



Legislation Details (With Text)

File #: Int 1470-2019 **Version:** * **Name:** Providing legal services to small business owners facing eviction proceedings.

Type: Introduction **Status:** Laid Over in Committee

In control: Committee on Small Business

On agenda: 3/13/2019

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to providing legal services to small business owners facing eviction proceedings

Sponsors: Mark Levine, Carlina Rivera, Keith Powers, Helen K. Rosenthal, Diana Ayala

Indexes: Agency Rule-making Required, Oversight

Attachments: 1. Summary of Int. No. 1470, 2. Int. No. 1470, 3. March 13, 2019 - Stated Meeting Agenda with Links to Files, 4. Committee Report 3/18/19, 5. Hearing Testimony 3/18/19, 6. Hearing Transcript 3/18/19, 7. Hearing Transcript - Stated Meeting 3-13-19, 8. Minutes of the Stated Meeting - March 13, 2019

Date	Ver.	Action By	Action	Result
3/13/2019	*	City Council	Introduced by Council	
3/13/2019	*	City Council	Referred to Comm by Council	
3/18/2019	*	Committee on Small Business	Laid Over by Committee	
3/18/2019	*	Committee on Small Business	Hearing Held by Committee	

Int. No. 1470

By Council Members Levine, Rivera, Powers, Rosenthal and Ayala

A Local Law to amend the administrative code of the city of New York, in relation to providing legal services to small business owners facing eviction proceedings

Be it enacted by the Council as follows:

Section 1. Section 26-1301 of chapter 13 of title 26 of the administrative code of the city of New York 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 or covered small business tenant in connection with a covered proceeding.

Coordinator. The term “coordinator” means the coordinator of the office of civil justice.

Covered small business tenant. The term “covered small business tenant” means a business which is:

- (i) a lessee in a commercial tenancy located in the city;
- (ii) independently owned and operated;
- (iii) not dominant in its field,
- (iv) consistent with the size eligibility standards for small businesses identified by the United States small business administration and contained within section 121.201 of subpart A of part 121 of title 13 of the code of federal regulations; and
- (v) a respondent in a covered proceeding.

Covered individual. The term “covered individual” means a tenant 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 in a covered proceeding.

Covered proceeding. The term “covered proceeding” means any summary proceeding in housing court to evict a covered individual or in any other court of competent jurisdiction to evict a covered small business tenant, 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 or any other court of competent jurisdiction 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 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.

§2. Chapter 13 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-1302.1 to read as follows:

§ 26-1302.1 Provision of legal services to small businesses tenants. a. Subject to appropriation, the coordinator shall establish a program to provide access to legal services for covered small business tenants in covered proceedings and shall ensure that, no later than July 31, 2022:

1. all covered small business tenants receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding, or as soon thereafter as is practicable; and

2. all covered small business tenants receive access to full legal representation 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, 2019, the coordinator shall establish a program to provide access to legal services to covered small business tenants in covered proceedings who have been served with charges 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.

§3. Subdivision a of section 26-1303 of chapter 13 of title 26 of the administrative code of the city of New York is amended to read as follows:

§ 26-1303 Public hearing. a. Following the establishment of the programs described by sections 26-1302 and 26-1302.1, the coordinator shall hold one public hearing each year to receive recommendations and feedback about such programs.

§4. Section 26-1304 of chapter 13 of title 26 of the administrative code of the city of New York is amended to read as follows:

§ 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 programs established pursuant to subdivision a of section 26-1302 and subdivision a of section 26-1302.1 and information regarding [its]the implementation of such programs, to the extent such information is available, including, but not limited to:

1. the estimated number of covered individuals and covered small business tenants;

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. the number of small businesses receiving legal services, disaggregated by the following characteristics of such businesses:

- i. borough and postal code of business;
- ii. age of business;
- iii. size of business; and
- iv. estimated length of tenancy.

4. 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 or small businesses to remain in their residence or place of business;
- ii. case dispositions requiring individuals or small businesses to be displaced from their residence or place of business; and
- iii. instances where the attorney was discharged or withdrew.

4. non-payment and holdover petitions filed in housing court or other court of competent jurisdiction,

warrants of eviction issued in housing court or other court of competent jurisdiction, and residential and small business 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 programs established pursuant to subdivision b of section 26-1302 and subdivision b of section 26-1302.1 and information regarding [its]the implementation of such programs, 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 by:

- 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.

§ 5. This local law takes effect immediately.