



NEW YORK STATE SENATOR

Alessandra Biaggi

SENATOR ALESSANDRA BIAGGI AND THE NEW YORK STATE LEGISLATURE PASS EVICTION AND FORECLOSURE MORATORIUM EXTENSION

ALESSANDRA BIAGGI September 2, 2021

ALBANY, NY - In the aftermath of the US Supreme Court's decision to vacate President Biden's eviction moratorium and weeks after ruling against a key provision of New York's eviction moratorium, the urgency of effective housing relief has never been greater. After significant delays in Governor Cuomo's administration's rollout of the COVID-19 Emergency Rental Assistance Program (ERAP), an extension of the state's eviction moratorium is the only way to ensure that New Yorkers are displaced from their homes in the midst of a global pandemic.

The New York State Legislature passed legislation yesterday to extend the residential eviction moratorium, extend the Tenant Safe Harbor Act, the residential foreclosure moratorium, extend the eviction and foreclosure moratorium for small businesses, expand ERAP, and extend virtual meetings for state and local government.

State Senator Alessandra Biaggi (Westchester/the Bronx) issued the following statement:

“This week, the New York State Legislature met the urgent needs of tenants across the state who have been enduring the fight of their lives throughout the COVID-19 pandemic. Failing to extend the eviction moratorium while our state grapples with the continued surge of COVID-19 cases would have been the equivalent to handing hundreds of thousands of New Yorkers a death sentence.

Evictions trap families into a cycle of poverty and trauma, and will only exacerbate our current public health crisis. The extension of the eviction moratorium and enhancements to ERAP will provide desperately needed relief to the communities in District 34, as well as hundreds of thousands of New Yorkers across the state.

I am grateful for Governor Kathy Hochul, Majority Leader Andrea Stewart-Cousins, and Speaker Carl Heastie for reconvening the Legislature in order to vote on an extension of New York State's eviction moratorium.”

The legislation, [S50001](#) and [S50002](#), passed in the Legislature 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.