

# STATE OF NEW YORK

4669

2025-2026 Regular Sessions

## IN ASSEMBLY

February 4, 2025

Introduced by M. of A. SOLAGES, BORES, SIMON, DAVILA, GONZALEZ-ROJAS, DINOWITZ, SHRESTHA, ROSENTHAL, PAULIN, HUNTER, RAGA, FORREST, SIMONE, KELLES, EPSTEIN, CLARK, McDONOUGH, BURDICK, MAMDANI, MITAYNES, R. CARROLL, MEEKS, TAYLOR, SEAWRIGHT, WALKER, BENEDETTO, KIM, HYNDMAN, ZACCARO, NOVAKHOV, GIBBS, CRUZ, LEVENBERG, GLICK, DE LOS SANTOS, STIRPE, REYES, JACOBSON, HEVESI, OTIS, SHIMSKY, SEPTIMO, GALLAGHER, BRONSON, CUNNINGHAM, CHANDLER-WATERMAN, JACKSON, WEPRIN, TAPIA, RAMOS, ALVAREZ, ZINERMAN, EACHUS, WOERNER, ANDERSON -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law, the real property actions and proceedings law and the real property law, in relation to establishing the New York state office of civil representation to provide a right to counsel in eviction proceedings

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

1 Section 1. Legislative findings. Eviction proceedings have a  
2 profoundly disparate impact on low-income individuals and given this  
3 disparate impact, it is imperative that these individuals be provided  
4 legal representation in legal proceedings that put their housing at  
5 risk.  
6 There is a fundamental human right to adequate housing accommodations.  
7 Safe, secure, and accessible housing is essential to achieving equal  
8 access to all other fundamental needs. Without housing, individuals and  
9 families too often cannot preserve family integrity, gain employment or  
10 other income, or enjoy access to healthcare, proper nutrition, and  
11 education.  
12 Eviction proceedings and displacement as a result of evictions have a  
13 disparate impact on low-income individuals and particularly on low-in-  
14 come people of color, who are disproportionately the respondents in  
15 eviction proceedings.

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

LBD07730-01-5

1 Representation of people who are at risk of losing their homes in  
2 legal proceedings preserves access to housing and ensures compliance  
3 with laws protecting people's rights in such proceedings. Abrupt, unwar-  
4 ranted, or unlawful evictions disrupt lives and livelihoods, force  
5 people to find housing in a market with a severe shortage of affordable  
6 housing and often significantly increases the risk of homelessness. The  
7 short- and long-term effects of housing instability are devastating to  
8 individuals and families and can affect physical and mental health,  
9 employment and education. Providing a right to counsel to individuals  
10 who are most at risk of housing instability not only protects individ-  
11 uals and families from these devastating effects, it saves public funds  
12 that would otherwise be spent on shelters and services to people experi-  
13 encing homelessness as well as the wide range of detrimental short- and  
14 long-term collateral consequences of housing instability.

15 § 2. The executive law is amended by adding a new article 29 to read  
16 as follows:

17 ARTICLE 29

18 NEW YORK STATE OFFICE OF CIVIL REPRESENTATION

19 Section 827. Right to counsel in eviction proceedings.

20 828. Office of civil representation.

21 829. Powers and duties of the office of civil representation.

22 830. Definitions.

23 831. Provision of legal representation and community education.

24 § 827. Right to counsel in eviction proceedings. The civil right to  
25 full representation by counsel in covered proceedings for eligible indi-  
26 viduals is hereby created.

27 § 828. Office of civil representation. 1. There is hereby established  
28 in the executive department an office of civil representation to create  
29 and implement a program to provide a right to counsel pursuant to  
30 section eight hundred twenty-nine of this article.

31 2. The office shall be headed by an executive director who shall be  
32 appointed by the governor with the advice and consent of the senate.

