STATE OF NEW YORK

250

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. MYRIE, BAILEY, BENJAMIN, BIAGGI, GIANARIS, HOYLMAN, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, PARKER, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT preventing evictions during the COVID-19 covered period

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Emergency Housing Stability and Displacement Prevention Act".

§ 2. Legislative findings. The legislature hereby finds and declares that the COVID-19 pandemic has been a public health and economic crisis unparalleled by any in modern history. The State has lost over 30,000 of its citizens and more than 380,000 have been confirmed infected, a number which continues to escalate. A clear consensus of public health experts predicts subsequent waves of increasing infections, which could lead to graver consequences to public health and the economy than those that have occurred thus far. The lack of a cure or effective vaccine means there is no definitive endpoint to the harm from COVID-19 on the State. The legislature further finds and declares that housing instability and homelessness lead to worse health outcomes for individuals and in doing so worsen public health. The legislature further finds and declares that the COVID-19 pandemic and its resultant economic instability and job losses has worsened an existing housing crisis state-wide where millions of tenants were already rent-burdened, and millions of homeowners were already struggling to remain current on their mortgages. The existing housing crisis disproportionately impacts Black and Latinx individuals and communities. The legislature further finds and declares that the well-documented disproportionate impacts of both the COVID-19 pandemic and the housing crisis on communities of color are deeply

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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connected to and rooted in systemic racism. The legislature further finds and declares that the State is presently in a state of emergency and extra ordinary measures have been implemented in all aspects of society to protect public health and welfare. The legislature further finds and declares that it is counterproductive to public health and welfare to allow evictions and foreclosures until the COVID-19 pandemic has passed and sufficient time has been provided for communities to recover. Accordingly, the legislature must protect public health and welfare and extend a moratorium on evictions and foreclosures until one year after this crisis has concluded.

§ 3. For the purposes of this act, the "COVID-19 covered period" shall include March 7, 2020 through the end of the state of emergency in the state of New York plus one full year. For the purposes of this act, the "state of emergency" period includes, but is not limited to, any period referenced in Executive Orders 202, 202.8, 202.28 and any other executive order that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in response to the COVID-19 pandemic, within the state of New York. For the purposes of this act, "lawful occupant" of a residential or commercial property shall mean any person or business for whom eviction proceedings in a court of law would be legally required to remove said occupant from the residential or commercial property, including but not limited to, any person who occupied the residential property for thirty consecutive days or longer.

§ 4. Notwithstanding any provision of law to the contrary:

1. No court shall authorize the execution or enforcement of a warrant of eviction or order a monetary judgment for rent arrears against a tenant or lawful occupant of a residential or commercial property during the COVID-19 covered period.

2. No court shall accept for filing any papers commencing any action or proceeding seeking a judgment of possession or a monetary judgment against a tenant or lawful occupant of a residential property for rent or use and occupancy during the COVID-19 covered period.

3. No court shall issue a warrant of eviction or judgment of possession against a residential or commercial tenant or other lawful occupant, or execute a judgment of foreclosure and sale of any owner-occupied or rented residential or commercial property, during the COVID-19 covered period.

§ 5. This act shall take effect immediately.