

Council Member Anane introduced the following, which was approved:

RESOLUTION NUMBER 47.52.23R

A RESOLUTION OF THE COMMON COUNCIL CALLING UPON THE STATE GOVERNMENT TO PASS AND ENACT A.1493/S.2721, WHICH WOULD ESTABLISH A NEW YORK STATE OFFICE OF CIVIL REPRESENTATION TO PROVIDE ACCESS TO LEGAL SERVICES IN EVICTION PROCEEDINGS

WHEREAS, many tenants in Albany and throughout New York State are evicted from their homes; and

WHEREAS, losing one's home is one of the hardest experiences a person can go through, and homelessness can worsen other problems, such as the difficulty of getting a job without an address; and

WHEREAS, landlords will almost always have the resources to evict their tenants while tenants often lack the resources to meaningfully contest the evictions; and

WHEREAS, New York City enacted a right-to-counsel law in 2017, which increased the percentage of represented tenants from less than 1% to almost 75%; and

WHEREAS, most municipalities throughout the state do not have the resources to provide their residents this critical right; and

WHEREAS, the New York State Senate and Assembly are considering S2721 and A1493; which would establish the civil right to counsel in eviction proceedings in New York state; create the New York State Office of Civil Representation to protect that right, and require that covered individuals be given notice their right to counsel; and

WHEREAS, providing legal assistance to households who are at risk of housing instability not only adds a layer of protection but it saves public funds that could otherwise be spent on shelters or services for people who are experiencing homelessness;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany calls on the New York State Legislature to pass, and the Governor to sign, A.1493/S.2721, in relation to establishing a New York State Office of Civil Representation to provide access to legal services in eviction proceedings;

To: Danielle Gillespie, City Clerk

From: Jake Eisland, Esq., Research Counsel

Re: Common Council Legislation
Supporting Memorandum

Date: May 2, 2023

SPONSOR Council Member Anane

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TITLE

A RESOLUTION OF THE COMMON COUNCIL CALLING UPON THE STATE GOVERNMENT TO PASS AND ENACT A.1493/S.2721, WHICH WOULD ESTABLISH A NEW YORK STATE OFFICE OF CIVIL REPRESENTATION TO PROVIDE ACCESS TO LEGAL SERVICES IN EVICTION PROCEEDINGS

GENERAL PURPOSE OF LEGISLATION

Urging the New York State Senate, Assembly, and Governor, to pass and sign legislation that would protect tenants by guaranteeing their right to counsel in an eviction proceeding and establishing a state office to provide that representation.

NECESSITY OF LEGISLATION

Housing is one of the most important factors in ensuring the health, safety, and well-being of the people of Albany and the state of New York. Eviction proceedings have a profoundly disparate impact on low-income individuals and given this disparate impact, it is imperative that these individuals be provided legal representation in legal proceedings that put their housing at risk.

There is a fundamental human right to adequate housing accommodations. Safe, secure, and accessible housing is essential to achieving equal access to all other fundamental needs. Without housing, individuals and families too often cannot preserve family integrity, gain employment or other income, or enjoy access to healthcare, proper nutrition, and education. Eviction proceedings and displacement as a result of evictions have a disparate impact on low-income individuals and particularly on low-income people of color, who are disproportionately the respondents in eviction proceedings. 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..

FISCAL IMPACT(S): None.

Passed by the following vote of all the Council Members elected voting in favor thereof:

Resolution 47.52.23R was co-sponsored by Council Member(s): Adams, Balarin, Clarke, Farrell, Flynn, Frederick, Hoey, Johnson, Keegan, Kimbrough, Robinson, Romero, and Zamer

Affirmative – Adams, Anane, Balarin, Clarke, Farrell, Flynn, Frederick, Hoey, Johnson, Keegan, Kimbrough, Robinson, Romero, and Zamer

Affirmative 14 Negative 0 Abstain 0

Clerk of the Common Council

President of the Common Council

Mayor

Date

I, Danielle Gillespie, City Clerk and Clerk of the Common Council, do hereby certify that Resolution 47.52.23R was passed at a meeting of the Albany Common Council on May 15, 2023.

In Affirmation thereof, I hereto set my hand and affix The Seal of the City of Albany this 17th day of May, 2023.

Clerk of the Common Council