33 § 829. Powers and duties of the office of civil representation. The  
34 executive director shall have the power and duty to:

35 1. establish a program to provide legal representation including  
36 entering into contracts and agreements as may be necessary, in accord-  
37 ance with section eight hundred thirty-one of this article;

38 2. prepare and submit to the governor, the temporary president of the  
39 senate, and the speaker of the assembly an annual financial audit of the  
40 program's activities, prepared by a certified public accountant licensed  
41 in the state of New York and carried out in accordance with generally  
42 accepted auditing standards; and an annual report regarding the program  
43 created under section eight hundred thirty-one of this article. Such  
44 report shall include but not be limited to the following information,  
45 disaggregated by county, provided, however, that the information shall  
46 not be required for every case where the individual refuses to provide  
47 the information or the information is not reasonably ascertainable:

48 (a) the total number of people provided legal representation and the  
49 total number of people not provided legal representation and the reasons  
50 why representation was not provided;

51 (b) the outcomes of the cases provided legal representation;

52 (c) gender, race, ethnicity, and age;

53 (d) postal code of residence;

54 (e) household size;

55 (f) estimated length of tenancy;

56 (g) approximate household income;

1 (h) receipt of ongoing public assistance at the time such legal  
2 services were initiated;  
3 (i) tenancy in rent-regulated housing;  
4 (j) tenancy in housing operated by or subsidized through a federal,  
5 state or local rental subsidy program;  
6 (k) legal services provided by type of legal issue;  
7 (l) a list of designated legal organizations, the geographic region in  
8 which such organizations provide services, and the amount of funding  
9 provided to each;  
10 (m) outcomes immediately following the provision of full legal repre-  
11 sentation, as applicable and available, including, but not limited to,  
12 the number of:  
13 (i) judgments and stipulated agreements allowing individuals to remain  
14 in their residence;  
15 (ii) judgments and stipulated agreements requiring individuals to be  
16 displaced from their residence; and  
17 (iii) instances where an attorney representing an income-eligible  
18 individual was discharged or withdrew;  
19 (n) a list of landlords involved in eviction proceedings;  
20 (o) residential evictions conducted by sheriffs or city marshals,  
21 disaggregated by county;  
22 (p) a list of designated community organizations, the geographic  
23 region in which such organizations provide services, and the amount of  
24 funding provided to each;  
25 (q) the number of buildings in which outreach was conducted, the  
26 number of workshops offered, the number of attendees at such workshops,  
27 the number of people referred to non-profits having status under section  
28 501 (C) (3) of the United States internal revenue code, and the number  
29 of trainings offered; and  
30 (r) an evaluation of implementation challenges and recommendations for  
31 any future programmatic improvements.  
32 3. provide an annual estimate for the funding necessary for the opera-  
33 tion of the program under section eight hundred thirty-one of this arti-  
34 cle;  
35 4. coordinate with other programs providing legal representation in  
36 covered proceedings to ensure efficiency of functions and to prevent  
37 duplication of work;  
38 5. create a program providing outreach and education through desig-  
39 ated community organizations, to spread awareness of the availability  
40 of legal representation by designated legal organizations. With the  
41 support of the executive director and adequate funding, designated  
42 community organizations shall be responsible for engaging and educating  
43 tenants of their rights in eviction proceedings, including but not  
44 limited to: hosting trainings and other workshops for tenants; distrib-  
45 uting written information to tenants; assisting tenants in forming and  
46 maintaining tenant associations; referring tenants to designated legal  
47 organizations; and other activities to engage, educate, or inform  
48 tenants of their rights in eviction proceedings. Engagement and educa-  
49 tion shall be provided in designated statewide languages;  
50 6. create and make available resources for individuals with regard to  
51 their rights in civil legal matters regarding housing accommodations in  
52 the languages required by law and such additional languages as may be  
53 necessary; and  
54 7. promulgates any rules, regulations, and guidance necessary for the  
55 implementation of the provisions of this article.

1 § 830. Definitions. For the purposes of this article, the following  
2 terms shall have the following meanings:

3 1. "executive director" means the executive director of the New York  
4 state office of civil representation.

5 2. "office" means the New York state office of civil representation.

6 3. "eligible individual" means an individual who is at risk of losing  
7 their housing accommodation in a covered proceeding. An individual  
8 becomes eligible when that individual (a) becomes the subject of a pred-  
9 icate notice in a covered proceeding; or (b) is a party, or has standing  
10 to be a party, in a covered proceeding; or (c) has been determined by a  
11 designated legal organization to be a person reasonably anticipated to  
12 become a party in a covered proceeding, whichever occurs earlier.

