



General Assembly

Substitute Bill No. 6531

January Session, 2021



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 party to a covered matter who is
3 an income-eligible tenant, lessee or occupant, for residential purposes,
4 of any land or building, any apartment in any building, any dwelling
5 unit, any trailer or mobile manufactured home or any land upon which
6 a trailer or mobile manufactured home is used or stands;

7 (2) "Covered matter" means any notice to quit delivered to, or any
8 summary process action instituted against, a covered individual
9 pursuant to chapter 832 or chapter 412 of the general statutes or any
10 administrative proceeding against a covered individual necessary to
11 preserve a state or federal housing subsidy or to prevent a proposed
12 termination of the lease;

13 (3) "Designated organization" means any not-for-profit legal services
14 organization that provides legal representation in a covered matter to a
15 covered individual;

16 (4) "Administering entity" means the organization administering the

17 program for the use of interest earned on lawyers' clients' funds
18 accounts pursuant to section 51-81c of the general statutes, for the
19 purpose of funding the delivery of legal services to the poor;

20 (5) "Legal representation" means high-quality legal representation in
21 a covered matter provided by a designated organization to a covered
22 individual, and all legal advice, advocacy and assistance associated with
23 such representation, subject to and in accordance with the Rules of
24 Professional Conduct;

25 (6) "Income-eligible" means (A) having household income at or below
26 eighty per cent of the state median income adjusted for family size, as
27 determined by the United States Department of Housing and Urban
28 Development, at the time of the request for representation; (B) receiving
29 one of the following types of public assistance: (i) Temporary Assistance
30 for Needy Families, (ii) Supplemental Nutrition Assistance Program
31 benefits, (iii) Medicaid, (iv) Supplemental Security Income, (v) refugee
32 resettlement benefits, (vi) rental assistance under chapter 138a of the
33 general statutes, or (vii) the federal Housing Choice Voucher Program,
34 42 USC 1437f(o); or (C) being unable to secure legal representation with
35 respect to a covered matter in a timely manner by reason of language,
36 disability or other good cause, as determined by the designated
37 organization;

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

40 (8) "Notice to quit" means any notice to quit possession or occupancy
41 delivered pursuant to chapter 832 or chapter 412 of the general statutes
42 to a lessee or occupant;

43 (9) "Lessee or occupant" means any tenant, lessee or occupant, for
44 residential purposes, of any land or building, apartment in any building,
45 dwelling unit, trailer or mobile manufactured home, or land upon
46 which a trailer or mobile manufactured home is used or stands;

47 (10) "Extremely low-income household" means a household whose

48 income does not exceed thirty per cent of the state median income, as
49 adjusted for the size of the household, as determined by the United
50 States Department of Housing and Urban Development;

51 (11) "Right to counsel program" means the state-wide right to counsel
52 program to provide legal representation to a covered individual in a
53 covered matter established under this section.

54 (b) There is established a right to counsel program, which shall be
55 administered by the administering entity for the purpose of providing
56 any covered individual with legal representation at no cost in a covered
57 matter. The administering entity, within the funding available to it for
58 the right to counsel program, shall contract with designated
59 organizations to provide legal representation under this section. A
60 designated organization may subcontract with a nonprofit or
61 community organization to provide legal representation to a covered
62 individual, and to provide tenant outreach and education. A designated
63 organization shall, at a minimum: (1) Have substantial expertise in
64 housing law and landlord tenant law and substantial experience
65 furnishing free legal assistance to eligible individuals; (2) have a
66 demonstrated history of serving the low-income community; (3)
67 identify the geographic area in which such organization provides legal
68 representation; (4) have a plan to reach and provide legal representation
69 to income-eligible persons with limited English proficiency; (5) provide
70 appropriate supervision and training; and (6) incorporate paralegals,
71 legal interns or law students, as appropriate, to provide services when
72 supervised by legal counsel.

73 (c) The administering entity may receive funds or services from the
74 state or federal government, corporations, associations or individuals to
75 pay the cost of: (1) Providing legal representation to covered individuals
76 in covered matters; (2) administering the right to counsel program for
77 the administering entity and designated organizations; (3) providing
78 tenant outreach and education; and (4) attorney training.

79 (d) (1) The administering entity shall appoint an advisory committee

80 consisting of fifteen members, from diverse regions of the state,
81 including, but not limited to, income-eligible tenants, community-based
82 organizations engaged in tenant outreach, education or organizing, and
83 nonprofit organizations providing free legal services to tenants. Each
84 member shall have a demonstrated commitment to eviction prevention
85 and housing stability. At least three members shall be tenants. At least
86 one member shall be a tenant who is a member of an extremely low-
87 income household.

88 (2) The administering entity shall convene the advisory committee on
89 a regular basis, but not less than three times per year, to advise on
90 matters and policies affecting the right to counsel program, to effectuate
91 the right to counsel.

92 (e) (1) The administering entity, in consultation with the advisory
93 committee and designated organizations, shall approve a plain-
94 language notice to inform a tenant of the rights under the right to
95 counsel program. Such notice shall be made broadly available to the
96 public and shall include a phone number for accessing information and
97 applying for assistance.

98 (2) An owner, lessor, landlord, legal representative or agent of an
99 owner, lessor or landlord, a housing authority or a housing subsidy
100 program administrator, as applicable, shall attach a copy of the notice
101 described under subdivision (1) of this subsection, to (A) a notice to quit
102 delivered to a covered individual pursuant to chapter 832 or chapter 412
103 of the general statutes; (B) a summons and complaint for a summary
104 process action pursuant to chapter 832 or chapter 412 of the general
105 statutes; (C) a lease termination notice for a public or subsidized
106 housing unit; and (D) a notice to terminate a state or federal housing
107 subsidy.

108 (3) Any court notice scheduling a mediation or hearing that is sent to
109 a self-represented party in a covered matter shall include plain language
110 information about the availability of legal representation through the
111 right to counsel program and a phone number for accessing information

112 and applying for assistance.

113 (f) The administering entity, in consultation with the advisory
114 committee and designated organizations, shall determine how to phase
115 in the provision of legal representation to covered individuals in
116 covered matters under the right to counsel program based on all
117 relevant factors, including, but not limited to: (1) The prioritization of
118 certain groups of individuals by income, zip codes, census tracts or
119 other priority criteria developed in consultation with the designated
120 organizations and the advisory committee; (2) the availability of
121 program funding; (3) the number of trained legal services attorneys
122 available to provide legal representation; and (4) the scope of the need
123 for legal representation.

124 (g) Nothing in this section shall be construed to establish any right
125 enforceable by a covered individual against a designated organization
126 or the administering entity.

127 (h) Not later than January 1, 2023, and annually thereafter, the
128 administering entity shall submit a report, in accordance with the
129 provisions of section 11-4a of the general statutes, to the joint standing
130 committee of the General Assembly having cognizance of matters
131 relating to housing. Such report shall include the following information:
132 (1) The number of covered individuals provided legal representation
133 pursuant to this section; (2) the extent of legal representation provided;
134 (3) any outcomes achieved, such as the rates of tenant representation,
135 tenant retention of housing or other appropriate outcome measures; and
136 (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

HSG Joint Favorable Subst.