



NEW YORK STATE SENATOR

Anna M. Kaplan

Senate Majority To Pass Legislation Extending Protections For Tenants, Small Landlords, Homeowners and Small Businesses

ANNA M. KAPLAN May 3, 2021

| ISSUE: **COMMERCIAL EVICTION MORATORIUM, EVICTION MORATORIUM, FORECLOSURE MORATORIUM, COMMERCIAL FORECLOSURE MORATORIUM, CORONAVIRUS PANDEMIC; COVID-19; SMALL BUSINESS**



(Albany, NY) Today, the Senate Democratic Majority will advance [legislation](#) to extend the state's eviction and foreclosure moratorium, as well as the [Protect Our Small Business Act](#) until August 31 2021, building on the Senate Majority's continued work in helping New York renters and homeowners stay in their homes if they are facing hardships due to the pandemic.

This legislation will also provide support for struggling small businesses facing eviction and foreclosure, relieving the burden of fear and uncertainty that COVID-19 has brought New York's families and small businesses.

"This new extension will continue to ensure that New York tenants, homeowners, business owners, and small landlords will not have to fear losing their homes or businesses," **Senate Majority Leader Andrea Stewart-Cousins** said. "This pandemic has been devastating on so many levels and this legislation will help give our residents and businesses time to get back on their feet. The Senate Majority, under my leadership, has made it clear that we are committed to placing New York on a strong path to recovery. I commend Senate Housing Committee Chair, Senator Brian Kavanagh, and Senator Anna Kaplan, Chair of the Committee on Commerce, Economic Development and Small Business, for their advocacy on this issue."

Senate Housing Committee Chair and Bill Sponsor, Senator Brian Kavanagh, said, "The COVID-19 numbers in New York continue to be stubbornly high throughout the state and we need public health measures like the eviction and foreclosure moratorium to keep New Yorkers safe, and ultimately to get past this terrible pandemic as soon as possible. The Centers for Disease Control have specifically found that permitting evictions increases the spread of COVID-19 and that moratorium laws like New York's work to prevent transmission. Ensuring that everyone has access to a stable, safe place to live is always a priority, but it's never been more important than it is now. We also urgently need the State to get the relief programs we've enacted for tenants and landlords, homeowners, and small businesses up and running as soon as possible, so people can get the financial assistance they need. I thank Assemblymember Jeff Dinowitz who sponsors this bill in the Assembly, Senators Anna Kaplan and Zellnor Myrie who have championed the cause of enacting these moratorium laws, and Senate Majority Leader Stewart-Cousins and Speaker Carl Heastie for their

leadership in getting this critical public health legislation passed.”

Senate Commerce, Economic Development and Small Business Chair and Bill Sponsor, Senator Anna M. Kaplan, said, “With billions of dollars in COVID relief funding on the way to help struggling renters and small businesses, now is not the time to start eviction and foreclosure proceedings on the very individuals and small businesses who these programs are intended to help. We need to give renters and small businesses a chance to access these programs and get on their feet again, so that no one is forced to lose their home or small business just because of pandemic related hardship. By extending the moratorium on commercial and residential evictions until relief programs are up and running, we’ll be able to stabilize our economy and provide thousands of New Yorkers with desperately needed peace of mind. I’m grateful for Majority Leader Andrea Stewart-Cousins’ leadership to ensure that we are putting New York on a strong path to recovery, and for the partnership of Senate Housing Committee Chair, Senator Brian Kavanagh, on this issue.”

The legislation advanced by the Senate Majority, [S.6362-A](#), sponsored by Senator Brian Kavanagh extends the [COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020](#) and the [COVID-19 Emergency Protect Our Small Businesses Act of 2021](#) which will:

- **Prevent Evictions:** The Eviction and Foreclosure Prevention Act created a Standardized Hardship Declaration Form, which tenants can submit in court or to their landlords to prevent or halt an eviction if they experience financial hardship due to the COVID-19 pandemic 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. Landlords are required to serve a copy of the Hardship Declaration on the tenant in the tenant’s primary language along with any other type of notice required by lease, agreement, or law, prior to initiating an eviction proceeding.

- **Protect Against Foreclosure and Tax Lien Sales For Residential Property Owners:** The Eviction and Foreclosure Prevention Act 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. The same general procedures and protections provided to tenants apply to homeowners, and protect homeowners with a financial hardship from foreclosure and tax lien sales until August 31, 2021.
- **Prohibit Negative Credit Reporting and Discrimination in Extending Credit:** The Eviction and Foreclosure Prevention Act 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.
- **Enacts an extension on the COVID-19 Emergency Protect Our Small Business Act** to protect small businesses with COVID-19 related financial hardships from eviction and foreclosure until August 31 2021.

The Senate Majority will also advance [S.5742](#), sponsored by Senator Anna Kaplan, which:

- **Expands protections in the COVID-19 Emergency Protect Our Small Businesses Act of 2021** to include businesses with up to 100 employees, or up to 500 employees if the business was shut down by state order for two or more weeks between May 15, 2020, and May 1, 2021.

The Senate Majority just passed a budget that invests \$2.4 billion in the COVID-19 Emergency Rental Assistance Program which provides that, regardless of immigration status, eligible individuals or families can receive up to 12 months of rental and utility

arrears assistance, three prospective months of rent, and a year of eviction protection. Households above 80% of AMI, and landlords whose tenants moved out with arrears accruing after March 12, 2020 or whose tenants are uncooperative in applying for rental assistance may also be eligible for assistance through allocated state funds. The Senate Majority has also passed the most historic [tenant protection legislation](#) in our state's history and has repeatedly stepped up to support renters throughout the challenges of the COVID-19.

RELATED LEGISLATION

2021-S6362A

- Introduced

- - In Committee Assembly
 - In Committee Senate

- - On Floor Calendar Assembly
 - On Floor Calendar Senate

- - Passed Assembly
 - Passed Senate

- Delivered to Governor

- Signed By Governor

- Extends the "COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020" and the "COVID-19 Emergency Protect Our Small Businesses Act of 2021" until August 31, 2021

April 23, 2021

Signed by Governor

Sponsored by [Brian Kavanagh](#)

Do you support this bill?

2021-S5742

Small Business, Coronavirus Pandemic; COVID-19; Small Business, Coronavirus Pandemic; Small Business

-
- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
 - ◦ Passed Assembly
 - Passed Senate
 - Delivered to Governor
-

- Signed By Governor

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Provides for certain commercial small businesses to be eligible for relief under the "COVID-19 Emergency Protect Our Small Businesses Act of 2021"

March 17, 2021

Senate Floor Calendar

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?