Committee on General Welfare

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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON GENERAL WELFARE**

**Hon. Stephen Levin, Chair**

April 29, 2021

**PROPOSED INT. NO. 1529-A:** By Council Members Levine, Gibson, Rosenthal, Adams, Chin, Cornegy, Ayala, Powers, Reynoso, Levin, Rivera, Menchaca, Brannan, Ampry-Samuel, Lander, Rose, Perkins, Grodenchik, Van Bramer, Moya, Salamanca, Koslowitz, Rodriguez, Louis, Kallos, Cumbo, Eugene, Treyger, Maisel, Cabrera, Dinowitz and the Public Advocate (Mr. Williams)

**TITLE:**  A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court

**ADMINISTRATIVE CODE:** Adds section 26-1304; adds subdivision c to section 26-1304

**PROPOSED INT. NO. 2050-A:** By Council Members Levine, Gibson, Kallos, Chin, Ayala, Cumbo, Van Bramer, Adams, Riley, Powers, Rivera, Rosenthal, Ampry-Samuel, Lander, D. Diaz, Menchaca, Brannan, Reynoso, Louis, Treyger, Rose, Levin, Cornegy, Salamanca, Perkins, Dinowitz and Eugene

**TITLE:**  A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

**ADMINISTRATIVE CODE:** Amends Section 26-1302

**Introduction**

On April 29, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will hold a hearing on Proposed Int. No. 1529-A and Proposed Int. No. 2050-A, sponsored by Council Member Levine. The Committee on Justice System previously held a hearing on February 24, 2020, jointly with the Committee on Housing and Buildings, chaired by Council Members Rory Lancman and Robert Cornegy respectively, on the City’s implementation and expansion of right to counsel in housing court as well as legislation including Int. 1529. At the hearing, those who testified included representatives from Office of Civil Justice (OCJ), the Office of Court Administration, legal service providers, advocates, other key stakeholders and members of the public. The Committee on General Welfare previously held a hearing on January 25, 2021, to examine the City’s plans for the impending expiration of the various eviction moratoria issued by the state and federal governments as well as legislation including Int. 2050. At the hearing, those who testified included representatives from the Department of Social Services (DSS), advocates, and members of the public.

***Right to Counsel***

In 2017, the City Council passed Local Law 136, known as the Universal Access to Legal Services (UA) law, which tasks the OCJ with providing free legal representation to tenants earning no more than 200% percent of the federal poverty level and who are facing either eviction in Housing Court or tenancy termination from New York City Housing Authority (NYCHA).[[1]](#footnote-1) Local Law 136 also requires OCJ to provide free limited legal assistance to tenants who earn more than 200% of the federal poverty level.[[2]](#footnote-2) The law mandates that OCJ implement these programs before Fiscal Year (FY) 2022.[[3]](#footnote-3)

To meet the law’s mandate of providing UA to low-income tenants, OCJ is gradually expanding the program throughout the city, adding coverage to individuals in approximately five zip codes each year.[[4]](#footnote-4) In order to choose the order by which zip codes are added to the program, OCJ consulted with New York City Housing Court, legal service providers, and other tenant advocates[[5]](#footnote-5), and analyzed factors such as “shelter entries from the zip code; prevalence of rent-regulated housing; the volume of eviction proceedings; whether the area is already being served through other legal services programs; and other factors of need.”[[6]](#footnote-6)

As UA has been phased in, evictions citywide have decreased. Data available on OpenData shows a 30% decrease in evictions from February 2019 to February 2020.[[7]](#footnote-7)

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However, the overall impact of UA is hard to pinpoint because of the enactment of concurrent Albany rent reforms.[[8]](#footnote-8) The Housing Stability and Tenant Protection Act of 2019, enacted by the State Legislature in June of 2019, created more legal protections for tenants.[[9]](#footnote-9) According to a study conducted by the Legal Aid Society, evictions dropped by a total of 18.3% between June 2019 to January 2020.[[10]](#footnote-10) That decline was also inconsistent throughout the boroughs; Queens saw a 26.4% decrease in evictions and Manhattan saw a decline of 24.4%, while evictions in the Bronx, Staten Island, and Brooklyn only dropped by 15.2%, 14% and 13%, respectively.[[11]](#footnote-11)

