



NEW YORK STATE SENATOR

Brian Kavanagh

Senate Democratic Majority To Pass Eviction and Foreclosure Moratorium Extension During Extraordinary Session

BRIAN KAVANAGH September 1, 2021

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(Albany, NY) In the aftermath of the Supreme Court's decision to vacate President Biden's eviction moratorium, just weeks after ruling against a key provision of New York's eviction moratorium, the urgency of effective housing relief has never been greater. After serious delays in the previous administration's rollout of the COVID-19 Emergency Rental Assistance Program (CERAP), an extension of the state's eviction moratorium is the only way to ensure that New Yorkers are not left on the streets in the midst of a global pandemic. In addition to extending the residential eviction moratorium, the legislation passed today will extend the Tenant Safe Harbor Act, the residential foreclosure moratorium, the eviction and foreclosure moratorium for small businesses, expand CERAP, and extend virtual meetings for state and local government.

"In light of the Supreme Court's ruling to strike down the federal eviction moratorium, the Senate Majority is taking action to adjust and extend the state's eviction moratorium to ensure that thousands of New Yorkers are protected from losing their homes and at the same time helping small landlords," **Senate Majority Leader Andrea Stewart-Cousins said.** "The Senate Democratic Majority will continue to fight to keep people in their homes and ensure that every individual who qualifies for these protections receives them. New York State's government must work effectively to address the needs of New Yorkers. I thank Governor Hochul and Speaker Heastie for their partnership and decisive leadership in addressing this critical issue, and I look forward to our continued collaboration on the issues New Yorkers most care about."

Senator Brian Kavanagh, the Bill Sponsor and Chair of the Committee on Housing, Construction and Community Development, said, "From the very beginning of the pandemic, we have been committed to ensuring that all New Yorkers -- including renters and homeowners -- are protected from losing their homes because of the hardships wrought by COVID-19. We've also worked hard to ensure that the financial burden on tenants and landlords is lifted, through generously funded, effective relief programs, and to protect small businesses. Today,

as COVID-19 continues to be a threat to the health and wellbeing of New Yorkers throughout the state, we are taking decisive, comprehensive steps to extend and strengthen the pillars of our legislative strategy to keep all New Yorkers safe.”

Those who apply for CERAP are automatically protected while their application is still pending. Tenants whose CERAP application is approved, receive various protections including 12 months of eviction protection. The Democratic Majority strongly encourages any New Yorker at risk of being evicted to submit a claim -- it is the most effective way to protect yourself and your loved ones at this time -- and the senators stand ready to guide constituents through the process, and will be pushing applications throughout their districts. Additionally, Governor Hochul will be sending increased community liaisons to neighborhoods, who will be able and willing to assist residents with their applications. To get started on your claim, please visit: <https://otda.ny.gov/programs/emergency-rental-assistance/>

The legislation, [S50001](#) and [S50002](#), being passed by the Senate Majority will:

- Extend the residential and commercial eviction and foreclosure moratoria to January 15, 2022.
- Allow residents of localities that opted out of the statewide program to apply for financial assistance through the State program if their locality has exhausted all of its funds.
- Expand the eviction protections in the COVID-19 Emergency Rental Assistance Program (CERAP) to residents of localities that have applied for assistance through a program administered by a locality that opted out of the statewide program.
- Add a nuisance standard to CERAP’s eviction protections to provide landlords with a basis to start an eviction proceeding against a covered tenant if a tenant is a nuisance or has inflicted substantial damage to a property.

- Create a due process mechanism for landlords to challenge the Hardship Declaration submitted by residential and commercial tenants and for banks and mortgage holders to challenge the Declaration submitted by property owners to avoid foreclosure, and direct judges to require residential tenants to apply for CERAP if their hardship claim is valid.
- Authorize the Office of Court Administration (OCA) to access limited CERAP application information in order to allow the court to determine whether to stay an eviction proceeding.
- Extend the period covered by the Tenant Safe Harbor Act to January 15, 2022.
- Increase the appropriation for CERAP from \$2.35 billion to \$2.6 billion and amend the appropriation to allow these funds to be allocated to residents of localities that opted out of the Statewide program.
- Increase the Hardship Fund from \$100 million to \$250 million and provide for the fund to be used for tenants whose incomes are between 80% -120% AMI, landlords whose tenants vacated their property with rent unpaid, and landlords whose tenants are unresponsive or uncooperative.
- Provide a new \$25 million appropriation to fund legal services for tenants facing evictions.
- Additionally, authorize any state or local public body to hold virtual public meetings until January 15, 2022.

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