

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 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 currently, low-income tenants in Westchester County do not have guaranteed access to legal counsel in eviction proceedings. Across the state an overwhelming majority of landlords are represented during eviction proceedings, whereas most tenants are not. 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. Programs that provide legal counsel at no cost to low income tenants, have proven to be very successful at preventing evictions and protecting tenants' rights. This program is needed in the county, especially now, given the number of residents facing eviction and that an ever-growing number of people who are housing insecure has increased since the onset of the COVID-19 pandemic. 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 legislation requiring legal counsel be provided to tenants in eviction proceedings. 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 New York City, San Francisco, Newark, Cleveland, Philadelphia, Boulder and Baltimore have created programs that provides legal counsel to tenants and have seen up to a 77 percent reduction in evictions. Across the country, movements for statewide legislation to provide legal counsel to tenants are gaining traction. Washington State, Connecticut, and Maryland have recently passed such legislation while states such as Minnesota, Nebraska, and Delaware are seriously considering similar action. 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 is further advised 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 programs that provide legal counsel to tenants save public money that would be otherwise spent on shelter and emergency room costs and homeless services.

Your Committee is informed that according to the WCRTCC, programs that provide legal counsel to tenants 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. All Westchester County residents should have equal opportunities for safe and stable housing which an access to counsel program can provide.

Your Committee is further informed, 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 an access to counsel program in Westchester County. Six months after being hired, the Director will be required to issue an implementation plan for establishment of a county-wide program to provide access to legal services for income-eligible tenants and occupants (a person whose household income is at or below 300 percent of the federal poverty guidelines or 60 percent of the County Area Median Income), who has legal standing in a covered proceeding. A covered proceeding is any proceeding in any court in the County or any administrative agency administering housing programs which involves: the eviction of a covered individual, challenges to rent increases based upon a landlord's failure to provide proper notice, maintaining or restoring a covered individual's occupancy of a residential rental premises, possession of a residential premises for the non-payment of rent or a holdover; restoration or maintenance of essential services; an administrative proceeding which would result in the termination of tenancy, rental subsidy, or other rental assistance; and any appeal of the foregoing.

Your Committee is advised that the legal services provided to covered individuals pursuant to this program will be at no cost to the 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 ability to access legal counsel in covered 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 losing their homes, especially now in the aftermath of the pandemic, it is critical to establish a county-wide access to legal counsel program in

Westchester.

Your Committee is further advised 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: \_\_\_\_\_, 2023  
White Plains, New York

COMMITTEE ON

**RESOLUTION NO. \_\_\_\_ – 2023**

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 \_\_\_\_\_, 2023 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.