



NEW YORK STATE SENATOR

Jose M. Serrano

Senator Serrano and NYS Senate Vote to Extend Eviction Moratorium

JOSE M. SERRANO September 1, 2021



On September 1st 2021, Senator Serrano and his colleagues convened in Albany for an extraordinary session to extend the Residential Eviction Moratorium, the Tenant Safe Harbor Act, the Residential Foreclosure Moratorium, the Eviction and Foreclosure Moratorium for Small Businesses, expand the COVID-19 Emergency Rental Assistance Program (CERAP), and extend virtual meetings for state and local government.

"I am proud that by extending the eviction moratorium, we are protecting vulnerable New Yorkers by allowing them to remain in their homes as we continue to face this pandemic," said Senator Serrano.

"Governor Kathy Hochul has expressed her commitment to expediting the rollout of the COVID-19 Emergency Rental Assistance Program (CERAP), created in our state budget, which protects both tenants and homeowners by providing financial assistance for rent arrears directly to landlords. In the meantime, I urge all eligible New Yorkers to [apply for rental assistance](#) as soon as possible."

The legislation, S50001 and S50002, passed by the Senate Majority will:

Extend the residential and commercial eviction and foreclosure moratoriums 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.