

## AMENDMENTS TO ORDINANCE CALENDAR NUMBER 33,682

CITY HALL: May 5, 2022

**BY: COUNCILMEMBER MORENO**

**SECONDED BY:**

### **BRIEF:**

The amendments correct items technical in nature and clarify components of the Right to Counsel program for tenants facing evictions in New Orleans City Courts.

### **AMENDMENTS:**

- 1) On page 2, Section 1, line 6, after the word “counsel” insert the following:  
  
**“as a matter of right”**
- 2) On page 2, Section 1, line 16, delete the word “qualified”.
- 3) On page 2, Section 1, line 22, delete “or loss of tenancy” and insert the following in lieu thereof:  
  
**“, termination of tenancy, or lease non-renewal.”**
- 4) On page 2, Section 1, line 27, after the word “entity” insert the following:  
  
**“that has completed adequate training and experience requirements as determined by the City of New Orleans”**
- 5) On page 3, Section 1, line 29, delete the word “a”.
- 6) On page 3, Section 1, line 36, after the word “Development” insert the following:  
  
**“, or any entity it enters into a CEA with to implement the Program,”**
- 7) On page 3, Section 1, line 36, after the word “landlords,” insert the following:  
  
**“housing subsidy providers,”**
- 8) On page 3, Section 1, line 37, after the word “eviction,” insert the following:  
  
**“including their right to counsel,”**
- 9) On page 3, Section 1, line 39, after the word “commenced” insert the following:

**“, or by the housing subsidy provider when a notice of subsidy termination is issued,”**

10) On page 3, Section 1, line 39, after the word “and” insert the following:

**“by the court”**

11) On page 3, Section 1, line 49, after the word “gender,” insert the following:

**“self-reported disability status, primary language spoken,”**

12) On page 3, Section 1, line 50, delete the word “public” and insert in lieu thereof:

**“housing subsidy”**

13) On page 3, Section 1, line 52, after the word “of” insert the following:

**“, and reason for,”**

14) On page 4, Section 2, line 5, delete **“, including without limitation:”** and insert in lieu thereof:

**“.”**

## **ENGROSSED VERSION**

The following engrossed version shows how the proposed amendments would modify Ord. Cal. No. 33,682, as originally introduced. Additions are underlined. Deletions are shown as ~~strikethroughs~~.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,** That Article 5 of Chapter 50 of the Code of the City of New Orleans is hereby established and shall read as follows:

**“Article V– Tenant Eviction Assistance Program and Right to Counsel.**

**Section 50-150 – Program and Purpose.**

There is hereby created a Tenant Eviction Assistance Program to provide legal counsel as a matter of right to residential tenants facing eviction proceedings within the City of New Orleans and to provide housing-related advocacy for tenants in New Orleans.

**Section 50-151. – Administration.**

The Tenant Eviction Assistance Program will be administered through the Office of Community Development, which shall develop regulations implementing the provisions of this Article, including participation rules.

**Section 50-152. – Eligible Proceedings.**

Eviction proceedings eligible for legal assistance pursuant to the Program shall include:

- a. any legal or administrative proceeding to evict or otherwise terminate the tenancy or housing subsidy of a ~~qualified~~ residential tenant living in New Orleans;
- b. any legal or administrative proceedings seeking injunctive relief related to illegal eviction; and
- c. an appeal of any proceeding described in this section where there exists good grounds for an appeal based on criteria established by the Program.

For purposes of Program eligibility an eviction proceeding shall be deemed to commence when a tenant receives notice of eviction, ~~or loss~~ termination of tenancy, or lease non-renewal.

**Section 50-153. – Program Providers.**

- (a) Based on the Council's express finding that the benefits arising from publicly funded eviction assistance constitutes a legitimate and valuable public purpose, the City of New Orleans may enter into one or more cooperative endeavor agreements with a person, law firm, nonprofit organization that has completed adequate training and experience requirements as determined by the City of New Orleans or other entity to implement and coordinate the Program, to support tenant advocacy, to provide community outreach, and to provide qualified tenants with legal representation in eviction proceedings. The award of a cooperative endeavor agreements pursuant to this Section shall be based upon a competitive selection process and shall comply in all respects with Chapter 70 of the Code.
- (b) The Office of Community Development shall create and maintain a publicly available list of individuals and organizations providing City-funded eviction assistance pursuant to the Program.

**Section 50-154. – Required Disclosures.**

The Office of Community Development, or any entity it enters into a CEA with to implement the Program, shall develop a brochure for distribution by landlords, housing subsidy providers, constables, and the court detailing a tenant's rights and obligations when facing eviction, including their right to counsel, as well as all available resources, including the Tenant Eviction Assistance Program. A copy of the foregoing shall be provided by the landlord when an eviction proceeding is commenced, or by the housing subsidy providers when a notice of subsidy termination is issued, and by the court when a rule for possession is served.

#### **Section 50-155. – Participation Subject to Funding.**

Participation may be the availability of funding.

#### **Section 50-156. – Performance Review and Reporting.**

The Office of Community Development shall conduct an annual performance review of the Program. This review, which shall be presented to the Council no later than September 1 of each year and made publicly available in a prominent location on the City's website, shall include at a minimum:

- a. Number of covered individuals served by the Program;
- b. Household makeup of Program participant, including age, race, gender, self-reported disability status, primary language spoken, number of household members, income, type of lease, and receipt of ~~public~~ housing subsidy assistance at the time of service;
- c. Nature of, and reason for, the legal proceeding;
- d. Extent of legal representation provided; and
- e. Case dispositions

As part of its annual performance review, the Office of Community Development shall also conduct a performance review of each organization and law firm providing assistance pursuant to the Program, which shall include the amount of funding received and the nature and volume of work performed. The Council shall hold a public hearing on the Program and the annual performance review not later than October 1 of each year.

#### **Section 50-157. – Non-compliance.**

The failure of the court or the petitioner to comply with the requirements established herein may give rise to dilatory exception of prematurity and/or an affirmative defense to eviction.”

**SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS,**  
That within 60 days of the effective date of this Ordinance, the Office of Community Development shall provide the Council, for its approval pursuant to Section 2-1000 of the Code of the City of New Orleans, with regulations implementing the details of the Tenant Eviction Assistance Program, ~~including without limitation:~~