



Legislation Text

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Proposed Int. No. 214 -A

By Council Members Levine, Gibson, Barron, Chin, Eugene, Ferreras-Copeland, Johnson, Lander, Mendez, Wills, Treyger, Rodriguez, Kallos, Koslowitz, King, Rosenthal, Cornegy, Cohen, Reynoso, Torres, Levin, Palma, Richards, Espinal, Miller, Mealy, Gentile, Maisel, Koo, Van Bramer, Cumbo, Williams, Constantinides, Rose, Menchaca, Dromm, Crowley, Lancman, Salamanca, Cabrera, Grodenchik, Perkins 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 eligible tenants who are subject to eviction, ejectment 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, Ejectment and Foreclosure Proceedings.

§ 27-4001 Definitions.

§ 27-4002 Civil justice coordinator.

§ 27-4003 Designation of eligible organizations.

§ 27-4004 Method of assigning legal counsel.

§ 27-4005 Compensation.

§ 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 ejectment 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 two-hundred 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 coordinator of the office of civil justice, established under Chapter 1, Section 13-b of the New York City Charter, 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

ii. develop a plan for the provision of high-quality legal services for eligible individuals with respect to covered proceedings and that considers the use of pro bono representation, technology, partnerships with social services providers and other innovative approaches to providing cost-effective services.

b. The Mayor or the Coordinator of the Office of Civil Justice 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, the civil justice coordinator shall 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 Coordinator of the Office of Civil Justice may take such actions as are necessary for its implementation, including promulgating rules and entering into contracts for covered services, prior to such effective date.

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