1. *Tenant Outreach*

Advocates and legal services providers have said that tenant outreach is an area that needs substantial improvement.[[12]](#footnote-12) According to a Right to Counsel (RTC) Coalition member, many eligible tenants are unaware of their right to legal counsel and never make it to Housing Court, where legal counsel is provided, because of intimidation.[[13]](#footnote-13)

A survey in Bronx Housing Court, conducted by Northwest Bronx Community and Clergy Coalition, Community Action for Safe Apartments-New Settlement, and Housing Court Answers in the fall of 2018, demonstrated that 52% of tenants living in RTC eligible zip codes did not know that the program existed before they arrived in Housing Court.[[14]](#footnote-14) The survey also found a lack of organization, despite there being strong interest in it. 90% of tenants interviewed did not belong to a tenant association but more than 60% were interested in joining such an organization.[[15]](#footnote-15) 75% of those surveyed reported having issues getting repairs done and 30% reported feeling harassed.[[16]](#footnote-16)

***Bill Analysis***

**Proposed Int. 2050-A** - A Local Law to amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

The proposed legislation would amend Local Law number 136 of 2017, the housing court right-to-counsel law, by requiring the immediate implementation of access to legal services for tenants facing eviction proceedings in housing court citywide. Local Law 136 requires the Office of Civil Justice Coordinator to establish programs to provide all tenants facing eviction with access to legal services within five years. Proposed Int. 2050-A would require that all such tenants receive access to such legal representation by June 1, 2021, as opposed to no later than July 31, 2022. If passed, the bill would take effect immediately.

The proposed legislation has not been amended substantively since introduction.

**Proposed Int. 1529-A** – A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court

The proposed legislation would require the Office of the Civil Justice Coordinator to collaborate with community groups in engaging and educating tenants of their rights in Housing Court, including the creation of the right-to-counsel program. That education would have to include “know your rights” education sessions, written information, and facilitating referrals to designated community groups.

Proposed Int. 1529-A would also require that the Office of the Civil Justice Coordinator report on these outreach efforts. These reports would include the number of buildings in which outreach was conducted, the number of workshops offered, the number of attendees at those workshops, the number of people referred to nonprofits, the number of focus groups created, the number of know your rights trainings offered, the number of community forums conducted, and the number of new tenant associations formed. This bill would take effect 180 days after it becomes law.

The proposed legislation has not been amended substantively since introduction.

Proposed Int. No. 2050-A

By Council Members Levine, Gibson, Kallos, Chin, Ayala, Cumbo, Van Bramer, Adams, Riley, Powers, Rivera, Rosenthal, Ampry-Samuel, Lander, D. Diaz, Menchaca, Brannan, Reynoso, Louis, Treyger, Rose, Levin, Cornegy, Salamanca, Perkins, Dinowitz and Eugene

A LOCAL LAW..Title

To amend the administrative code of the city of New York, in relation to providing legal services for tenants who are subject to eviction proceedings

..Body

Be it enacted by the Council as follows:

Section 1.  Subdivisions a, b, and c of section 26-1302 of the administrative code of the city of New York, as added by local law number 136 for the year 2017, are amended to read as follows:

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] June 1, 2021:

1. [all] All covered individuals receive access to brief legal assistance no later than their first scheduled appearance in a covered proceeding in housing court, or as soon thereafter as is practicable; and

2. [all] All income-eligible individuals receive access to full legal representation no later than their first scheduled appearance in a covered proceeding in housing court, 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]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] June 1, 2021, all such tenants receive access to such legal services no later than their first scheduled appearance in such administrative proceedings, or as soon thereafter as is practicable.

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] December 1, 2021 and no later than each [October] December 1 thereafter, the coordinator shall publish a summary of any changes to such estimates for expenditures.

§ 2. This local law takes effect immediately.

