



NEW YORK STATE SENATOR

Anna M. Kaplan

New Yorkers Get Relief and Protection with New Federal Funding and State Eviction/Foreclosure Moratorium

SENATOR ANNA M. KAPLAN December 28, 2020

| ISSUE: **COVID RENT RELIEF PROGRAM, CORONAVIRUS PANDEMIC, EVICTION MORATORIUM, FORECLOSURE MORATORIUM**



CARLE PLACE, NY (December 28, 2020) - State Senator Anna M. Kaplan announced the passage of legislation in the New York State Senate that will offer protections for New Yorkers struggling due to the COVID-19 pandemic, and new federal funding that will provide rental assistance to landlords on behalf of struggling tenants with COVID related hardships.

“Too many Long Island families and small landlords alike have faced significant financial hardship due to the COVID19 pandemic, and as we continue to battle the coronavirus in our communities, now is not the time to kick people out of their homes or cause them further undue hardship,” said **Senator Anna M. Kaplan**. “The COVID19 Emergency Eviction and Foreclosure Prevention Act, working in tandem with a newly expanded rental voucher program funded in the latest round of federal relief funding, will provide lifesaving protections to keep New Yorkers in their homes, and ensure that landlords can continue to meet their obligations.”

The legislation passed by the Senate Majority, the COVID-19 Emergency Eviction and Foreclosure Prevention Act (S.9114 / A.11181) will:

- **Prevent Evictions:** This bill creates a Standardized Hardship Declaration Form, which tenants can submit to their landlord or court to prevent or halt an eviction if they have a financial hardship related to, or during COVID-19 that prevents them from being able to pay their rent in full or move; or if someone in the household is at increased risk of severe illness from COVID.
 - The form allows tenants to declare financial hardship if they have lost income; have increased health, child care, or other family care expenses; have been unable to obtain meaningful employment because of circumstances relating to COVID-19; or cannot afford moving expenses.
 - Once a tenant has signed this form, they may return it to their landlord or to a court to prevent a landlord from filing an eviction or suspend an eviction proceeding already underway until May 1, 2021, in addition to other protections.
- **Protect Against Foreclosure and Tax Lien Sales For Residential Property Owners:** This bill provides protections against foreclosure and tax lien sales to any residential property

owner that owns ten or fewer dwelling units, including their own primary residence.

- Property owners will be able to access foreclosure and tax lien sale protection by filing a Standardized Hardship Declaration Form with their mortgage lender, local assessor or to court, similar to that created by the eviction protection proposal. The owner will declare, under penalty of perjury, a financial hardship that prevents them from paying their mortgage or property taxes because of lost income, including reduction in rent collections; increased expenses; or the inability to obtain meaningful employment.
- Landlords with more than ten total units are excluded from these protections.
- **Prohibit Negative Credit Reporting and Discrimination in Extending Credit:** This bill protects a property owner from credit discrimination if the owner has fallen behind on mortgage payments on the property at which they reside or because they have received a stay of mortgage foreclosure, tax foreclosure, or tax lien sales on the property.
 - Homeowners will use the same Hardship Declaration to avoid credit discrimination based on their mortgage arrears on the property at which such owner resides.
 - The legislation limits these new protections only to single home residences, co-ops, owner-occupied multifamily primary residences with one to nine rental units.
 - Additionally, the legislation will prohibit negative reporting to any credit agency of the granting or imposition of a stay on mortgage foreclosure proceedings, or tax foreclosure proceedings or tax lien sale on such property.
- **Automatically Renew Senior Citizens' Homeowner and Disabled Homeowner Exemptions:** This bill will require local governments to automatically renew the annual requirement that eligible recipients recertify their Senior Citizens' Homeowner Exemption (SCHE) and Disabled Homeowner Exemption (DHE) benefits for 2021. Normally, eligible recipients

need to file renewal applications, sometimes in person at the assessor's office.

- The Governor issued Executive Order (202.83) permitting local governments to automatically renew these exemptions at local option.
- This bill requires local governments to automatically renew these exemptions, and will additionally allow for exemption increases if the homeowner is entitled to one.

Senator Anna M. Kaplan continued “Vulnerable senior citizens and New Yorkers with disabilities deserve to keep their property tax exemptions without venturing out during a pandemic just to fill out paperwork, and I’m proud to support this legislation ensuring that their exemptions will get extended in the coming year automatically.”

New federal COVID19 relief legislation passed by the federal government last week and signed into law by the president last night will provide millions more in rental voucher support for New Yorkers as part of an upcoming rent assistance program. New Yorkers who need assistance now can learn more about the state's existing Rental Relief Program, which was recently extended and expanded by Governor Cuomo, by visiting hcr.ny.gov/RRP. Senator Kaplan is urging all renters experiencing hardship to visit the NYS HCR website to learn more about the program and apply before the February 1, 2021 deadline.

Senator Anna M. Kaplan concluded “Federal rent relief and the legislation passed in the state legislature today are critical to protecting New Yorkers and keeping them in their homes during these unprecedented times. I applaud US Senator Charles Schumer for fighting tirelessly for New York to get its fair share of rent relief in the latest round of stimulus, I applaud State Senator Brian Kavanagh for his leadership on housing protections for New Yorkers, and I’m grateful for Majority Leader Andrea Stewart-Cousins’ leadership in convening a special session today to take action for our community.”

###