13 4. "covered proceeding" means any proceeding to evict an individual or  
14 otherwise terminate a tenancy, any other proceeding that is likely to  
15 result in an individual losing such individual's housing accommodation,  
16 including an administrative proceeding to terminate a housing subsidy  
17 and any additional proceeding as determined by the office, or a proceed-  
18 ing brought by an eligible individual to enforce the warranty of habita-  
19 bility, or in response to an unlawful eviction, or in response to the  
20 unlawful actions of a landlord, as well as any appeals from any such  
21 proceedings.

22 5. "designated legal organization" means a not-for-profit organization  
23 or association having non-profit status under section 501(C)(3) of the  
24 United States internal revenue code that has the capacity to provide  
25 comprehensive and effective legal services for the program established  
26 under section eight hundred thirty of this article. To the extent prac-  
27 ticable, such designated legal organizations shall be organizations that  
28 maintain a practice of furnishing free or reduced cost legal services to  
29 individuals; possess expertise in the areas of law for covered  
30 proceedings; have a demonstrated history or practice with regard to the  
31 legal issues facing low-income residents of the state of New York;  
32 provide consistent, high quality supervision, oversight, training, eval-  
33 uation, and strategic response to emerging or changing needs in the  
34 communities served; and maintain reasonable workloads and working condi-  
35 tions for their staff.

36 6. "designated community organization" means a not-for-profit organ-  
37 ization or association having non-profit status under section 501(C)(3)  
38 of the United States internal revenue code that has the capacity to  
39 provide education in a program established under section eight hundred  
40 thirty-one of this article. To the extent practicable, such designated  
41 community organization shall maintain a practice of furnishing free  
42 services; possess expertise and experience in community education and  
43 organizing, and ties to the communities they serve; demonstrate exper-  
44 tise in recognizing and responding to the housing issues facing low-in-  
45 come residents of the state of New York; possess adequate expertise to  
46 provide consistent, high quality supervision, oversight, training, eval-  
47 uation, and strategic response to emerging or changing needs in the  
48 communities served; and maintain reasonable workloads and working condi-  
49 tions for their staff.

50 7. "legal representation" means ongoing legal representation provided  
51 by a designated legal organization to eligible individuals and the  
52 provision of legal advice, advocacy, and assistance, including but not  
53 be limited to: filing a notice of appearance, filing and preparation of  
54 pleadings and motions on behalf of eligible individuals, court appear-  
55 ances on behalf of eligible individuals, pre- and post-trial settlement

1 conferences, and any other activities needed to provide legal representation in a covered proceeding.

2  
3 8. "housing accommodation" means that part of any building or structure or any part thereof, permanent or temporary, occupied or intended, arranged or designed to be used or occupied, by one or more individuals as a residence, home, dwelling unit or apartment, sleeping place, boarding house, lodging house or hotel, and all essential services, privileges, furnishings, furniture and facilities supplied in connection with the occupation thereof.

4  
5  
6  
7  
8  
9  
10 § 831. Provision of legal representation and community education. 1. In accordance with this article, the office shall develop programs to guarantee and deliver:

11  
12  
13 (a) legal representation through one or more designated legal organizations to eligible individuals in covered proceedings throughout the state; and

14  
15  
16 (b) community outreach and education through one or more designated community organizations regarding the programs created herein.

17  
18 2. In creating the programs under subdivision one of this section, the executive director shall consult with the following:

19  
20 (a) tenants and/or representatives of tenants, and community groups representing low-income or other at-risk members of the community;

21  
22 (b) legal and community-based organizations;

23 (c) representatives of the judiciary;

24 (d) representatives of a municipality operating or funding a program providing legal representation, legal consultation, or community education and outreach and/or representatives of the organizations involved in such programs; and

25  
26  
27 (e) any other organizations or individuals as may be necessary as determined by the executive director.

28  
29  
30 3. The office shall post on its website information regarding the programs created under this section including how individuals may find services available in their geographic area.

31  
32  
33 4. The office shall hold one or more hearings or listening sessions in each region of the state on an annual basis to evaluate the programs created pursuant to this section and to incorporate any necessary changes to such programs.

34  
35  
36  
37 § 3. Section 701 of the real property actions and proceedings law is amended by adding a new subdivision 3 to read as follows:

38  
39 3. Any court maintaining a covered proceeding, as defined by section eight hundred thirty of the executive law, shall notify all respondents by mail upon filing of a petition, not less than fourteen days before trial, of the right to obtain legal representation pursuant to section eight hundred thirty-one of the executive law.

