



General Assembly

January Session, 2021

Raised Bill No. 6531

LCO No. 3681



Referred to Committee on HOUSING

Introduced by:
(HSG)

AN ACT CONCERNING THE RIGHT TO COUNSEL IN EVICTION PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Covered individual" means any tenant who is indigent and who
3 occupies a dwelling unit by right or privilege, and excludes the owner
4 of the dwelling unit;

5 (2) "Covered proceeding" means any judicial proceeding in a
6 summary process action instituted pursuant to chapter 832 of the
7 general statutes against a tenant who is a covered individual;

8 (3) "Designated organization" means any not-for-profit organization
9 or association designated by the Judicial Department or, where a not-
10 for-profit organization or association is unable to provide
11 representation, an attorney who (A) is not an employee of a designated
12 organization but who contracts with the Judicial Department to provide
13 legal representation to covered individuals in covered proceedings, (B)
14 is authorized to practice law in the state, and (C) has completed

15 adequate training and experience requirements as determined by the
16 Judicial Department;

17 (4) "Designated community group" means a not-for-profit
18 community organization or association designated by the Department
19 of Housing that has the capacity to conduct tenant outreach,
20 engagement, education and information with regard to this section;

21 (5) "Legal representation" means ongoing legal representation
22 provided by a designated organization to a covered individual, and all
23 legal advice, advocacy and assistance associated with that
24 representation that is required to provide the best possible outcome for
25 a particular case;

26 (6) "Indigent person" means a person who has a right to legal
27 representation under this section who does not have the financial ability
28 at the time of his or her request for representation to secure competent
29 legal representation and to provide other necessary expenses of legal
30 representation;

31 (7) "Tenant", "landlord", "owner" and "dwelling unit" have the same
32 meanings as provided in section 47a-1 of the general statutes; and

33 (8) "Housing authority" has the same meaning as provided in section
34 8-39 of the general statutes.

35 (b) At the commencement of any covered proceeding, a covered
36 individual shall have the right to legal representation and be so
37 informed by the judge, and that if the covered individual is unable to
38 afford legal representation, legal representation will be provided for
39 him or her. The Judicial Department shall ensure that a covered
40 individual receives legal representation from a designated organization
41 in a covered proceeding as soon as practicable after a covered
42 individual's request for such services, but not later than the time of the
43 covered individual's first scheduled appearance in such covered
44 proceeding. If a covered individual has not obtained legal
45 representation by the covered individual's first scheduled appearance,

46 the court shall continue the case for a period of time sufficient for the
47 covered individual to be assigned legal representation pursuant to this
48 section.

49 (c) (1) The Judicial Department, in consultation with the Department
50 of Housing, shall oversee the administration of the provisions of this
51 section and shall work with designated community groups to engage
52 and educate tenants about their rights, including, but not limited to, (A)
53 hosting trainings and other workshops for tenants to educate them on
54 their rights; (B) distributing written information to tenants; (C) assisting
55 tenants to form and maintain tenant associations; (D) referring tenants
56 to designated community groups; and (E) engaging in any other activity
57 designed to educate or inform tenants about their rights.

58 (2) An owner, agent or landlord, housing authority, or state marshal,
59 as applicable, shall provide a tenant a copy of a brochure approved by
60 the Judicial Department that discusses the legal representation available
61 to tenants, including, but not limited to, any right to legal representation
62 pursuant to this section, at the time (A) such owner, agent or landlord
63 commences a summary process action pursuant to chapter 832 of the
64 general statutes against a tenant; (B) such housing authority sends a
65 notice to a tenant regarding the termination of a lease; and (C) such state
66 marshal serves notice of a petition, summons or complaint in a
67 summary process action pursuant to chapter 832 of the general statutes
68 upon the tenant. Such brochure shall be made available on the Judicial
69 Department's Internet web site.

70 (d) (1) The Judicial Department shall provide each designated
71 organization assigned to represent a covered individual pursuant to this
72 section with fair and just compensation that will allow each designated
73 organization to provide an organizational structure with appropriate
74 supervision, caseloads and oversight of staff and delivery to promote
75 high-quality representation and legal work. The Chief Court
76 Administrator shall include in the annual estimates of expenditure
77 requirements transmitted to the Secretary of the Office of Policy and
78 Management pursuant to section 4-77 of the general statutes the

79 expenditures required sufficient to finance legal representation by
80 designated legal organizations under this section. Not later than
81 October 1, 2022, and annually thereafter, the Chief Court Administrator
82 shall post a summary of any changes to such estimates for expenditures
83 on the Judicial Department's Internet web site.

84 (2) Services performed by a designated organization or any contract
85 or other agreement entered into pursuant to this section shall not be
86 used to satisfy any obligations or responsibilities of such designated
87 organization pursuant to any other program or any other agreement or
88 contract.

89 (e) Not later than October 1, 2022, and annually thereafter, each
90 designated organization shall report to the Judicial Department the
91 following information: (1) The number of covered individuals provided
92 counsel pursuant to this section; (2) the household makeup of such
93 covered individuals, including, but not limited to, age, race, gender,
94 number of household members, income, estimated length of tenancy,
95 type of lease and receipt of public assistance at the time of service; (3)
96 the reason for the covered proceeding; (4) the extent of legal
97 representation provided; (5) case dispositions; (6) instances where the
98 attorney was discharged or withdrew; and (7) instances of serial filings
99 on the same covered individual or household at the same property.

100 (f) Not later than January 1, 2023, and annually thereafter, the Judicial
101 Department shall submit a report, in accordance with the provisions of
102 section 11-4a of the general statutes, to the joint standing committee of
103 the General Assembly having cognizance of matters relating to housing.
104 Such report shall include the following information: (1) The number of
105 covered individuals provided counsel pursuant to this section; (2) the
106 extent of legal representation provided; (3) metrics on evaluating
107 outcomes; and (4) the engagement and education of tenants.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section

Statement of Purpose:

To establish a right to counsel in eviction proceedings.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]