b>TOTAL</b>		<b>\$25,806,245</b>

Source: Office of Civil Justice

Anti-Harassment Tenant Protection		
Contract Term: January 2016 - June 2018		
Provider	Geographic Area Covered	Fiscal 2017 Budget
Legal Aid Society	Citywide	\$13,167,002
Legal Services NYC	Citywide	\$13,167,002
Urban Justice Center (LEAP Coalition)	Citywide	\$6,583,502
<b>TOTAL</b>		<b>\$32,917,506</b>

Source: Office of Civil Justice

**Appendix B: OCJ Civil Legal Services Contracts** *(continuation)*

<b>Immigration Legal Services - Community Block Grant (CSBG)</b>	
<b>Contract Term: July 2016 - June 2016</b>	
<b>Provider</b>	<b>Fiscal 2017 Budget</b>
<b>Victims of Domestic Violence and Trafficking</b>	
Sanctuary For Families Inc.	\$300,000
Urban Justice Center	\$319,000
<b>Legal Services for Immigrant Youth</b>	
The Door-A Center for Alternatives, Inc.	\$350,000
Brooklyn Defender Services	\$80,000
<b>Legal Services for Immigrant Workers</b>	
Urban Justice Center	\$136,000
Make the Road New York*	\$136,000
<b>Legal Services for Immigrants</b>	
Queens Legal Services Corporation	\$146,082
New York Legal Assistance Group (NYLAG)	\$262,948
Brooklyn Defender Services	\$130,192
Legal Services NYC - Bronx	\$140,586
Northern Manhattan Improvement Corp	\$130,192
<b>TOTAL</b>	<b>\$1,714,103</b>

Source: Office of Civil Justice

<b>Immigration Opportunity Initiative (IOI)</b>	
<b>Contract Term: July 2016 - July 2018</b>	
<b>Provider</b>	<b>Fiscal 2017 Budget</b>
Legal Aid Society	\$1,518,444
Urban Justice Center	\$1,708,250
<b>TOTAL</b>	<b>\$3,226,694</b>

Source: Office of Civil Justice