

Right to Counsel Bill Section by Section Outline to Judiciary Committee

SECTION 1

Section 14: Key Definitions

“Covered proceeding” is a court eviction action brought under Chapter 239 or 139 or a similar proceeding.

“Designated organization” can be a not-for profit or a public entity that is contracted to provide legal or housing stability assistance.

“Eligible individual” is a party in a covered proceedings who is 200% or less of poverty or meets the current guidelines for an affidavit of indigency and is either a tenant or occupant of rental housing or an owner occupant of a 1 or 2-family which is their sole dwelling.

“Full legal representation” is representation provided by a lawyer in a designated agency to an eligible individual, which includes, but is not limited to, the filing of a notice of appearance in a covered proceeding.

Section 15: Office of Civil Justice

- (a) There shall be established an Office of Civil Justice in the Executive Office of Housing and Economic Development. The Office of Civil Justice shall implement a right to counsel and to provide recommendations on housing stability and homelessness prevention for eligible individuals to build on the work of existing organizations.
- (b) The Office of Civil Justice shall be advised by a Civil Justice Committee chaired by the Undersecretary of the Department of Housing and Community Development and includes a list of stakeholders.
- (c) The Committee shall seek input through regional hearings and develop a plan to phase in full legal representation for eligible individuals facing evictions and similar proceedings with recommendations how to provide assistance prior to court, including assistance through non-lawyers.
- (d) The Committee shall seek input through regional hearings and make recommendations how to further promote housing stability and homelessness prevention including how to inform tenants about their rights and how to resolve eviction matters prior to court.
- (e) The Committee shall establish procedures to monitor and evaluate assistance.
- (f) The Committee shall have the authority to promulgate regulations.
- (g) The Committee shall advice the coordinator on matters related to policy including recommendations on the collection of data and the need to change existing laws or court rules.

Section 16: Coordinator responsibilities

- (a) Coordinator designates organizations, based on certain criteria, to provide full legal representation to eligible individuals in covered proceedings.
- (b) Coordinator designates organizations to provide legal or housing stability assistance, consistent with recommendations from the committee about how to further promote housing stability and homelessness prevention.
- (c) Coordinator conducts yearly summits and periodic forums and training for designated organizations.
- (d) Coordinate conducts periodic review of designated organizations.
- (e) Employees of designated organizations are not state employees.

Section 17: Notification of Right to Counsel

- (a) The Supreme Judicial Court shall approve a form to notify individuals about their eligibility for a right to counsel and adopt other forms recommended by the civil justice committee as needed.
- (b) The Office of Civil Justice shall adopt other forms as needed.
- (c) If a tenant does not receive these forms, there shall be a reasonable continuation of the proceedings to allow time for preparation of the case.
- (d) The Supreme Judicial Court shall approve a written form so eligible individuals can voluntarily waive their rights under this act.

SECTION 2: The Act is effective upon passage.

SECTION 3: The Coordinator is hired within 45 days of passage.

SECTION 4: The Civil Justice Committee is appointed within 90 days of passage.

SECTION 5: Regional hearings shall be held and plan to begin full implementation of right to counsel within 280 days of the passage of the Act and the Coordinator shall be able to approve designated organizations to provide full legal representation within 360 days of the passage of the act. The plan shall be delivered to the Chairs of the Joint Committee on Housing and Joint Committee on the Judiciary and the Secretary of Housing and Economic Development.

SECTION 6: Regional hearings shall be held and a plan shall be developed to further promote housing stabilization and homelessness prevention within 600 days of the act. The plan shall be delivered to the Chairs of the Joint Committee on Housing and Joint Committee on the Judiciary and the Secretary of Housing and Economic Development.