



NEW YORK STATE SENATOR

Anna M. Kaplan

Kaplan's Small Business Eviction & Foreclosure Moratorium Passes NY State Senate along with Small Business Support Package

SENATOR ANNA M. KAPLAN January 19, 2021

| ISSUE: **SMALL BUSINESS, COMMERCIAL FORECLOSURE MORATORIUM, COMMERCIAL EVICTION MORATORIUM**

| COMMITTEE: **COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS**



CARLE PLACE, NY (January 19, 2021) - State Senator Anna M. Kaplan announced the passage of [legislation](#) in the New York State Senate that will protect New York small businesses struggling due to the COVID-19 pandemic from the threat of foreclosure or eviction until May 1, 2021. The bill is part of a package of legislation passed by the Senate Majority today designed to help support New York's small businesses, many of whom are

struggling due to the Covid-19 pandemic.

Chair of the Committee on Commerce, Economic Development and Small Business, and bill sponsor Senator Anna Kaplan said, “Our small businesses have been hit hard by the pandemic, and they need our help if they’re going to survive these challenging times. [The COVID-19 Emergency Protect Our Small Businesses Act](#), which I’m proud to have introduced, will hit the pause button on eviction and foreclosure proceedings for small businesses that are struggling, giving them a shot at survival, and giving them the opportunity to get back on their feet without the looming threat of being closed down for good just because they’ve fallen behind during the pandemic. The full package of legislation being passed by the Senate Majority will be a lifeline to New York’s small business community, and I’m extremely grateful to our Majority Leader Andrea Stewart Cousins for making this issue a priority.”

“Throughout the COVID-19 pandemic, the Senate Democratic Majority has been committed to addressing the needs of struggling New York small businesses and workers,” **Senate Majority Leader Andrea Stewart-Cousins** said. “Our legislative package builds on the bills we have already advanced in recent months to help address this crisis. These efforts will help keep our storefronts and restaurants open, cut business costs, and help workers keep their jobs. I thank Senator Anna Kaplan, Chair of the Committee on Commerce, Economic Development and Small Business, and the bill sponsors for their swift work getting this needed legislation done in the second full week of the Legislative Session.”

The COVID-19 Emergency Protect Our Small Businesses Act, s.471, will:

- **Prevent Small Business Evictions:** The bill creates a commercial eviction moratorium for small businesses of 50 or fewer employees through May 1, 2021, and creates a standardized hardship declaration form to be used by tenants and landlords in order to take advantages of the protections offered by the legislation.

- **Protect Against Small Business Foreclosures:** The bill creates a moratorium on commercial foreclosures of small businesses of 50 or fewer employees that have 10 or fewer properties that they are renting.
- **Prohibit Negative Credit Reporting and Discrimination in Extending Credit:** The bill provides tax lien protections and negative credit reporting protections to small business property owners.

The additional legislation passed by the Senate Democratic Majority today includes:

- **Third-Party Restaurant Posting:** This bill, [S.1630A](#), sponsored by Senator Diane Savino, prohibits any third party food delivery platform from listing, selling or advertising products of any food service establishment without a written agreement with them.
- **Restricting Third-Party Delivery Fees:** This bill, [S.1554B](#), sponsored by Senator Brian Kavanagh, creates a maximum limit for the total fee that can be charged to a food service establishment by a third-party food delivery service (such as Grubhub, Seamless, Postmates, Doordash, etc.)
- **Increased Outreach From DOL on the Shared Work Program:** This bill, [S.18A](#), sponsored by Senator Shelley Mayer, creates a requirement for the Department of Labor to increase their efforts to provide information to employers about shared work program eligibility and have information available on the Department's website. The shared work program can help reduce layoffs and is fully funded by the federal CARES Act during the pandemic.
- **Freezing Employers Unemployment Insurance Premiums:** This bill, [S.1197](#), sponsored by Senator Roxanne Persaud, freezes New York State's unemployment insurance experience rating for one year for layoffs and closures that occurred due to COVID-19. This action will prevent significant increases in costs to employers who have experienced higher unemployment rates in 2020.

- **Partial Unemployment Insurance:** This bill, [S.1042A](#), sponsored by Senator Jessica Ramos, establishes a system of partial-unemployment. This would shift the current calculation that any day of work leads to a 25% reduction in benefits, and instead would reduce benefits by an amount proportional with the amount earned. This legislation will help incentivize part-time work by reducing the disincentive that a day of work will lead to a disproportionate reduction of benefits.

Greg Biryla, NFIB's Senior NY State Director said, "2020 has been a year of incredible uncertainty, anxiety, and economic distress for New York's small businesses, the 4 million jobs they support, and the neighborhoods they sustain. While significant and unprecedented challenges remain, it's encouraging that the Senate Majority is seeking to address these challenges at the very beginning of 2021's legislative session. Every day we wait to protect against potentially catastrophic unemployment insurance tax increases or fail to provide meaningful assistance to industries hit hardest during COVID, we will continue to lose more of the small businesses that we love and that make our communities special. NFIB looks forward to working with Senate Democrats and Small Business Committee Chairwoman Anna Kaplan to advance and promote Main Street's priorities."

###

RELATED LEGISLATION

2021-S471A

and Small Business, [Coronavirus Pandemic; COVID-19; Small Business](#)

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to eviction and foreclosure protections

December 31, 2020

Signed by Governor

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?

2021-S1630A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to third-party delivery services

January 14, 2021

Signed by Governor

Sponsored by [Diane J. Savino](#)

Do you support this bill?

2021-S1554B

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to third-party food delivery service charges

January 13, 2021

In Senate Committee [Rules](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?

2021-S18A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Requires the department of labor to provide information to employers about shared work program eligibility and benefits

December 17, 2020

Signed by Governor

Sponsored by **Shelley B. Mayer**

Do you support this bill?

2021-S1197

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Prohibits the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges

January 08, 2021

Signed by Governor

Sponsored by [Roxanne J. Persaud](#)

Do you support this bill?

2021-S1042A

- Introduced

- ○ In Committee Assembly
 - In Committee Senate
- ○ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ○ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to the calculation of weekly unemployment insurance and the repeal of certain provisions relating thereto

January 06, 2021

Signed by Governor

Sponsored by **Jessica Ramos**

Do you support this bill?