40  
41  
42  
43  
44 § 4. The opening paragraph of section 711 of the real property actions and proceedings law, as amended by section 1 of part II of chapter 56 of the laws of 2024, is amended to read as follows:

45  
46  
47 A tenant shall include an occupant of one or more rooms in a rooming house or a resident, not including a transient occupant, of one or more rooms in a hotel who has been in possession for thirty consecutive days or longer. A tenant shall not include a squatter. For the purposes of this section, a squatter is a person who enters onto or intrudes upon real property without the permission of the person entitled to possession, and continues to occupy the property without title, right or permission of the owner or owner's agent or a person entitled to possession. In the event of a conflict between the provisions regarding squatters of this section and the provisions of subdivision three of

1 section seven hundred thirteen of this article, the provisions of  
2 section seven hundred thirteen of this article shall be controlling. No  
3 tenant or lawful occupant of a dwelling or housing accommodation shall  
4 be removed from possession except in a special proceeding. No special  
5 proceeding shall be maintained under any provision of this section  
6 unless the court has notified an individual of the right to obtain legal  
7 representation pursuant to section eight hundred thirty-one of the execu-  
8 tive law. A special proceeding may be maintained under this article  
9 upon the following grounds:

10 § 5. Section 713 of the real property actions and proceedings law is  
11 amended by adding a new subdivision 12 to read as follows:

12 12. No proceeding shall be maintained under this section, unless the  
13 court has provided the respondent with written notice of the right of  
14 the respondent to obtain legal representation pursuant to section eight  
15 hundred thirty-one of the executive law, in the manner prescribed in  
16 section seven hundred forty-five of this article. Any ten-day notice to  
17 quit served pursuant to this section shall provide notice of the  
18 respondent's right to obtain legal representation under section eight  
19 hundred thirty-one of the executive law.

20 § 6. Section 713-a of the real property actions and proceedings law,  
21 as amended by chapter 628 of the laws of 1982, is amended to read as  
22 follows:

23 § 713-a. Special proceeding for termination of adult home and resi-  
24 dence for adults admission agreements. A special proceeding to terminate  
25 the admission agreement of a resident of an adult home or residence for  
26 adults and discharge a resident therefrom may be maintained in a court  
27 of competent jurisdiction pursuant to the provisions of section four  
28 hundred sixty-one-h of the social services law and nothing contained in  
29 such section shall be construed to create a relationship of landlord and  
30 tenant between the operator of an adult home or residence for adults and  
31 a resident thereof. No proceeding shall be maintained under this  
32 section, unless the court has provided the respondent with written  
33 notice of the right of the respondent to obtain legal representation  
34 pursuant to section eight hundred thirty-one of the executive law.

35 § 7. Section 715 of the real property actions and proceedings law is  
36 amended by adding a new subdivision 6 to read as follows:

37 6. No proceeding shall be maintained under any provision of this  
38 section, unless the court has provided the respondent with written  
39 notice of the right of the respondent to obtain legal representation  
40 pursuant to section eight hundred thirty-one of the executive law.

41 § 8. Section 731 of the real property actions and proceedings law is  
42 amended by adding a new subdivision 5 to read as follows:

43 5. No special proceeding prescribed by this article shall be main-  
44 tained unless the notice of petition has provided the respondent with  
45 written notice of the right of the respondent to obtain legal represen-  
46 tation pursuant to section eight hundred thirty-one of the executive  
47 law.

48 § 9. Section 745 of the real property actions and proceedings law is  
49 amended by adding a new subdivision 3 to read as follows:

50 3. Where a respondent who is an eligible individual, as defined in  
51 subdivision three of section eight hundred thirty of the executive law,  
52 appears in court without counsel, the court shall notify such respondent  
53 orally of their right to obtain legal representation pursuant to section  
54 eight hundred thirty-one of the executive law, and if such respondent  
55 would like counsel, the court shall adjourn the trial and provide suffi-  
56 cient time, not less than thirty days, for such respondent to retain and

1 consult counsel and shall grant such further adjournments for not less  
2 than thirty days each as are necessary for such respondent to retain and  
3 consult counsel.

