

George Latimer
County Executive

Department of Social Services

Kevin M. McGuire
Commissioner

77667

TO: Honorable Members of the Board of Acquisition and Contract

FROM: Kevin M. McGuire
Commissioner

DATE: June 25, 2020

SUBJECT: Authority to amend an agreement with Legal Services of the Hudson Valley (“LSHV”) pursuant to which LSHV agreed to create and implement Westchester County’s Eviction Prevention Project to provide legal representation to a cohort of at-risk low-income families with children facing eviction in Yonkers City Court, for a term commencing on January 1, 2020 and continuing through December 31, 2020, for an amount not-to-exceed \$200,000, payable monthly pursuant to an approved budget, by: 1) increasing the not-to-exceed amount thereunder by \$884,000, 2) establishing a case rate based fee schedule, effective July 1, 2020; 3) expanding the scope of services to include legal representation in the Mount Vernon City Court, the White Plains City Court, the Peekskill City Court, the Village of Ossining Justice Courts, and other Westchester eviction courts, as needed, effective July 1, 2020; and 4) enhancing the Performance Measurement reporting requirements, effective July 1, 2020.

By resolution approved on December 19, 2019, your Honorable Board authorized the County of Westchester (the “County”), acting by and through its Department of Social Services (the “Department”) to enter into an agreement (the “Agreement”) with LSHV, pursuant to which LSHV would create and implement Westchester County’s Eviction Prevention Project to provide legal representation to a cohort of at-risk low-income families with children facing eviction in Yonkers City Court, for a term commencing on January 1, 2020 and continuing through December 31, 2020, for an amount not-to-exceed \$200,000, payable monthly pursuant to an approved budget. The Agreement was subsequently executed.

Effective July 1, 2020, the parties desire to amend the Agreement in order to:

- 1) increase the not-to-exceed amount by \$884,000, from \$200,000 to \$1,084,000;
- 2) establish a case rate-based fee schedule as follows:
 - \$425 per advice/counsel and brief services cases which includes but is not limited to: intake assessment, review of documents, conducting legal research, drafting letters or making phone calls to third parties, brief negotiation, and providing legal advice.
 - \$425 per brief direct representation case which is defined as a direct representation case that takes five or fewer hours to resolve.
 - \$1,360 per direct representation case which includes but is not limited to: intake assessment, review of documents, conducting legal research, court appearances, drafting and filing motions, conducting discovery, gathering evidence, negotiations, trials, filing Orders to Show Cause, and post-judgment enforcement of orders,
- 3) expand the scope of services to include legal representation to individuals and families with children in the Mount Vernon City Court, the White Plains City Court, the Peekskill City Court, the Village of Ossining Justice Courts, and other Westchester eviction courts, as needed; and
- 4) enhance the Performance Measurement reporting as follows:

LSHV shall provide a six-month report to WCDSS that covers the period of January 1, 2020 to June 30, 2020 with the following information: the number of cases opened, the number of cases closed, the level of service provided for completed cases, the location of the completed cases, and the outcomes of the completed cases.

Effective July 1, 2020, Legal Services of Hudson Valley will be required to submit Performance Measurement Indicators (“PMI”) reports, data and/or information on statistical forms submitted in the format defined by WCDSS. Monthly performance outcomes to be reported include, and are not limited to, the following indicators:

- Total households served in the program (Year-to-date/ Monthly)
- Total cases opened (Year-to-date/ Monthly) per location and aggregate
- Total cases closed (Year-to-date/ Monthly) per location and aggregate, and reason for closing
- Level of service provided (advice/brief service; brief direct representation, direct representation) for closed cases (Year-to-date/ Monthly) per location and aggregate and type of housing (Rent stabilization/ LIHTC/ Private non-ETPA/ Public Housing/Section 8, etc.)
- Total number of households that received legal services under the program (Target: 95%)
- Total number of direct representation cases closed in which eviction was prevented or delayed and housing preserved (Target: 90%)

