



NEW YORK STATE SENATOR

Brian Kavanagh

## Forwarding: Governor Hochul Signs New Moratorium on COVID-related Residential and Commercial Evictions into Law, Effective Through January 15, 2022

BRIAN KAVANAGH September 2, 2021

| ISSUE: **COVID-19 EVICTION AND FORECLOSURE PREVENTION ACT, COMMERCIAL EVICTION MORATORIUM, HOUSING STABILITY AND TENANT PROTECTION, FORECLOSURE PREVENTION, HOUSING; COVID-19; EVICTIONS; HOUSING CRISIS; FORECLOSURES**

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



*Urges New Yorkers to Apply to State's Emergency Rental Assistance Program - More Than \$1.2 Billion in Funding Obligated or Disbursed through ERAP*

*New Law Expands Rental Assistance Program and Accompanying Eviction Protections to Localities That Had Previously Opted Out*

*Enacts Foreclosure Protections for Landlords and Homeowners*

*New York Now Boasts Strongest Eviction Protections in the Nation for Those Facing Hardship Due To COVID-19*

Early this morning, Governor Kathy Hochul signed into law a new moratorium on COVID-related residential and commercial evictions for New York State which is in effect until January 15, 2022. Under the new law, all protections of the Tenant Safe Harbor Act for residential tenants who are suffering financial hardship as a result of the pandemic will remain in place, along with new protections on commercial evictions.

"The pandemic has created unimaginable anxiety for families and business owners who have lost income and are struggling to pay the rent every month," **Governor Hochul said**. "To help remedy the Supreme Court's heartless decisions striking down the New York and the Biden administration's moratoriums on evictions, we are enacting a new moratorium on residential and commercial evictions and extending the protections of New York's Safe Harbor Act to January 15. These steps will alleviate the crisis facing vulnerable New Yorkers who are suffering through no fault of their own."

Governor Hochul urges New Yorkers who are struggling to pay their rent to apply for assistance through the state's Emergency Rental Assistance Program, or ERAP. Applicants to this program are automatically protected from eviction while their application is pending and will receive a year of eviction protections if they qualify for assistance. The application is available [here](#).

As of August 31, more than \$1.2 billion in funding has either been obligated or distributed through ERAP, including more than \$300 million in direct payments to more than 23,000

landlords.

**Senator Brian Kavanagh said,** "From the very beginning of the pandemic, we have been committed to ensuring that all New Yorkers — including renters and homeowners — are protected from losing their homes because of the hardships wrought by COVID-19. We've also worked hard to ensure that the financial burden on tenants and landlords is lifted, through generously funded, effective relief programs, and to protect small businesses. Today, as COVID-19 continues to be a threat to the health and wellbeing of New Yorkers throughout the state, we are taking decisive, comprehensive steps to extend and strengthen the pillars of our legislative strategy to keep all New Yorkers safe. I thank Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie and Assembly bill sponsor Jeffrey Dinowitz for their partnership in getting this critical legislation enacted."

**Assemblyman Jeffrey Dinowitz said,** "This legislation is as much health policy as it is economic policy, and we must do everything we possibly can to keep New Yorkers safe amidst a surge in the Delta variant. This law will help thousands of families keep a roof over their heads and doors open for small businesses as the state works to improve and streamline the ERAP program and we all work together on a recovery from this deadly pandemic. I thank Speaker Carl Heastie for his steadfast support of tenants and Governor Hochul for hitting the ground running on this crucial issue, as well as Majority Leader Stewart-Cousins and State Senate sponsor Brian Kavanagh for their leadership."

The new law will permit anyone who resides in a locality that opted out of the state's program to administer their own rental assistance program, to apply to the state program when local funds are exhausted. People applying directly to their local programs will now also automatically benefit from the state's more expansive eviction protections.

The law also creates a \$25 million fund to provide legal services to tenants facing eviction proceedings and to help them maintain housing stability in areas of the state where access to free legal assistance for such services is not available.

The law establishes a new \$250 million Supplemental Emergency Rental Assistance program to serve additional households and to better support landlords. Through this program, \$125 million will be made available to provide assistance to households with income that exceeds 80% of Area Median Income (AMI), and up to 120% of AMI. Additionally, \$125 million will be made available for assistance to landlords whose tenants refuse to participate or have vacated the residence with arrears.

Under New York's enacted moratorium, tenants must submit a hardship declaration, or a document explaining the source of the hardship, to prevent an eviction proceeding from moving forward. Landlords who believe that their tenant has not suffered a financial hardship will now be permitted to request a hearing in court.

Landlords can also evict tenants that are creating safety or health hazards for other tenants, intentionally damaging property, and where a tenant did not submit a hardship declaration.

The legislation places a moratorium on residential foreclosure proceedings so that homeowners and small landlords who own 10 or fewer residential dwellings can file hardship declarations with their mortgage lender, other foreclosing party, or a court that would prevent a foreclosure.

The legislation's moratorium on commercial evictions and commercial foreclosure proceedings apply to small businesses with 100 or fewer employees that demonstrate a financial hardship. Tenants must submit a hardship declaration, or a document explaining the source of the hardship, to prevent evictions.

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