



Legislation Details (With Text)

**File #:** Int 0221-2014 **Version:** \* **Name:** Providing legal counsel for parents and guardians with minor children who are subject to eviction, ejection or foreclosure proceedings.

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**Title:** A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for parents and guardians with minor children who are subject to eviction, ejection or foreclosure proceedings.

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Int. No. 221

By Council Members Mendez, Chin, Constantinides, Eugene, Johnson, Lander, Rosenthal, Palma and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to providing legal counsel for parents and guardians with minor children 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.**

**§ 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 occupant of a dwelling unit or dwelling to which an eligible individual is a party, 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 who is the parent or guardian of one or more minor children.

"Designated organization" means an organization that provides legal counsel and 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 identify one or more organizations eligible to provide legal counsel in accordance with the provisions of this chapter. An organization may be designated as an eligible organization by the civil justice coordinator if it:

i. has as a principal purpose the furnishing of free or low-cost legal services to persons who are unable to afford private legal counsel;

ii. has substantial expertise in housing law and landlord and tenant law and relevant experience in representing low-income tenants in the civil court of the city of New York;

iii. operates pursuant to the standards contained in section 4 (standards for relations with clients) and

section 6 (standards for quality assurance) of the standards for providers of civil legal aid established by the american bar association; and

iv. satisfies such other criteria as may be established by the commissioner of housing preservation and development.

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.

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