



NEW YORK STATE SENATOR

Brian Kavanagh

## Kavanagh, Hoylman & Senate Colleagues Urge Courts to Suspend All Eviction Proceedings During COVID-19 Emergency

BRIAN KAVANAGH March 12, 2020

| ISSUE: **EVICTION PREVENTION, HOUSING, TENANT RIGHTS**

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



On March 12, Senator Kavanagh, along with 23 of his Senate colleagues, urged the courts to institute a moratorium on evictions immediately, to prevent displacement and ensure that New Yorkers won't have to choose between protecting their health and defending their homes during the COVID-19 emergency. The text of the Senators' letter is below; the original may be viewed via the link above.

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March 12, 2020

Via Email and U.S. Mail

Hon. Janet DiFiore, Chief Judge  
New York State Court of Appeals  
20 Eagle Street  
Albany, New York 12224

Dear Chief Judge DiFiore:

We write to request that the New York State Courts institute an immediate moratorium on evictions in New York State, by staying all eviction proceedings before the courts, staying all outstanding warrants of eviction, and ordering all State and local marshals cease executing warrants of eviction.

The current health crisis presents a risk to all New Yorkers, and Governor Cuomo has declared a state of emergency. The threat COVID-19 poses to people's health is very serious, especially for certain people who are vulnerable because of pre-existing health conditions. In all aspects of our daily lives, government, businesses, and individual New Yorkers are taking big steps to curtail activities that might increase the spread of the infection, with the goal of minimizing the danger of rapid, widespread illness that could stretch the capacity of our healthcare systems to respond. The State Department of Health has directed individuals experiencing symptoms to self-quarantine; the Governor has announced statewide restrictions on public gatherings; and government officials have urged people to limit nonessential commuting.

Permitting evictions to continue will unnecessarily and unreasonably increase health risks from COVID-19 for New Yorkers. Many individuals and families who are evicted from their

homes will be forced to live in public spaces, in shelters, or in other temporary and often precarious circumstances--limiting their ability to self-quarantine and increasing their exposure to others. In addition, the thousands of people scheduled to appear in eviction-related proceedings each day will be forced to make the choice between risking exposing themselves or others to COVID-19, on the one hand, or giving up their legal rights and facing eviction from their homes, on the other.

We understand that there is some precedent for the court suspending evictions in response to a public emergency, after both 9/11 and Superstorm Sandy. In any case, we believe that the current public health emergency warrants immediate action. No New Yorker should have to choose between their health and their home.

If you would like to discuss this request, please feel free to contact any of us directly or via Senator Kavanagh's office at [212-298-5565](tel:212-298-5565). Given the urgent public health issues New Yorkers are facing, we respectfully ask for a prompt response.

Sincerely,

Senator Brian Kavanagh

Senator Brad Hoylman

Senator Alessandra Biaggi

Senator Jamaal Bailey

Senator John Brooks

Senator James F. Gaughran

Senator Michael Gianaris

Senator Robert Jackson

Senator Todd Kaminsky

Senator Anna Kaplan

Senator Liz Krueger

Senator John Liu

Senator Zellnor Myrie

Senator Kevin Parker

Senator Roxanne Persaud

Senator Jessica Ramos

Senator Gustavo Rivera

Senator Julia Salazar

Senator Toby Ann Stavisky

Senator Luis R. Sepúlveda

Senator Kevin Thomas

Senator Leroy Comrie

Senator Rachel May

Senator Shelley Mayer