



Legislation Text

File #: Res 0499-2023, **Version:** A

Proposed Res. No. 499-A

Resolution calling on the New York State legislature to introduce and pass, and the Governor to sign, A.4993/S.3254, requiring that any party eligible under local law for free legal counsel for an eviction proceeding, that has made a good faith effort to secure such counsel, may be granted an adjournment by the court for additional time to secure counsel

By Council Members Abreu, Restler, Hudson, Richardson Jordan, Ayala, Marte, Joseph, Riley, Krishnan, Barron, Avilés, Won, Fariás, Nurse, Cabán, Powers, Gutiérrez, Brewer, Ossé, Hanif, De La Rosa, Sanchez, Bottcher, Louis, Rivera, Schulman and Narcisse (in conjunction with the Bronx Borough President)

Whereas, In 2017, New York City (NYC) was the first city in the nation to pass a law guaranteeing free legal services to all tenants facing eviction proceedings in housing court, also known as the Right to Counsel law, which mandated the provision of free legal representation for those making at or below 200% of the Federal Poverty Guidelines; and

Whereas, The New York City Council passed an expansion of the law in the summer of 2020, amidst the height of the COVID-19 pandemic, to cover all five boroughs immediately; and

Whereas, The Right to Counsel law has achieved measureable effects, as the NYC Office of Civil Justice found that over the past four years, 84% of tenants who received representation under Right to Counsel won their cases and stayed in their homes, and since its pandemic-related expansion, the Right to Counsel law saw 71% of tenants in housing court with full legal representation compared with a pre-pandemic rate of 38%, and a markedly better rate than the 1% of tenants with full legal representation in 2013; and

Whereas, According to the Community Service Society, the Right to Counsel law has led to an approximately 30% decrease in eviction filings since its 2017 origins; and

Whereas, The COVID-19 pandemic saw the temporary implementation of eviction moratoriums in an effort to keep New Yorkers in their homes during an unprecedented public health emergency and consequent

economic crisis that saw billions in lost revenue and wages; and

Whereas, Despite improved economic indicators in 2022, New York City's economy still has not fully recovered, as many New Yorkers are still experiencing the impact of at least two years of lost income, and according to sources like the New York City Comptroller and New York State Comptroller, New York City's economic recovery is still lagging behind national averages while the economy attempts to reach pre-pandemic levels of activity; and

Whereas, New York City's Independent Budget Office forecasted New York City's workforce to not return to pre-pandemic levels until 2025; and

Whereas, The New York State eviction moratoriums expired in January 2022, allowing eviction cases to resume in housing courts across the city while New Yorkers are facing an estimated \$3.3 billion in back rent; and

Whereas, Eviction cases resuming in the City have led to housing court calendars inundated with eviction cases as courthouses face two years of eviction case backlogs along with additional new filings, with around 200,000 eviction cases filed before and during the pandemic, 6,382 cases filed in February 2022, and 7,740 cases filed in March 2022, per data from the New York state Office of Court Administration; and

Whereas, Legal service providers contracted with the City to provide Right to Counsel services, The Legal Aid Society of New York City, Legal Services NYC, and New York Legal Aid Group, released a joint statement on April 5, 2022, detailing the need for a slowdown in scheduling court cases, as factors such as the backlog of pending eviction cases, lack of staff, the prep time needed for each case, and clustered case scheduling means there would be an insufficient number of attorneys and those in need will not have their lawfully provided legal representation in housing court; and

Whereas, The contracted legal service providers have been declining hundreds of cases per month due to a lack of resources, for example, Legal Services NYC had to decline more than 475 cases in the Bronx in March of 2022; and

Whereas, From March to May 2022, Office of Court Administration data shared with New York Daily News revealed that approximately 2,500 defendants otherwise eligible for Right to Counsel representation were 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; and

Whereas, Eviction places New Yorkers into incredibly unstable environments, contributing to increases in homelessness while also straining New York City's already overburdened shelter system;

Whereas, New York State Assembly bill A.4993, sponsored by State Assemblymember Linda B. Rosenthal, and Senate bill S.3254, sponsored by State Senator Brad Hoylman-Sigal, would require courts to adjourn eviction proceedings to provide parties to that eviction proceeding with adequate opportunity to secure counsel in jurisdictions like New York City where access to counsel is guaranteed under law; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State legislature to introduce and pass, and the Governor to sign, A.4993/S.3254, requiring that any jurisdiction in which a party is eligible under local law for free legal counsel for an eviction proceeding, that has made a good faith effort to secure such counsel, may be granted an adjournment by the court for additional time, if such party has in good faith attempted to secure such counsel and is unable to obtain counsel through no fault of their own, the court shall adjourn the trial of the issue for consecutive periods of not less than fourteen days each until the party is able to secure counsel

CCK
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