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SENATOR
BRAD HOYLMAN
27TH SENATORIAL DISTRICT
STATE OF NEW YORK

DISTRICT OFFICE:
322 EIGHTH AVENUE, SUITE 1700
NEW YORK, NEW YORK 10001
PHONE: (212) 633-8052
FAX: (212) 633-8096

ALBANY OFFICE:
ROOM 310
LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
PHONE: (518) 455-2451
FAX (518) 426-6846

e-mail:
hoylman@nysenate.gov

website:
hoylman.nysenate.gov

April 15, 2020

The Honorable Andrew M. Cuomo
New York State Governor
The Capitol
Albany, NY 12224

Dear Governor Cuomo:

We write to urge you to use the power conferred upon you by the Legislature in Ch. 23 of the Laws of 2020 to issue a directive by Executive Order to help ensure that the emergency Economic Impact Payments provided to individuals by the federal CARES Act are not subject to garnishment by creditors or debt collectors.

At a time when unemployment claims are experiencing an unprecedented surge in New York, and residents across the state are increasingly concerned about how they will pay their rents or mortgages next month, the Economic Impact Payments provided by the CARES Act are literal lifelines. This is money that should be used to keep individuals and families safely sheltered and fed – not immediately seized by creditors.

Our understanding is that the CARES Act gave the U.S. Department of the Treasury the authority to issue “regulations or other guidance” that would allow the agency to designate the Economic Impact Payments as exempt from garnishment, and there’s an active effort among state Attorneys General, led by Attorney General James, to urge the Treasury Department to invoke that authority. Throughout this crisis, however, we’ve seen countless examples of why we cannot rely on the Trump Administration to act in the best interest of New Yorkers, which is why we are looking to the State to take swift action.

We respectfully request that the State take all measures possible to protect these Economic Impact Payments from garnishment, including but not limited to classifying the payments as personal property exempt from application to the satisfaction of money judgments under Section 5205 of the Civil Practice Law and Rules.

Thank you for your consideration of our request, and for your steadfast leadership as New York State weathers this crisis.

Sincerely,

Sen. Brad Hoylman
Sen. Jamaal Bailey
Sen. Leroy Comrie
Sen. Tim Kennedy
Sen. Shelley Mayer
Sen. Roxanne Persaud
Sen. James Sanders
Sen. Kevin Thomas

Sen. Alessandra Biaggi
Sen. Andrew Gounardes
Sen. Liz Krueger
Sen. Jen Metzger
Sen. Gustavo Rivera
Sen. James Skoufis

Sen. David Carlucci
Sen. Todd Kaminsky
Sen. Rachel May
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Sen. Julia Salazar
Sen. Toby Ann Stavisky