STATE OF NEW YORK

5009

2019-2020 Regular Sessions

IN SENATE

April 3, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property actions and proceedings law and the county law, in relation to representation of certain persons in certain real property actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property actions and proceedings law is amended by adding a new section 722 to read as follows:

§ 722. Assignment of counsel. A homeowner in a real property action who is financially unable to obtain counsel for representation in such action shall have a right to assigned counsel by the court. Assignment of counsel issued under this section shall be implemented as provided in article eighteen-B of the county law.

§ 2. The article heading of article 18-B of the county law, as amended by chapter 682 of the laws of 1977, is amended to read as follows:

REPRESENTATION OF PERSONS ACCUSED OF CRIME OR PARTIES BEFORE THE FAMILY COURT OR SURROGATE'S COURT **OR IN CERTAIN REAL PROPERTY ACTIONS**

§ 3. The opening paragraph of section 722 of the county law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

The governing body of each county and the governing body of the city in which a county is wholly contained shall place in operation throughout the county a plan for providing counsel to persons charged with a crime or who are entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the family court act, article six-C of the correction law, section four hundred seven of the surrogate's court procedure act [~~or~~], article ten of the mental hygiene law **or section seven hundred twenty-two of the real property actions and proceedings law**, who are financially unable to obtain counsel. Each plan

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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shall also provide for investigative, expert and other services necessary for an adequate defense. The plan shall conform to one of the following:

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.