CP/ACK

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Proposed Int. No. 1529-A

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

A LOCAL LAW

To..Title

To amend the administrative code of the city of New York, in relation to requiring the office of the civil justice coordinator to work with community groups in educating tenants about their rights in housing court

..Body

Be it enacted by the Council as follows:

Section 1. Section 26-1304 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. No later than December 1, 2022, and every December 1 thereafter, the coordinator shall submit to the speaker of the council, and post online, a report on community engagement and education conducted pursuant to section 26-1306 in the previous year. The report shall include metrics from designated community groups, including but not limited to the number of buildings in which outreach was conducted, the number of know your rights education sessions held, the number of attendees at those education sessions, the number of people referred to nonprofits and the number of community forums conducted.

§ 2. Chapter 13 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-1306 to read as follows:

§ 26-1306 Community engagement. a. For purposes of this section, the term “designated community group” means a not-for-profit organization that has the capacity to conduct tenant outreach, engagement, education and information provision, as determined by the civil justice coordinator.

b. Subject to appropriation, the coordinator shall work with designated community groups to make efforts to educate and inform tenants about their rights in housing court, including but not limited to holding know your rights education sessions, distributing written information to tenants and facilitating referrals of tenants to designated community groups. Such education and information shall be available in any designated citywide language as defined in section 23-1101.

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

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1. *Id.* [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. NYC Office of Civil Justice 2018 Annual Report and Strategic Plan, NYC Human Resources Administration (the “2018 Report”), *available at* <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-Annual-Report-2018.pdf> [↑](#footnote-ref-3)
4. Office of Civil Justice, *Universal Access to Legal Services A Report on Year Two of Implementation in New York City*, (“The 2019 Report”) Fall 2019, *available at* <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ_UA_Annual_Report_2019.pdf> [↑](#footnote-ref-4)
5. <https://furmancenter.org/files/UAC_Policy_Brief_12_11-18.pdf> [↑](#footnote-ref-5)
6. *Id.* at 7. [↑](#footnote-ref-6)
7. Data available at <https://data.cityofnewyork.us/City-Government/Evictions/6z8x-wfk4> [↑](#footnote-ref-7)
8. Oksana Mironova, NYC Right to Counsel: First year results and potential for expansion, Mar. 25, 2019, Community Service Society, https://www.cssny.org/news/entry/nyc-right-to-counsel. [↑](#footnote-ref-8)
9. New York Session Laws 2019, Chapter 36. [↑](#footnote-ref-9)
10. The Legal Aid Society, Evictions Down 20 Percent Due to Housing Reform, Right to Counsel, Jan. 6, 2020, <https://www.legalaidnyc.org/news/evictions-down-20-percent-housing-reform-right-to-counsel/> [↑](#footnote-ref-10)
11. Gabe Herman, *Staying home: NYC evictions down nearly 20 percent after pro-tenant laws enacted*, QNS.com, Jan. 7, 2020 *available at* <https://qns.com/story/2020/01/07/staying-home-nyc-evictions-down-nearly-20-after-pro-tenant-laws-enacted/>. [↑](#footnote-ref-11)
12. Right to Counsel NYC Coalition, Testimony on New York City’s Universal Access to Legal Services for Tenants Facing Eviction, November 15, 2018, available at <https://www1.nyc.gov/assets/hra/downloads/pdf/universal-access-hearing-nov-2018-written-statements.pdf> [↑](#footnote-ref-12)
13. Larry Wood, Goodard Law Project Testimony for NYC Office of Civil Justice Hearing on Right to Counsel Law and Implementation, November 15, 2018, available at <https://www1.nyc.gov/assets/hra/downloads/pdf/universal-access-hearing-nov-2018-written-statements.pdf> [↑](#footnote-ref-13)
14. CASA- New Settlement and the Northwest Bronx Community and Clergy Coalition “Tipping the Scales: Right to Counsel is the Moment For the Office of Court Administration to Transform Housing Courts” October 2019 available at <https://newsettlement.org/casa/wp-content/uploads/sites/7/2019/10/Report-Tipping-the-Scales-Right-to-Counsel-is-the-Moment-for-The-Office-of-Court-Administration-to-Transform-Housing-Courts.pdf> at 4 [↑](#footnote-ref-14)
15. *Id*. [↑](#footnote-ref-15)
16. *Id.*  [↑](#footnote-ref-16)