Legislation Details (With Text)

File #:	Res 0284-2022	**Version:**	*	**Name:**	Civil Court of the City of NY to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.
Type:	Resolution			**Status:**	Filed (End of Session)
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On agenda:	8/11/2022				
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Title: Resolution calling on the Civil Court of the City of New York to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.

Sponsors:

Indexes:

Attachments: 1. Res. No. 284, 2. August 11, 2022 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 8-11-22, 4. Minutes of the Stated Meeting - August 11, 2022

Date	Ver.	Action By	Action	Result
8/11/2022	*	City Council	Introduced by Council	
8/11/2022	*	City Council	Referred to Comm by Council	
12/31/2023	*	City Council	Filed (End of Session)	

Res. No. 284

Resolution calling on the Civil Court of the City of New York to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.

By Council Members Ayala, Restler, Won, Nurse and Abreu

Whereas, New York City passed the Right to Counsel law in 2017, which sought to ensure free legal representation to all tenants making at or below 200% of the Federal Poverty Guidelines who are facing eviction proceedings in housing court; and

Whereas, The unprecedented and devastating effects of the COVID-19 pandemic led New York City to pass an expansion to the Right to Counsel law in the Summer of 2020 to immediately cover all five boroughs and protect more residents from eviction as thousands of people lost their incomes and jobs; and

Whereas, Right to Counsel helps in protecting against representative imbalance in housing courts, as the

NYC Office of Civil Justice found that since the law's pandemic expansion, 100% of tenants with calendared eviction cases had access to legal services in Fiscal Year 2021, with 71% of tenants in housing court receiving full legal representation, and that the past four years saw 84% of tenants who received representation under Right to Counsel win their cases and stay in their homes, a drastic improvement from 2013 which saw just 1% of tenants with full legal representation versus 95% of landlords with legal counsel in housing courts; and

Whereas, New York State eviction moratoriums, which were put in place to protect New Yorkers as monumental job and income loss devastated the city's economy with billions of dollars in lost revenue and wages, expired in January 2022, allowing eviction cases to resume in housing courts across the city while New Yorkers face an estimated $3.3 billion in back rent; and

Whereas, Legal service providers contracted with the New York City Office of Civil Justice to provide Right to Counsel services are under dire circumstances as they face staffing shortages coupled with accelerated eviction case filings and little support from the New York State Office of Court Administration, which denied an appeal from the legal service providers to slow down eviction case scheduling and ordered eviction cases to proceed; and

Whereas, From March to May 2022, OCA data shared with New York Daily News revealed that approximately 2,500 defendants eligible for Right to Counsel representation have been forced to go to housing court without any legal representation due to the insufficient number of lawyers to keep up with the number of cases scheduled in the housing docket per month, with many more residents also facing housing court without their legal right to counsel; and

Whereas, Legal representation greatly improves a tenant's chances of remaining in their homes, thus allowing them to navigate pandemic recovery from a place of stability; and

Whereas, On June 30, 2022, the Administrative Judge for the Civil Court of the City of New York issued directive DRP-223, lifting a procedural buffer, for eviction matters commenced on or after January 15, 2022, that had prohibited an immediate judgment or warrant from being issued on default when a tenant

unrepresented by counsel had failed to appear, and instead required an additional motion by the petitioner to seek such relief; and

Whereas, This extra procedural step served to protect unrepresented tenants by granting them an additional opportunity to appear as well as additional time in which to match with a lawyer and mount a represented defense in housing court before facing a judgment, which is particularly necessary at this time given the limited ability of Right to Counsel providers to meet the current demand for representation; and

Whereas, The removal of this procedural step is expected to accelerate eviction case proceedings against these unrepresented tenants; and

Whereas, Under directive DRP-233, this procedural buffer remains in place for eviction matters commenced before January 15, 2022, but that protection should continue to be extended to all tenants unrepresented by counsel, regardless of the date on which a property owner has filed for an eviction; and

Whereas, The Civil Court of the City of New York has the power to directly impact the circumstances in which New Yorkers may or may not be legally represented in housing court; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Civil Court of the City of New York to repeal the procedural directive that removed from tenants a temporary protection from default judgment that provided additional time for those who qualify under the Right to Counsel law to seek representation.

CCK
LS # 8075
07/19/2022