STATE OF NEW YORK

7335

2021-2022 Regular Sessions

IN SENATE

August 18, 2021

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT in relation to extending the prohibition on the eviction of residential tenants who have suffered financial hardship 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. Section 1 of chapter 127 of the laws of 2020, relating to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period, is amended to read as follows:

Section 1. For the purposes of this act, "COVID-19 covered period" means March 7, 2020 until [~~the date on which none of the provisions 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 Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by any future Executive Order, issued in response to the COVID-19 pandemic continue to apply in the county of the tenant's or lawful occupant's residence~~] **January 31, 2022**.

§ 2. Paragraph (b) of subdivision 2 of section 2 of chapter 127 of the laws of 2020, relating to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period, is amended to read as follows:

(b) In determining whether a tenant or lawful occupant suffered a financial hardship during the COVID-19 covered period, the court shall consider, among other relevant factors:

(i) the tenant's or lawful occupant's income prior to the COVID-19 covered period;

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

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(ii) the tenant's or lawful occupant's income during the COVID-19 covered period;

(iii) the tenant's or lawful occupant's liquid assets; [~~and~~]

(iv) the tenant's or lawful occupant's eligibility for and receipt of cash assistance, supplemental nutrition assistance program, supplemental security income, the New York State disability program, the home energy assistance program, [~~or~~] unemployment insurance or benefits under state or federal law**, or the emergency rental assistance program;**

(v) whether the tenant or lawful occupant has submitted a hardship declaration, as defined in part A of chapter three hundred eighty-one of the laws of two thousand twenty, in which the tenant has selected the option indicating a financial hardship to the landlord, an agent of the landlord, or the court. If the tenant or lawful occupant has submitted a hardship declaration indicating a financial hardship, such submission shall create a rebuttable presumption that the tenant or lawful occupant suffered a financial hardship during the COVID-19 covered period; provided that the absence of a hardship declaration shall not create a presumption that the tenant or lawful occupant did not suffer a financial hardship.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after March 7, 2020.