- Total and average amount of settlements and reductions (including rent, damages, etc.).
- Total number of cases closed in which client became homeless
- For those evicted, specific reason and average time to eviction
- Total number of cases closed in which client did not want legal services
- Total number of households receiving DSS benefits and total/average amounts
- Total number of households referred to community eviction prevention resources and services/funding provided
- Provide unique client identifiers on each case and indicate whether LSHV has provided representation to the client on an eviction proceeding in the last 12 months

The proposed Agreement will serve a public purpose by providing legal representation to low-income families in the County who are at risk of becoming homeless and entering the County's shelter system.

The goals and objectives of the proposed Agreement are to:

- provide direct representation in approximately 900 cases per year in Yonkers City Court, the Mount Vernon City Court, the White Plains City Court, the Peekskill City Court, the Village of Ossining Justice Courts, and other Westchester eviction courts, as needed;
- provide on-site screening and legal services to tenants at the Courts;
- provide all services in connection with the legal representation described above, such as conducting intake and interviews, doing legal research, drafting legal documents, conducting client-related investigations, and negotiating and settling disputes;
- make referrals to the DSS Examiner assigned; and
- collect, maintain, and report all necessary data and outcomes to evaluate the effectiveness of the Project.

Except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect upon the parties.

The goals and objectives of the Agreement will be tracked and monitored by the Department.

The procurement of this Agreement is exempt from the requirements of the Westchester County Procurement Policy pursuant to Section 3(a)(xiv) thereof, which exempts contracts with not-for-profit organizations for the purposes of providing aid, care and support to persons in need of public assistance.

Attached for your consideration is a proposed Resolution.

KMM/BG/jpg
Attachment

RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

RESOLVED, that the County of Westchester, acting by and through its Department of Social Services, is hereby authorized to amend an agreement (the "Agreement") with Legal Services of the Hudson Valley ("LSHV"), pursuant to which LSHV agreed to create and implement Westchester County's Eviction Prevention Project to provide legal representation to a cohort of at-risk low-income families with children facing eviction in Yonkers City Court, for a term commencing on January 1, 2020 and continuing through December 31, 2020, for an amount not-to-exceed \$200,000, payable monthly pursuant to an approved budget, by: 1) increasing the not-to-exceed amount by \$884,000, from \$200,000 to \$1,084,000, 2) establishing a case rate based fee schedule, effective July 1, 2020, as follows: \$425 per advice/counsel and brief services cases, \$425 per brief direct representation case, and \$1,360 per direct representation case; 3) expanding the scope of services to include legal representation in the Mount Vernon City Court, the White Plains City Court, the Peekskill City Court, the Village of Ossining Justice Courts, and other Westchester eviction courts, as needed, effective July 1, 2020; and 4) enhancing the Performance Measurement reporting requirements, effective July 1, 2020; and be it further

RESOLVED, that except as otherwise specifically amended hereby, all remaining terms and conditions of the Agreement shall remain in full force and effect upon the parties.

RESOLVED, that the County Executive or his duly authorized designee be and hereby is authorized and empowered to execute any and all documents and take any actions necessary to effectuate the purposes hereof.

Original Amount: \$ 200,000
 This Amendment: +\$ 884,000
 New Total: \$1,084,000

Account to be
 Charged/Credited

	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub- Object	Trust Account	Dollars
2020	101	22	8900	5960		\$390,000
2020	101	19	0100	4420		\$494,000

Budget Funding Year(s): 2020 Start Date: 01/01/20 End Date: 12/31/20
 (must match resolution)

		<u>5960</u>	<u>4420</u>
	Tax Dollars:	90%	100%
Funding Source	State Aid:	0%	
<u>\$884,000</u>	Federal Aid:	10%	
(must match resolution)	Other:		

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/02/2020 - LISA MARIJAJ, SECRETARY