



NEW YORK STATE SENATOR

Brian Kavanagh

Sen. Kavanagh Statement on U.S. Supreme Court Invalidating Part of NY COVID-19 Emergency Eviction & Foreclosure Prevention Act

BRIAN KAVANAGH August 13, 2021

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

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



New York State Senator Brian Kavanagh, the Chair of the Senate Committee on Housing, Construction, and Community Development, and the lead Senate sponsor of the COVID-19 Emergency Eviction and Foreclosure Prevention Act, released the following statement in response to the U.S. Supreme Court's order invalidating a portion of the statute:

“It has been clear since the first days of the COVID-19 pandemic that the eviction moratorium was an essential tool not only to protect hundreds of thousands of tenants from the dangers of losing their homes during the public health crisis and being exposed to COVID-19, but to protect all New Yorkers from the spread of this illness, which would inevitably be accelerated by a massive number of judicial proceedings and the evictions that would follow.

“Throughout this crisis, my legislative colleagues and I worked to ensure that we had an eviction moratorium in place, first by urging the Governor and the courts to institute it by executive and administrative orders beginning in March 2020, and later through the COVID-19 Emergency Eviction and Foreclosure Prevention Act (CEEFPFA), which I sponsored and passed with Assemblymember Jeff Dinowitz and our colleagues in December 2020 and renewed in May 2021.

“While I respect the U.S. Supreme Court as a separate judicial entity, I am deeply disappointed in the injunction issued yesterday that invalidates eviction protections for hundreds of thousands of tenants and denies New Yorkers this still necessary public health measure. I continue to believe that CEEFPFA was a constitutional exercise of our authority and our responsibility, as Justice Stephen Breyer’s dissent phrased it, to respond to ‘a grave and unpredictable public health crisis’ and ‘guard and protect’ New Yorkers.

“With due respect for the decision issued by the Court, I will draft and attempt to enact legislation to shore up the moratorium in a manner that is consistent with the constraints the Court articulated. I am heartened that our incoming Governor Kathy Hochul has expressed support for strengthening the moratorium.

“In addition, it is important to note that we have enacted other protections against eviction that were not disturbed by yesterday’s order. The Tenant Safe Harbor Act, which prevents

residential evictions for non-payment of rent that accrued during the COVID-19 state of emergency if the tenant can demonstrate a financial hardship during the state of emergency, remains in effect. The order also does not affect the protections provided by the federal eviction moratorium imposed by the CDC, which will now be in effect throughout New York City and in most counties throughout the state.

“Most significantly, the provisions in our enactment of the COVID-19 Emergency Rental Assistance Program (CERAP) are intended not only to pay rent arrears, but also to protect tenants from being evicted—and to stay eviction cases while tenants have a pending application for rent relief under the program. Yesterday’s ruling makes it more urgent than ever that we redouble our efforts to ensure that the CERAP application process is functioning smoothly, that tenants and the courts are familiar with CERAP’s protections and prepared to implement them, and that the money that is intended to cover the rent, for the benefit of tenants as well as landlords, gets paid far more rapidly than the pace the State has achieved to date.”

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