



NEW YORK STATE SENATOR

Luis R. Sepúlveda

Senator Sepúlveda and the Senate Majority Legislation to Protect Tenants, Small Landlords, Homeowners, and Small Businesses

LUIS R. SEPÚLVEDA May 3, 2021

| ISSUE: **PROTECT TENANTS, SMALL LANDLORDS, HOMEOWNERS, SMALL BUSINESS**

Albany, NY—Senator Luis Sepúlveda and the Senate Democratic Majority advanced [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 conference’s continued work to ensure New York renters and homeowners can stay in their homes if they are facing hardships due to the pandemic.

This legislation provides support for struggling small businesses facing eviction and foreclosure. Relieving the burden of fear and uncertainty that the COVID-19 has brought New York’s families and small businesses.

“I am proud to support legislation that will provide millions of New Yorkers with greater peace of mind and protection from eviction,” said **Senator Sepúlveda**. “The moratorium extension will also protect small business owners and landlords who have also experienced hardships during the pandemic. Foreclosure and eviction are a matter of health and safety and no New Yorker should lose their home or property as a result of factors out of their control.”

The legislation advanced by the Senate Majority, [S.6362](#), 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 the 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 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.