


May 9, 2022

TO: Hon. Catherine Borgia, Chair
Hon. Nancy Barr, Vice Chair
Hon. Christopher Johnson, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: George Latimer 
Westchester County Executive

RE: Message Requesting Immediate Consideration: **LOCAL LAW – Office of Housing Counsel.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators May 9, 2022 Agenda.

Transmitted herewith for your review and approval is a Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for May 9, 2022 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



George Latimer
County Executive

May 9, 2022

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

I respectfully request that your Honorable Board adopt the attached Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

According to the 2020 Annual Homeless Assessment Report (AHAR) to Congress by the U.S. Department of Housing and Urban Development, New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness. Moreover, as stated in a 2016 report by Stout Risius Ross, a global advisory firm, a staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide. According to the New York City Right to Counsel Coalition, 220,000 evictions are pending in New York courts, including town, village, and justice courts.

Across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. Currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Right to counsel, where legal counsel is provided at no cost to low income tenants, has proven to be very successful at preventing evictions and protecting tenants' rights, especially now, given the recently enacted complex tenant protection laws. *See, Chapter 127 of the Laws of New York, 2020, Safe Harbor Act; Chapter 417 of the Laws of New York, 2021.* According to the Westchester County Right to Counsel Coalition ("WCRTCC"), in normal years, when more than 10,000 eviction proceedings are filed in Westchester County Courts, 93% of landlords are represented by counsel, while only 7% of tenants have attorneys. Eviction judgments are made on average in about 4 minutes, and settlements are often reached in a court hallway, away from the judge. Without representation, tenants are often evicted on false premises of lease violations they didn't commit or excess rent that they do not legally owe.

In 2017, New York City became the first city in the country to pass right to counsel legislation. Since then, according to the New York City Office of Civil Justice 2020 Annual Report, landlords are suing tenants less and 86 percent of tenants who had a lawyer provided to them won their case and were able to remain in their homes. The Stout Risius Ross 2016 Report

also indicates that the seven cities that now have a right to counsel program including New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore, have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide right to counsel are gaining traction. Washington State, Connecticut, Maryland recently passed right to counsel and Minnesota, Nebraska, and Delaware are not far behind. There is currently a bill pending in the New York State legislature to establish a right to counsel program in eviction proceedings within the state.

WCRTCC has indicated that eviction is a stigma which follows a family forever by cutting off access to safe, stable housing from reputable landlords and perpetuating the cycle of poverty for generations. Evictions make it harder to rent another apartment and cause psychological trauma especially for children who lose the security of believing their parents can provide a home. Eviction proceedings are complex processes that are nearly impossible to navigate alone. The Right to Counsel NYC Coalition reports that evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. Moreover, evictions disproportionately impact black and brown tenants, with women facing the greatest burdens. The WCRTCC further states that feasibility studies have routinely shown that programs providing attorneys at no cost to low-income tenants in eviction proceedings are significantly less expensive than expected, sometimes even saving the jurisdiction money. Studies have shown that right to counsel programs save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

According to the WCRTCC, right to counsel programs reduce the number of eviction filings, which in turn reduces the strain on local courts. In addition, attorneys can help connect low-income tenants to financial assistance when necessary and help tenants raise defenses based on poor housing conditions. This ensures that financial assistance does not go towards delinquent landlords who do not maintain their properties, thereby reducing the financial assistance needed to keep tenants housed, and compelling necessary repair to help preserve the housing stock. Attorneys for tenants can ensure that landlords do not overcharge tenants by including illegal fees which reduce the financial assistance necessary to preserve a tenancy. Westchester County residents should have equal opportunities for safe and stable housing which a right to counsel program can provide.

This proposed legislation, if enacted, will establish an Office of Housing Counsel within the County Department of Social Services to be administered by a Director, responsible for provision of a right to counsel program in Westchester County. Six months after enactment of this proposed Local Law, the Director will be required to develop an implementation plan for establishment of a program to provide access to legal services for income-eligible individuals (a person whose household income is not in excess of 300 percent of the federal poverty guidelines), who are subject to eviction proceedings in city courts within the County or in administrative proceedings for tenants of buildings operated by public housing authorities located in cities within the County. Further, within thirty-six (36) months of enactment of this Local Law, the Director shall ensure access to legal services for income eligible individuals who are subject to eviction proceedings in town and village courts or in administrative proceedings in towns and villages within the County. The legal services will be provided to tenants at no cost by not-for-profit organizations or qualified professionals selected by the County pursuant to the

County procurement process. In addition, the Director will undertake community engagement and education to inform tenants of their right to legal counsel in eviction proceedings. Annual reports on the implementation of this program and efforts at community engagement and education will be required as well. As many Westchester residents are at risk of eviction, especially now in the aftermath of the pandemic, it is critical to establish a county-wide right to legal counsel program in Westchester to prevent evictions.

The proposed legislation does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 14, 2022, which is on file with the Clerk of the Board of Legislators.

I respectfully request that your Honorable Board adopt the attached Local Law amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.

Sincerely,

A handwritten signature in black ink, appearing to read "George Latimer", written in a cursive style.

