Legislation Details (With Text)

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Int. No. 1104

By Council Members Levine, Gibson, Ayala, Ampry-Samuel, Powers, Chin, Rosenthal, Rivera, Lander, Menchaca, Levin, Kallos, Adams, Cornegy, Maisel, Reynoso, Brannan, Koslowitz, Rose, Louis, Perkins, Moya, Grodenchik, Van Bramer, Salamanca, Rodriguez, Cumbo, Eugene, Treyger, Cabrera, Cabán and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to expanding the right to counsel for tenants

Be it enacted by the Council as follows:

Section 1. Section 26-1301 of the administrative law of the city of New York, as added by local law

number 136 for the year 2017, is amended to read as follows:

§ 26-1301 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Brief legal assistance. The term "brief legal assistance" means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Coordinator. The term "coordinator" means the coordinator of the office of civil justice.

Covered individual. The term "covered individual" means a tenant of a rental dwelling unit located in the city or, where the tenant of record does not currently reside in said rental dwelling unit, the current occupant of a rental dwelling unit located in the city, [including any tenant in a building operated by the New York city housing authority,] who is a respondent or defendant, or who has legal standing to be a respondent or defendant, in a covered proceeding.

Covered proceeding. The term "covered proceeding" means any [summary] proceeding in [housing] a court or before an administrative agency to evict, eject, terminate the tenancy, seek a certificate of eviction, or terminate an income-based rental subsidy of a covered individual, or any appeal of such a proceeding. [including a summary proceeding to seek possession for the non-payment of rent or a holdover, or an administrative proceeding of the New York city housing authority for termination of tenancy.]

Designated citywide languages. The term "designated citywide languages" has the meaning ascribed to such term in section 23-1101.

Designated organization. The term "designated organization" means a not-for-profit organization or association that has the capacity to provide legal services and is designated by the coordinator pursuant to this chapter.

Full legal representation. The term "full legal representation" means ongoing legal representation provided by a designated organization to an income-eligible individual and all legal advice, advocacy, and assistance associated with such representation. Full legal representation includes, but is not limited to, the filing of a notice of appearance on behalf of the income-eligible individual in a covered proceeding.

[Housing court. The term "housing court" means the housing part of the New York city civil court.]

Income-eligible individual. The term "income-eligible individual" means a covered individual whose annual gross household income is not in excess of [200] 400 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code.

Legal services. The term "legal services" means brief legal assistance or full legal representation.

§ 26-1302 Provision of legal services. a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered individuals in covered proceedings [in housing court] and shall ensure that[, no later than July 31, 2022]:

1. no later than July 31, 2022, all covered individuals whose annual gross household income is not in excess of 400 percent of the federal poverty guidelines as updated periodically in the federal register by the United States department of health and human services pursuant to subsection (2) of section 9902 of title 42 of the United States code, receive access to full legal representation, no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable; and

2. no later than July 31, 2024, all covered individuals receive access to legal services, no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable.

b. Subject to appropriation, no later than October 1, 2017, the coordinator shall establish a program to provide access to legal services in administrative proceedings of the New York city housing authority for tenants of buildings operated by the New York City housing authority who have been served with charges in such administrative proceedings for termination of tenancy and shall ensure that, no later than July 31, 2022, all such tenants receive access to such legal services.

c. The coordinator shall estimate annually the expenditures required for each year of implementation of the programs described by subdivisions a and b of this section. Beginning October 1, 2022 and no later than each October 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

d. The coordinator shall annually review the performance of designated organizations.

e. The coordinator shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, the coordinator shall maintain a list of such organizations that provide such legal services.

f. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

g. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 26-1303 Public hearing. a. Following the establishment of the programs described by section 26-1302, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.

b. Such hearing shall be open to the public, and the coordinator shall provide notice of such hearing, no less than 30 days before such hearing, by:

1. posting in any location where covered proceedings are held [the housing court] in the designated citywide languages;

2. posting in public offices of the department of social services/human resources administration in the designated citywide languages; and

3. outreach through local media and to each designated organization, local elected officials, the supervising judges of any location where covered proceedings are held [the housing court], and community-based organizations.

c. At such hearing, written and oral testimony may be provided.

d. The coordinator shall cause a transcript of such hearing to be produced and shall post such transcript online no later than 45 days after the meeting.

§ 26-1304 Reporting. a. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision a of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the estimated number of covered individuals;

2. the number of individuals receiving legal services, disaggregated by the following characteristics of such individuals:

i. borough and postal code of residence;

ii. age of head of household;

iii. household size;

iv. estimated length of tenancy;

v. approximate household income;

vi. receipt of ongoing public assistance at the time such legal services were initiated;

vii. tenancy in rent-regulated housing; and

viii. tenancy in housing operated by the New York city housing authority;

3. outcomes immediately following the provision of full legal representation, as applicable and available, including, but not limited to, the number of:

i. case dispositions allowing individuals to remain in their residence;

ii. case dispositions requiring individuals to be displaced from their residence; and

iii. instances where the attorney was discharged or withdrew.

4. non-payment and holdover petitions filed in any location where covered proceedings are held [housing court], warrants of eviction issued in any location where covered proceedings are held [housing court], and residential evictions conducted by city marshals, disaggregated by borough.

b. No later than September 1, 2018 and annually by each September 1 thereafter, the coordinator shall submit to the mayor and the speaker of the council, and post online, a review of the program established pursuant to subdivision b of section 26-1302 and information regarding its implementation, to the extent such information is available, including, but not limited to:

1. the number of tenants of buildings operated by the New York City housing authority that received legal services pursuant to the program described in such subdivision, disaggregated:

i. borough and postal code of residence;

ii. age of head of household;

iii. household size;

iv. estimated length of tenancy;

v. approximate household income;

vi. receipt of ongoing public assistance at the time such legal services were initiated; and

vii. type of legal service provided.

2. the outcomes of the proceedings immediately following the provision of such legal services, subject to privacy and confidentiality restrictions, and without disclosing personally identifiable information, disaggregated by the type of legal service provided; and

3. the expenditures for the program described by such subdivision.

§ 26-1305 Rules. The coordinator may promulgate such rules as may be necessary to carry out the purposes of this chapter.

§ 2. Chapter 13 of title 26 of the administrative code of the city of New York, as added by chapter 308 of the laws of 2017, is renumbered as chapter 14 of title 26 of the administrative code of the city of New York.

§ 3. Section 26-1301 of the administrative code of the city of New York, as added by chapter 308 of the laws of 2017, is renumbered 26-1401.

§ 4. This local law takes effect 180 days after it becomes law.

MKW

LS #3694, 3695, 7129, 7130