
OLR Bill Analysis

sHB 6531

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.

SUMMARY

This bill establishes a state-wide “right to counsel program,” to provide free legal representation to income-eligible tenants, lessees, or occupants of any residential building or land (i.e., “covered individuals”) in an eviction proceeding or administrative proceeding necessary to preserve a state or federal housing subsidy or to prevent a proposed lease termination (i.e., covered matter”).

Under the bill, the right to counsel program must be administered by the organization that administers the program under existing law that funds legal services to the poor using interest earned on lawyers’ clients’ funds accounts (i.e., “administering entity”).

The bill requires the administering entity, within available funding, to contract with designated organizations (i.e., not-for-profit legal services organizations) to provide legal representation under the program. Additionally, it requires the administering entity to:

1. appoint a 15-member advisory committee to advise on matters affecting the program;
2. in consultation with the advisory committee and designated organizations, (a) determine how to phase in the program based on certain relevant factors and (b) approve a plain-language notice for landlords and certain others to inform individuals of their rights under the program; and
3. starting by January 1, 2023, annually report to the Housing Committee on the number of individuals represented under the program, the extent of the representation, case outcomes, and

tenant engagement and education.

The bill also specifies that it does not establish any right enforceable by a covered individual against a designated organization or the administering entity.

EFFECTIVE DATE: October 1, 2021

RIGHT TO COUNSEL PROGRAM

Program Eligibility

Under the bill, the right to counsel program is available to income-eligible residential tenants, lessees, or occupants who are parties in an eviction or certain administrative proceedings as described above. The bill specifies that it applies to any residential land or building, apartment, or dwelling unit, including trailers or mobile manufactured homes and associated lots.

Under the bill, an individual is “income-eligible” if he or she:

1. has household income at or below 80% of the state median income adjusted for family size, as determined by the U.S. Department of Housing and Urban Development (HUD), at the time of the request for representation;
2. receives one of the following types of public assistance: (a) Temporary Assistance for Needy Families, (b) Supplemental Nutrition Assistance Program benefits, (c) Medicaid, (d) Supplemental Security Income, (e) refugee resettlement benefits, (f) state rental assistance program, or (g) federal Housing Choice Voucher Program; or
3. is unable to timely secure legal representation for a covered matter because of language, disability, or other good cause, as determined by the designated organization.

Designated Organization's Minimum Standards

The administering entity, within available funding, must contract with designated organizations to provide legal representation under

the program. Under the bill “legal representation” in the program means high-quality legal representation and all legal advice, advocacy, and assistance associated with the representation, subject to and in accordance with the Rules of Professional Conduct.

A designated organization must:

1. have substantial expertise in (a) housing and landlord tenant law and (b) furnishing free legal assistance to eligible individuals;
2. have a demonstrated history of serving the low-income community;
3. identify the geographic area in which the organization provides legal representation;
4. have a plan to reach and provide legal representation to income-eligible individuals with limited English proficiency;
5. incorporate paralegals, legal interns, or law students, as appropriate, to provide services when supervised by legal counsel; and
6. provide appropriate supervision and training.

A designated organization may subcontract with a nonprofit or community organization to provide legal representation and tenant outreach and education under the program.

Advisory Committee

Under the bill, the administering entity must appoint a 15-member advisory committee, which it must convene at least three times per year to advise on matters and policies affecting the program. At least three committee members must be tenants, including at least one tenant who is a member of an “extremely low-income household” (i.e., household income does not exceed 30% of the state median income, as adjusted for household size, as determined by HUD).

The advisory committee members must be from diverse regions of the state, including income-eligible tenants; community-based organizations engaged in tenant outreach, education, or organizing; and nonprofit organizations providing free legal services to tenants. Each member must have a demonstrated commitment to eviction prevention and housing stability.

Relevant Factors to Phase in The Program

The bill requires the administering entity, in consultation with the advisory committee and designated organizations, to determine how to phase in the program based on all relevant factors, including the:

1. prioritization of certain groups of individuals by income, zip codes, census tracts, or other priority criteria they develop;
2. availability of program funding;
3. number of available trained legal services attorneys; and
4. scope of the need for legal representation.

Funding

The bill allows the administering entity to receive funds or services from the government, corporations, associations, or individuals to pay the cost of: (1) administering the program and (2) providing legal representation, tenant outreach and education, and attorney training.

PLAIN-LANGUAGE NOTICE OF TENANTS' RIGHTS

In consultation with the advisory committee and designated organizations, the administering entity must approve a plain-language notice to inform tenants of their rights under the program. The notice must be available to the public and include a phone number for information and applying for assistance.

The bill requires an owner, lessor, or landlord; their agent or legal representative; a housing authority; or a housing subsidy program administrator, as applicable, to attach a copy of the plain-language notice to a (1) notice to quit delivered to a covered individual pursuant

to an eviction proceeding, (2) summons and complaint for a summary process eviction action, (3) lease termination notice for a public or subsidized housing unit, and (4) notice to terminate a state or federal housing subsidy.

Under the bill, the court must include similar plain language information in any notice scheduling a mediation or hearing that is sent to a self-represented party in an eviction proceeding.

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 10 Nay 5 (03/11/2021)