

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.

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

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

ARTICLE 29

NEW YORK STATE OFFICE OF CIVIL REPRESENTATION

Section 827. Right to counsel in eviction proceedings.

828. Office of civil representation.

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

830. Definitions.

831. Provision of legal representation and community education.

§ 827. Right to counsel in eviction proceedings. The civil right to full representation by counsel in covered proceedings for eligible individuals is hereby created.

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

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

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

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

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

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

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

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

(d) postal code of residence;

(e) household size;

(f) estimated length of tenancy;

(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 nated 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 represen-
2 tation in a covered proceeding.

3 8. "housing accommodation" means that part of any building or struc-
4 ture or any part thereof, permanent or temporary, occupied or intended,
5 arranged or designed to be used or occupied, by one or more individuals
6 as a residence, home, dwelling unit or apartment, sleeping place, board-
7 ing house, lodging house or hotel, and all essential services, privi-
8 leges, furnishings, furniture and facilities supplied in connection with
9 the occupation thereof.

10 § 831. Provision of legal representation and community education. 1.
11 In accordance with this article, the office shall develop programs to
12 guarantee and deliver:

13 (a) legal representation through one or more designated legal organ-
14 izations to eligible individuals in covered proceedings throughout the
15 state; and

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

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

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

22 (b) legal and community-based organizations;

23 (c) representatives of the judiciary;

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

28 (e) any other organizations or individuals as may be necessary as
29 determined by the executive director.

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

33 4. The office shall hold one or more hearings or listening sessions in
34 each region of the state on an annual basis to evaluate the programs
35 created pursuant to this section and to incorporate any necessary chang-
36 es to such programs.

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

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

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

47 A tenant shall include an occupant of one or more rooms in a rooming
48 house or a resident, not including a transient occupant, of one or more
49 rooms in a hotel who has been in possession for thirty consecutive days
50 or longer. A tenant shall not include a squatter. For the purposes of
51 this section, a squatter is a person who enters onto or intrudes upon
52 real property without the permission of the person entitled to
53 possession, and continues to occupy the property without title, right or
54 permission of the owner or owner's agent or a person entitled to
55 possession. In the event of a conflict between the provisions regarding
56 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.