4 § 10. Subdivisions 1 and 3 of section 749 of the real property actions  
5 and proceedings law, as amended by section 19 of part M of chapter 36 of  
6 the laws of 2019, are amended to read as follows:

7 1. Upon rendering a final judgment for petitioner, the court shall  
8 issue a warrant directed to the sheriff of the county or to any constable  
9 or marshal of the city in which the property, or a portion thereof,  
10 is situated, or, if it is not situated in a city, to any constable of  
11 any town in the county, describing the property, stating the earliest  
12 date upon which execution may occur pursuant to the order of the court,  
13 and commanding the officer to remove all persons named in the proceeding,  
14 provided upon a showing of good cause, the court may issue a stay  
15 of re-letting or renovation of the premises for a reasonable period of  
16 time. However, no court shall issue a judgment authorizing the issuance  
17 of a warrant of eviction against a respondent who has defaulted, or  
18 authorize the execution of an eviction pursuant to a default judgment,  
19 unless the court has provided the respondent with written notice of the  
20 respondent's right to obtain legal representation pursuant to section  
21 eight hundred thirty-one of the executive law in eviction proceedings in  
22 the notice required by sections seven hundred eleven, seven hundred  
23 forty-one and seven hundred forty-five of this article.

24 3. Nothing contained herein shall deprive the court of the power to  
25 stay or vacate such warrant for good cause shown prior to the execution  
26 thereof, or to restore the tenant to possession subsequent to execution  
27 of the warrant. The failure of the court to advise tenants of their  
28 right to obtain legal representation pursuant to section eight hundred  
29 thirty-one of the executive law in an eviction proceeding shall consti-  
30 tute good cause to stay or vacate such warrant. In a judgment for non-  
31 payment of rent, the court shall vacate a warrant upon tender or deposit  
32 with the court of the full rent due at any time prior to its execution,  
33 unless the petitioner establishes that the tenant withheld the rent due  
34 in bad faith. [~~Petitioner may recover by action~~] The court may not  
35 order recovery by the petitioner of any sum of money which was payable  
36 at the time when the special proceeding was commenced and the reasonable  
37 value of the use and occupation to the time when the warrant was issued,  
38 for any period of time with respect to which the agreement does not make  
39 any provision for payment of rent, in any proceeding pending appointment  
40 of legal representation pursuant to section eight hundred thirty-one of  
41 the executive law.

42 § 11. Subdivision 1 of section 746 of the real property actions and  
43 proceedings law, as amended by chapter 725 of the laws of 2021, is  
44 amended to read as follows:

45 1. In any proceeding under this article, if a stipulation is made, on  
46 the occasion of a court appearance in the proceeding, setting forth an  
47 agreement between the parties, other than a stipulation solely to  
48 adjourn or stay the proceeding, and either the petitioner or the  
49 respondent is not represented by counsel, the court shall fully describe  
50 the terms of the stipulation to that party on the record. If the  
51 respondent is not represented by counsel and the respondent is an eligi-  
52 ble individual, as defined in subdivision three of section eight hundred  
53 thirty of the executive law, the court shall notify such respondent  
54 orally of their right to obtain legal representation pursuant to section  
55 eight hundred thirty-one of the executive law, and if such respondent  
56 would like counsel, the court shall cease the allocution and adjourn the

1 trial and provide sufficient time, not less than thirty days, for such  
2 respondent to retain and consult counsel and shall grant such further  
3 adjournments for not less than thirty days each as are necessary for  
4 such respondent to retain and consult counsel.

5 § 12. The real property law is amended by adding two new sections  
6 235-k and 235-l to read as follows:

7 § 235-k. Lease provisions waiving right to counsel void. Any  
8 provision of a lease or contract waiving or otherwise limiting the  
9 tenant's right to obtain legal representation under section eight  
10 hundred thirty-one of the executive law shall be void and unenforceable.

11 § 235-l. Lease provisions shall provide notice of the right to coun-  
12 sel. Any lease or contract for rental of residential property shall  
13 provide notice of the tenant's right to legal representation under  
14 section eight hundred thirty-one of the executive law.

15 § 13. Severability clause. If any provision of this act, or any appli-  
16 cation of any provision of this act, is held to be invalid, or to  
17 violate or be inconsistent with any federal law or regulation, that  
18 shall not affect the validity or effectiveness of any other provision of  
19 this act, which can be given effect without that provision or applica-  
20 tion; and to that end, the provisions and applications of this act are  
21 severable.

22 § 14. This act shall take effect on the one hundred eightieth day  
23 after it shall have become a law; provided, however, that sections three  
24 through twelve of this act shall take effect five years after such date.