

**ORDINANCE
(AS AMENDED)
(AS CORRECTED)
CITY OF NEW ORLEANS**

CITY HALL: April 7, 2022

CALENDAR NO. 33,682

NO. 29019 MAYOR COUNCIL SERIES

**BY: COUNCILMEMBER MORENO, MORRELL, GIARRUSSO III, HARRIS, KING,
GREEN AND THOMAS**

AN ORDINANCE to amend and ordain Article 5 of Chapter 50 of the Code of the City of New Orleans, relative to providing a right to counsel for tenants facing evictions in New Orleans City Courts; and otherwise to provide with respect thereto.

WHEREAS, evictions exacerbate the public health crisis posed by COVID-19 and contribute to myriad other negative outcomes, such as emotional trauma and academic decline for children, increased odds of delivering a baby preterm or with low birthweight, and increased chances of children experiencing food insecurity and testing positive for lead poisoning, among others; and

WHEREAS, in a non-pandemic year, over 5,000 households in New Orleans face court-ordered eviction hearings and only 6% have access to representation; and

WHEREAS, households with access to representation in eviction court are 4.5 times less likely to be evicted; and

WHEREAS, the eviction crisis disproportionately impacts African Americans, and especially households headed by African American women, who make up 57% of all households facing eviction; and

WHEREAS, the foundational American principle of equal access to justice and the courts requires that tenants be afforded legal representation where they may be at risk of losing their home; and

WHEREAS, providing a right to counsel in eviction cases is a proven means of preventing disruptive displacement of families and cost-benefit analyses have shown that every \$1 invested in right to counsel programs save jurisdictions between \$3 and \$12 in costs related to homelessness, detention, foster care, and healthcare; and

WHEREAS, a Tenant Right to Counsel policy is a best practice around the country, with programs in Louisville, Cleveland, Newark, Baltimore, Milwaukee, New York City, San Francisco, and others; and

WHEREAS, it is the policy of the City of New Orleans that tenants facing an eviction from their home shall have a right to legal representation in eviction proceedings and the City shall provide such legal representation to tenants to assist in the fair administration of justice; **NOW, THEREFORE**

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

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

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

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

9 **Section 50-151. – Administration.**

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

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

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

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

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

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

- 24 (a) Based on the Council’s express finding that the benefits arising from publicly funded eviction
25 assistance constitutes a legitimate and valuable public purpose, the City of New Orleans may
26 enter into one or more cooperative endeavor agreements with a person, law firm, nonprofit
27 organization or other entity that has completed adequate training and experience requirements
28 as determined by the City of New Orleans to implement and coordinate the Program, to support
29 tenant advocacy, to provide community outreach, and to provide qualified tenants with legal
30 representation in eviction proceedings. The award of cooperative endeavor agreements

31 pursuant to this Section shall be based upon a competitive selection process and shall comply
32 in all respects with Chapter 70 of the Code.

33 (b) The Office of Community Development shall create and maintain a publicly available list of
34 individuals and organizations providing City-funded eviction assistance pursuant to the
35 Program.

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

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

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

45 Participation may be subject to the availability of funding.

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

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

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

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

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

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

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS, That** within 60 days of the effective date of this Ordinance, the Office of Community
3 Development shall provide the Council, for its approval pursuant to Section 2-1000 of the Code of
4 the City of New Orleans, with regulations implementing the details of the Tenant Eviction Assistance
5 Program.

1 **SECTION 3. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS, That** the reporting and annual performance review required by Section 50-156 shall
3 commence in calendar year 2023.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS MAY 5, 2022

HELENA MORENO
PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON MAY 6, 2022

APPROVED:
DISAPPROVED: MAY 6, 2022

LATOYA CANTRELL
MAYOR

RETURNED BY THE MAYOR ON MAY 9, 2022 AT 1: 30 P.M

LORA W. JOHNSON
CLERK OF COUNCIL

ROLL CALL VOTE:
YEAS: GIARRUSSO, GREEN, HARRIS, KING, MORENO MORRELL, THOMAS - 7
NAYS: 0
ABSENT: 0
RECUSED: 0

THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY
Lora W. Johnson
CLERK OF COUNCIL