



NEW YORK STATE SENATOR

James Sanders Jr.

Senator James Sanders Jr. and State Legislature Extend Moratorium on Residential and Commercial Evictions and Foreclosures

[JAMES SANDERS JR.](#) September 2, 2021

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Senator James Sanders Jr. and his colleagues in the Senate and the Assembly voted to extend the moratorium on residential and commercial evictions and foreclosures until January 15, 2022. This was the result of a three-way agreement between the Governor and the legislature during an Extraordinary Session.

“This measure was absolutely necessary to provide critical assistance to New Yorkers still struggling from the financial effects of the COVID-19 pandemic,” Sanders said. “I am pleased that we were able to come together as the governing bodies of this state, despite any political differences we may have, to do what is best for the people.”

Residential Eviction Moratorium

There is a three-way agreement to extend the residential eviction moratoria to January 15, 2022. Under this legislation, a tenant can stay an eviction by submitting a hardship declaration to their landlord or to a court until January 15. Landlords will be able to challenge a tenant’s declaration of hardship in court.

Small Business Eviction and Foreclosure Moratorium

There is a three-way agreement to extend the small business eviction and foreclosure moratoriums until January 15, 2022, with the same changes as the residential moratorium to allow a challenge to the declaration of hardship. Small businesses include businesses with 100 or fewer employees.

Due Process Requirements in Residential Eviction and Mortgage Foreclosure Moratorium

The three-way agreement includes additional due process measures for landlords. The new due process allows a landlord, bank, mortgage servicer, or private owner of tax lien debt to challenge a tenant’s or homeowner’s hardship declaration. The movant would make a motion and file an affidavit articulating a good faith belief that the tenant is not experiencing a hardship. If the court finds that the tenant is suffering a hardship, the court

must direct the tenant to apply for the COVID-19 Emergency Rental Assistance Program (CERAP) / Emergency Rental Assistance Program (ERAP) if the program is still accepting applications.

Other provisions included in the agreement are as follows:

- Addition of a nuisance standard to 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
- Extending the period covered by the Tenant Safe Harbor Act to January 15, 2022
- Increasing the Hardship Fund by \$150 million (to a total of \$250 million)
- Provides a new appropriation to fund legal services for tenants facing evictions

In addition to the residential and commercial provisions that came out of the extraordinary session held today, the legislature approved two important new cannabis-related governmental appointments. Tremaine S. Wright, a former member of the New York State Assembly from Brooklyn, is the new Chair of the Cannabis Control Board; and Chris Alexander, a criminal justice reform advocate and policy expert, focusing on drug policy, from St. Albans, Queens is the new Executive Director of the NYS Office of Cannabis Management.

“I support the appointment of Tremaine S. Wright and Chris Alexander to their new roles in the cannabis arm of the government,” Sanders said. “I believe they are very qualified to help

us address the challenges we will face as we continue to build out the infrastructure of the new legal cannabis industry in New York State.”