



NEW YORK STATE SENATOR  
Brian Kavanagh

## Senate Majority Will Pass Strongest Eviction Moratorium In Nation

BRIAN KAVANAGH December 27, 2020

| ISSUE: **COVID-19 EMERGENCY EVICTION AND FORECLOSURE PREVENTION ACT , EVICTION MORATORIUM, FORECLOSURE MORATORIUM, TENANT PROTECTIONS, HOMEOWNER PROTECTIONS**

| COMMITTEE: **HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT**



(Albany, NY) The Senate Democratic Majority today announced a Special Session will take place on Monday, December 28 to pass the COVID-19 Emergency Eviction and Foreclosure Prevention Act. This legislation is the strongest bill in the nation to block eviction proceedings from going forward and will help ensure New York renters and homeowners can stay in their homes if they are facing hardships due to this pandemic. Any pending eviction proceedings, or any commenced within 30 days of the effective date of this legislation, will be stayed for at least 60 days to give tenants an opportunity to submit the hardship declaration.

This effectively implements a two-month moratorium to ensure New Yorkers in need are able to take advantage of this legislation and the protections it provides.

“The bill advanced by the Senate Majority will help ensure New York tenants, homeowners, and small landlords will not have to fear being kicked out of their homes if they’ve been impacted by this pandemic and economic crisis,” **Senate Majority Leader Andrea Stewart-Cousins** said. “I commend Senate Housing Committee Chair, Senator Brian Kavanagh for his leadership on this issue, and my Senate Majority colleagues for taking this historic action. We will continue to lead New York State forward during this crisis and provide real relief to help New Yorkers in need.”

**Senate Housing Committee Chair and Bill Sponsor, Senator Brian Kavanagh** said, “From the beginning of the COVID-19 pandemic we have understood that housing security must be an essential part of our effort to protect the health and wellbeing of all New Yorkers. By enacting this comprehensive residential eviction and foreclosure moratorium, we are delivering real protection for countless renters and homeowners who would otherwise be at risk of losing their homes, adding to the unprecedented hardship that so many are facing. I thank Leader Stewart-Cousins, Senator Myrie, Assembly sponsor Assemblymember Dinowitz, the legislative staff, all the tenant and homeowner advocates who have pushed for real relief, and the many New Yorkers who have struggled through these extraordinarily difficult times with the tenacity and resolve we will need to get beyond this crisis.”

The legislation passed by the Senate Majority, the COVID-19 Emergency Eviction and Foreclosure Prevention Act ([S.9114](#) / [A.11181](#)) will:

- **Prevent Evictions:** This bill creates a Standardized Hardship Declaration Form, which tenants can submit to their landlord or court to prevent or halt an eviction if they have a financial hardship related to, or during COVID-19 that prevents them from being able to pay their rent in full or move; or if someone in the household is at increased risk of severe illness from COVID.
  - The form allows tenants to declare financial hardship if they have lost income; have increased health, child care, or other family care expenses; have been unable to obtain meaningful employment because of circumstances relating to COVID-19; or cannot afford moving expenses.

- Once a tenant has signed this form, they may return it to their landlord or to a court to prevent a landlord from filing an eviction or suspend an eviction proceeding already underway until May 1, 2021, in addition to other protections.
- **Protect Against Foreclosure and Tax Lien Sales For Residential Property Owners:** This bill provides protections against foreclosure and tax lien sales to any residential property owner that owns ten or fewer dwelling units, including their own primary residence.
  - Property owners will be able to access foreclosure and tax lien sale protection by filing a Standardized Hardship Declaration Form with their mortgage lender, local assessor or to court, similar to that created by the eviction protection proposal. The owner will declare, under penalty of perjury, a financial hardship that prevents them from paying their mortgage or property taxes because of lost income, including reduction in rent collections; increased expenses; or the inability to obtain meaningful employment.
  - Landlords with more than ten total units are excluded from these protections.
- **Prohibit Negative Credit Reporting and Discrimination in Extending Credit:** This bill protects a property owner from credit discrimination if the owner has fallen behind on mortgage payments on the property at which they reside or because they have received a stay of mortgage foreclosure, tax foreclosure, or tax lien sales on the property.
  - Homeowners will use the same Hardship Declaration to avoid credit discrimination based on their mortgage arrears on the property at which such owner resides.
  - The legislation limits these new protections only to single home residences, co-ops, owner-occupied multifamily primary residences with one to nine rental units.
  - Additionally, the legislation will prohibit negative reporting to any credit agency of the granting or imposition of a stay on mortgage foreclosure proceedings, or tax foreclosure proceedings or tax lien sale on such property.
- **Automatically Renew Senior Citizens' Homeowner and Disabled Homeowner Exemptions:** This bill will require local governments to automatically renew the annual requirement that eligible recipients recertify their Senior Citizens' Homeowner Extension (SCHE) and Disabled Homeowner Exemption (DHE) benefits for 2021. Normally, eligible recipients need to file renewal applications, sometimes in person at the assessor's office.

- The Governor issued Executive Order (202.83) permitting local governments to automatically renew these exemptions at local option.
- This bill requires local governments to automatically renew these exemptions, and will additionally allow for exemption increases if the homeowner is entitled to one.

Throughout the COVID-19 pandemic, the Senate Democratic Majority has worked to ensure government continues to function during this unprecedented crisis. At the start of this crisis, the Senate took action to enable **remote participation** and allocated **\$40 million** to help confront the pandemic. The Senate Majority also **passed legislation** to ensure New Yorkers had access to paid leave if they were subjected to a mandatory or precautionary quarantine, and waived the 7-day waiting period for unemployment insurance applications. Following the **2020 State Budget**, the Senate Majority advanced a major **legislative package** to protect New Yorkers' rights, healthcare, and housing access, help struggling workers and **businesses**, and maintain quality of life and essential government services. Additionally, the Senate Majority has held hearings on COVID-19 and its impact on New York **residential health care facilities** and **hospitals**, **workers** and **small businesses**, **courts** and **corrections systems**, **elections**, **mass transit systems**, **veterans**, and the **cultural community**.

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