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December 16, 2021

The Honorable Kathy Hochul
Governor of New York State
NYS Capitol Building
Albany, NY 12224

Dear Governor Hochul:

I write advocating on behalf of mom-and-pop landlords who continue suffering economic fallout and disastrous unintended consequences from federal and state eviction moratorium policies, coupled with Albany's inability to distribute funding from the Emergency Rental Assistance Program (ERAP) in a timely, equitable fashion, and a massive case backlog that has denied many mom-and-pop landlords their rightful day in court.

After months of embarrassing delays, a misfiring online sign-up portal, a confusing, cumbersome, and clumsy application process, and sheer administrative incompetence under your predecessor, ERAP funding has finally begun flowing. This is a welcome, long-overdue development. However, the reality is that many mom-and-pop landlords are still awaiting relief and most have still not been made whole, as ERAP merely provides for up to 15 months (in some circumstances) of back payments. Many mom-and-pop landlords were denied nearly two years of back rent, thus the provision of just 15 months of relief isn't nearly enough. Sadly, mom-and-pop landlords have largely been ignored by Albany, even as their financial circumstances went from bad to worse, and face the threat of financial ruin after ERAP failed to deliver promised relief in a timely and efficient manner.

I have been contacted by numerous mom-and-pop landlords from all four counties of my 43rd Senate District. My constituents have shared similar stories of significant, serious hardships they have endured largely because of the eviction moratorium and ERAP's deficiencies. Most recently, I received a letter, mailed to my home, from Thomas Kurien and Leelamma Thomas of Hicksville, NY. While Mr. Kurien and Ms. Thomas reside on Long Island and are not my constituents, they wrote me nonetheless because they desperately need help regarding a tenant who, despite running a business, refuses to pay them a year's worth of past due rent or vacate their premises. Mr. Kurien lost his job and solely depends on income generated from their rental property.

Both Mr. Kurien and Ms. Thomas were aware of my advocacy on behalf of mom-and-pop landlords evidenced by my speaking three times on the Senate Floor against the eviction moratorium, my letter to ex-Governor Cuomo in June, and my subsequent press conference, identifying the state's misfiring, mismanaged ERAP initiative and suggesting common sense remedies. The aforementioned letter is enclosed and I urge you to read their correspondence and see the devastation Albany's misguided policies have foisted upon mom-and-pop landlords like Mr. Kurien and Ms. Thomas.

Governor, I urge you to embrace the following practical action items to help address the chronic problems and unintended consequences caused by ERAP and Albany's continued prioritization of tenants over mom-and-pop landlords. These action items should be included in your forthcoming 2022-23 Executive Budget Proposal where applicable.

1. Ensure that qualifying ERAP applications previously submitted by mom-and-pop landlords receive a timely review and, where applicable, make certain that ALL eligible claims are fully funded. As necessary, draw funding from existing programs like the \$27 million DREAM Act (which provides free college to the children of illegal immigrants) or withhold future funding for the Excluded Workers Fund, which was funded at \$2.1 billion in 2021 and provided a one-time payment of up to \$15,600 to individuals, including illegal immigrants.

2. Take all necessary steps to include the necessary eight to ten months of missing funds for mom-and-pop landlords who, at present, are only eligible for 15 months, maximum, of relief via ERAP. This shortfall of several months is financially damaging to mom-and-pop landlords who must be made whole.

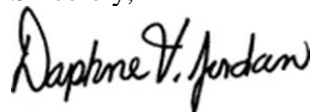
3. Do NOT re-extend the eviction moratorium that has wrought devastating consequences for mom-and-pop landlords. On September 2, 2021, you signed a new moratorium on COVID-related residential and commercial evictions into law and it will remain in effect until January 15, 2022. Under the new law, all protections of the Tenant Safe Harbor Act for residential tenants who are suffering financial hardship as a result of the pandemic remained in place, along with new protections on commercial evictions. The extension of this disastrous moratorium has caused unprecedented havoc and hardships on the fiscal stability and financial well-being of countless mom-and-pop landlords. Current circumstances do not warrant another extension of the eviction moratorium.

4. Perform a full forensic audit of the State Office of Temporary and Disability Assistance's (OTDA) mismanagement of ERAP, and publicly release the audit's findings. Such a forensic audit can help determine the root causes of OTDA's inability to effectively manage and administer ERAP. OTDA was, at one point, reportedly sitting on billions in backlogged relief that our mom-and-pop landlords truly needed. We cannot allow such administrative incompetence to reoccur and there must be accountability.

5. Provide all necessary and permissible executive branch support to the judiciary in resolving the staggering backlog of civil cases statewide, many of which were advanced by mom-and-pop landlords rightfully seeking legal relief due to a tenant who was abusing the eviction moratorium, refusing to vacate their premises, or pay months of back rent. COVID closures significantly impacted the judicial branch and delayed the proper, timely administration of justice. One of my constituent mom-and-pop landlords had his civil court date rescheduled three times over a year. This cannot continue – justice delayed is justice denied. The backlog of cases must be cleared in an expedited manner that ensures the fair, impartial administration of justice for mom-and-pop landlords and all New Yorkers.

Governor, I am proud to serve as the leading voice advocating for the needs of mom-and-pop landlords forgotten by Albany. I urge you to join me in recognizing and addressing the growing plight of our struggling mom-and-pop landlords who are small businesses and so vital to our economy, the provision of affordable housing, and our quality of life.

Sincerely,



Daphne Jordan
State Senator, 43rd District

Enclosure: Correspondence from Thomas Kurien and Leelamma Thomas of Hicksville, NY