GEORGE LATIMER
County Executive

GL/nn
Enclosure

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel.”

Your Committee is informed that according to the 2020 Annual Homeless Assessment Report (AHAR) to Congress by the U.S. Department of Housing and Urban Development, New York State has the highest rate of homelessness in the country, with 92,000 New Yorkers currently experiencing homelessness. Moreover, as stated in a 2016 report by Stout Risius Ross, a global advisory firm, a staggering 1.2 million households are behind on rent and landlords are actively trying to evict more than 236,000 tenants statewide. According to the Right to Counsel NYC Coalition, 220,000 evictions are pending in New York courts, including town, village, and justice courts.

Your Committee is further informed that across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. Currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Right to counsel, where legal counsel is provided at no cost to low income tenants, has proven to be very successful at preventing evictions and protecting tenants’ rights, especially now, given the complicated recently enacted tenant protection laws. *See, Chapter 127 of the Laws of New York, 2020, Safe Harbor Act; Chapter 417 of the Laws of New York, 2021.* According to the Westchester County Right to Counsel Coalition (“WCRTCC”), in normal

years, when more than 10,000 eviction proceedings are filed in Westchester County Courts, 93% of landlords are represented by counsel, while only 7% of tenants have attorneys. Eviction judgments are made on average in about 4 minutes, and settlements are often reached in a court hallway, away from the judge. Without representation, tenants are often evicted on false premises of lease violations they didn't commit or excess rent that they do not legally owe.

Your Committee is advised that in 2017, New York City became the first city in the country to pass right to counsel legislation. Since then, as stated in the New York City Office of Civil Justice 2020 Annual Report, landlords are suing tenants less and 86 percent of tenants who had a lawyer provided to them won their case and were able to remain in their homes. The Stout Risius Ross 2016 Report also indicates that the seven cities that now have a right to counsel program including New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore, have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide right to counsel are gaining traction. Washington State, Connecticut, Maryland recently passed right to counsel and Minnesota, Nebraska, and Delaware are not far behind. There is currently a bill pending in the New York State legislature to establish a right to counsel in eviction proceedings within the state.

Your Committee notes that the WCRTCC has indicated that an eviction is a stigma which follows a family forever by cutting off access to safe, stable housing from reputable landlords and perpetuating the cycle of poverty for generations. Evictions make it harder to rent another apartment and cause psychological trauma especially for children who lose the security

of believing their parents can provide a home. Eviction proceedings are complex processes that are nearly impossible to navigate alone. The Right to Counsel NYC Coalition reports that evictions disrupt children's education, tear apart entire communities, and have other traumatic consequences. Moreover, evictions disproportionately impact black and brown tenants, with women facing the greatest burdens. The WCRTCC further states that feasibility studies have routinely shown that programs providing attorneys at no cost to low-income tenants in eviction proceedings are significantly less expensive than expected, sometimes even saving the jurisdiction money. Studies have shown that right to counsel programs save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

Your Committee advises that according to the WCRTCC, right to counsel programs reduce the number of eviction filings, which in turn reduces the strain on local courts. In addition, attorneys can help connect low-income tenants to financial assistance when necessary and help tenants raise defenses based on poor housing conditions. This ensures that financial assistance does not go towards delinquent landlords who do not maintain their properties, thereby reducing the financial assistance needed to keep tenants housed, and compelling necessary repair to help preserve the housing stock. Attorneys for tenants can ensure that landlords do not overcharge tenants by including illegal fees which reduce the financial assistance necessary to preserve a tenancy. All Westchester County residents should have equal opportunities for safe and stable housing which a right to counsel program can provide.

Your Committee is advised, that this proposed legislation, if enacted, will establish an Office of Housing Counsel within the County Department of Social Services to be administered by a Director, responsible for provision of a right to counsel program in Westchester County. Six months after enactment of this proposed Local Law, the Director will be required to develop an implementation plan for establishment of a program to provide access to legal services for income-eligible individuals (a person whose household income is not in excess of 300 percent of the federal poverty guidelines), who are subject to eviction proceedings in city courts within the County or in administrative proceedings for tenants of buildings operated by public housing authorities located in cities within the County. Further, within thirty-six (36) months of enactment of this Local Law, the Director shall ensure access to legal services for income eligible individuals who are subject to eviction proceedings in town and village courts or in administrative proceedings in towns and villages within the County. The legal services will be provided to tenants at no cost by not-for-profit organizations or qualified professionals selected by the County pursuant to the County procurement process. In addition, the Director will undertake community engagement and education to inform tenants of their right to legal counsel in eviction proceedings. Annual reports on the implementation of this program and efforts at community engagement and education will be required as well. As many Westchester residents are at risk of eviction, especially now in the aftermath of the pandemic, it is critical to establish a county-wide right to legal counsel program in Westchester to prevent evictions.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act (“SEQRA”) and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the

Department of Planning, dated January 14, 2021, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends adoption of this Local Law.

Dated: _____, 2022
White Plains, New York

COMMITTEE ON

RESOLUTION NO. ____ - 2022

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2022, entitled "A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 187 relating to the creation of the Office of Housing Counsel." The public hearing will be held at __.m. on the ____ day of _____, 2022 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.