



NEW YORK STATE SENATOR

Brian Kavanagh

Letter: Kavanagh, Colleagues Urge Governor to Extend the Current Blanket Eviction Moratorium

BRIAN KAVANAGH June 18, 2020

| ISSUE: **EVICTION MORATORIUM, EVICTION PREVENTION, HOUSING, HOUSING COURT, COVID-19**

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

Senate and Assembly seals

On June 17, 2020, Senator Kavanagh and 55 of his colleagues from the Senate and Assembly urged the Governor to extend the eviction moratorium that is scheduled to end on June 20th, to protect New York tenants for the duration of the COVID-19 crisis. The text of the legislators' letter is below; the original may be viewed via the link above.

June 17, 2020

The Honorable Governor Andrew M. Cuomo

Governor of New York State

NYS Capitol Building

Albany, New York 12224

Dear Governor Cuomo:

We are writing to express our deep concern about Executive Order 202.28 issued on Friday, May 7, 2020 related to the eviction moratorium and to urge you to issue a new order,

protecting all tenants for the duration of the health and economic crisis.

We commend the eviction moratorium you issued in March. It protected tenants from eviction and relieved the physical danger of contracting or spreading the virus that families would face if they were forced into a crowded courthouse or displaced from their home. As you said in a recent address, the eviction moratorium relieves the fear and anxiety tenants have when confronting eviction and displacement. Given the depth of the crisis, we are extremely concerned about mass evictions and displacement after June 20. Right now, New Yorkers should not have to worry about their most basic needs, like housing. All of their focus should be on the health and safety of their loved ones.

Unfortunately, this most recent order undoes that--because of its limited nature and the onus it will place on tens of thousands of tenants who will be sued in court for nonpayment and will be required to prove their need in order to be protected. For other tenants, who are sued in holdover cases, the order entirely fails to protect them. It therefore puts all tenants at risk of eviction and increases their risk of contracting the deadly COVID-19 first from overcrowded courts and ultimately, for many, from shelters and homelessness. Given the unimaginable and unprecedented loss we've already faced as New Yorkers, we urge you to issue an order protecting ALL tenants, extending a universal eviction moratorium for the duration of the crisis.

The Executive Order Fails to Protect Tenants:

- The order only stops landlords from filing cases and evicting tenants for non-payment of rent from June 20th to August 20th, *if* the tenant can prove they are getting unemployment insurance or are facing financial hardship due to COVID-19. It puts the onus on tenants to prove they are entitled to not be sued or evicted. This means large numbers of tenants will still be sued in non-payment eviction cases and they will have to

face intrusive inquiries into all their personal financial information, just to get dismissal of an eviction case that should never have been brought in the first place. This is particularly traumatic for those who recently lost loved ones due to COVID-19 who were the primary breadwinner for their household and who will now be forced to prove the deceased's financial contributions in housing court.

- Nearly 3,000 households who have currently suspended eviction warrants are at risk of being evicted come June 20th, because they won't know how to stop the eviction, even if they do qualify for the moratorium.
- The new order does not protect tenants who are sick with COVID-19, who have lost loved ones to COVID-19, or those who have been impacted by COVID-19 in any other non-financial way. All of these tenants can be sued by their landlords and evicted.
- It does not stop marshals and sheriffs from evicting tenants who faced holdover cases. This means many tenants can be evicted as of June 20th, if they have a pending eviction warrant that was issued in a holdover case.
- It does not stop landlords from filing new holdover eviction cases against tenants after June 20th. So landlords who want to evict tenants for anything that isn't about non-payment of rent, will still be able to do that. This will undoubtedly lead to a rise in new holdover eviction cases. The majority of New York State tenants live in unregulated units and their landlords can simply decide not to renew their leases. These tenants—who are protected under the original executive order if their landlord files a nonpayment action—will be left completely without protection.

By opening the door to all these new eviction cases and evictions, the new Executive Order will quickly take us back to overcrowded housing courts and families facing homelessness - both of which are guaranteed to endanger individual and public health.

In addition, we are deeply concerned about the court's move to reopen Housing Courts. We urge you to make good on your promise to protect New Yorkers: put an immediate pause on all non-emergency housing legal proceedings, and direct New York Civil Courts to immediately stop “virtually” processing any eviction cases.

As New Yorkers struggle to put food on the table, mourn the loss of loved ones, and find ways to make it out to work every day in the middle of a pandemic, we hope the last thing they will have to worry about is losing their home. Court efficiency and business as usual in a pandemic are not the priority.

We urge you to issue an eviction moratorium that protects all New York tenants for the duration of the crisis and to order the court system to fully and functionally close for all eviction proceedings. Specifically, we ask that Executive Order 202.28 be modified to extend the current blanket eviction moratorium until the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 apply in the county the rental property is located.

Given the urgent public health issues New Yorkers are facing, and the expiration of the current moratorium on June 20, we respectfully ask for a prompt response.

Sincerely,

Senator Brian Kavanagh

Assemblymember Linda B. Rosenthal

Assemblymember Steven Cymbrowitz

Senator Gustavo Rivera

Senator Brad Hoylman

Senator Jamaal Bailey

Senator Leroy Comrie

Assemblymember Harvey Epstein

Assemblymember Carmen De La Rosa

Assemblymember Diana Richardson

Senator Michael Gianaris

Senator Andrew Gounardes

Senator Robert Jackson

Senator Liz Krueger

Senator John Liu

Senator Rachel May

Senator Shelley Mayer

Assemblymember Michael Blake

Assemblymember Al Taylor

Assemblymember Walter Mosley

Assemblymember Brian Barnwell

Assemblymember Jeffrion Aubry

Assemblymember Charles Barron

Assemblymember Rodneyse Bichotte

Senator Luis Sepúlveda

Senator Velmanette Montgomery

Senator Zellnor Myrie

Senator Kevin Parker

Senator Jessica Ramos

Senator Julia Salazar

Senator José Serrano

Assemblymember Robert Carroll

Assemblymember Catalina Cruz
Assemblymember Anthony D'Urso
Assemblymember Jeffrey Dinowitz
Assemblymember Nathalia Fernandez
Assemblymember Mathylde Frontus
Assemblymember Deborah Glick
Senator Toby Ann Stavisky
Assemblymember Andrew Hevesi
Assemblymember Latoya Joyner
Assemblymember Richard Gottfried
Assemblymember Ellen Jaffee
Assemblymember Ron Kim
Assemblymember Joseph Lentol
Assemblymember Yuh-Line Niou
Assemblymember N. Nick Perry
Assemblymember Dan Quart
Assemblymember Daniel Rosenthal
Assemblymember Barbara Lifton
Assemblymember Félix Ortiz
Assemblymember Victor Pichardo
Assemblymember Karines Reyes
Assemblymember Rebecca Seawright
Assemblymember Jo Anne Simon
Assemblymember Aravella Simotas