



What You Need to Know About Tenants' Rights During COVID-19 Outbreak

UPDATED AS OF JUNE 12, 2020

WHAT IS THE EVICTION MORATORIUM?

From March 20 through June 22, 2020, Governor Cuomo ordered a statewide suspension of all eviction warrants issued against residential and commercial tenants. Recently, Governor Cuomo issued a new order that greatly limits who qualifies for protections against eviction after June 22, 2020. In response to these orders, NYC Housing Courts have implemented emergency measures to halt evictions and slow the spread of COVID-19. These emergency measures are together called the "eviction moratorium." There is also a federal moratorium under the CARES Act described below.

HOW DOES THE EVICTION MORATORIUM WORK?

The following emergency measures are in place:

- Until June 22, 2020, NYC Marshals cannot remove any tenant, even if an eviction warrant has already been served, and cannot serve new eviction warrants. After June 22, NYC Marshals can enforce existing eviction warrants with some limitations described below.
- Until June 22, 2020, landlords cannot file new eviction cases in housing court. After June 22, landlords can start new eviction cases with some limitations described below.
- Until further notice, housing court judges cannot issue new eviction warrants.
- All non-emergency housing court cases are postponed, and no tenant will be penalized for failure to appear.

HOW LONG WILL THE EVICTION MORATORIUM LAST?

It is unclear how long each of the emergency measures will last. The statewide suspension on all eviction warrants will last until at least June 22, 2020. From June 23 through August 20, 2020, landlords will not be able to enforce existing warrants in nonpayment eviction cases against tenants who are eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic. Most court dates are being postponed for at least 45 days, and there may be further postponements as needed.

ARE THERE ANY EXCEPTIONS TO THE EVICTION MORATORIUM?

Until June 22, 2020, all residential and commercial tenants are covered by the eviction moratorium.

After June 22, 2020, the following exceptions apply:

- Landlords can enforce existing warrants in holdover eviction cases.
- Landlords can start new holdover cases.
- Landlords may be able to enforce existing warrants in a nonpayment eviction case so long as you are ineligible for unemployment benefits or cannot prove financial hardship due to the COVID-19 pandemic.
- Landlords may be able to start new nonpayment eviction cases so long as they investigate and determine that you are not eligible for unemployment benefits or have not experienced financial hardship due to COVID-19.

If you have questions about a pending eviction case or outstanding eviction warrant, please contact MFJ (see below).

WHO CAN I CONTACT IF I HAVE A QUESTION?

You can call Mobilization for Justice's Housing Rights Project which has expanded intake hotlines staffed Monday through Friday, 9 a.m. to 5 p.m.

If you are a BRONX tenant, please call 212-417-3889.

If you are a MANHATTAN or BROOKLYN tenant, please call 212-417-3888

(over for more Housing info)





WHAT IF I ALREADY HAVE AN EVICTION WARRANT?

All eviction warrants are currently on pause until June 22, 2020. If you have been served with an eviction warrant and are scheduled to be evicted before June 22, 2020, then your eviction has been suspended automatically and you do not need to go to court.

From June 23 through August 20, 2020, NYC Marshals cannot enforce an eviction warrant in a nonpayment case if you are eligible for unemployment benefits or have experienced financial hardship due to COVID-19. As of this time, there are no restrictions on enforcement of existing eviction warrants in holdover cases.

If any NYC Marshal attempts to remove a tenant before June 22, 2020, please report this activity by calling the New York City Department of Investigation (DOI) Bureau of City Marshals at 212-825-5953. If you have questions about a pending eviction case or outstanding eviction warrant, please contact MFJ (see below).

I HAVE AN UPCOMING COURT DATE, WHAT SHOULD I DO?

Generally, you are not required to make court appearances in eviction cases until further notice. Most housing court cases will be postponed for at least 45 days. You should receive a postcard or some other form of notice from court with your new court date. Until further notice, no tenant will be penalized for failure to appear in court. In NYC, the court will still hear illegal lockout cases, emergency repair cases, and post-eviction cases. Emergency courtrooms in every borough's Housing Court are open to deal with these cases.

I HAVE ALREADY BEEN EVICTED, WHAT SHOULD I DO?

If you were evicted on or before March 13, 2020 and you want to be restored to your apartment, please contact MFJ (see below). If you were evicted after March 13, 2020, you should call 311 and inform them that you were evicted during the eviction moratorium. Then please get in touch with MFJ (see below).

WHAT DO I DO IF I HAVE BEEN ILLEGALLY LOCKED OUT OR HAVE EMERGENCY REPAIRS?

If you have been illegally locked out of your apartment, you may call 911 and seek assistance from the NYPD to get back in. You may also file an Order to Show Cause ("OSC") in housing court to request a judge order the landlord to let you back in. Please contact MFJ before going to court (see below).

If you have emergency repairs, like a complete outage of heat, water, or electricity, or there is a vacate order placed on your apartment, and your landlord has been notified and has refused to make the repairs, then you may file an OSC in housing court to request a judge order the landlord to make the repairs. Please contact MFJ before going to court (see below).

MY LANDLORD SENT ME A LETTER THREATENING TO EVICT ME, WHAT SHOULD I DO?

Although landlords are temporarily barred from filing new cases, the eviction moratorium does not bar landlords from sending legal notices or demand letters to tenants threatening to evict them. These notices do not mean that the landlord has started a case against you or can remove you from your apartment during the eviction moratorium. If you receive any sort of notice from your landlord threatening to evict you, please contact MFJ (see below).

DO I HAVE TO KEEP PAYING RENT?

Currently there is no suspension of obligations to make rent payments. However, if you miss a rent payment, your landlord cannot bring you to court or try to evict you so long as the eviction moratorium is in effect.

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WHAT ABOUT LATE FEES?

Landlords cannot charge or collect late fees which would otherwise be due from March 20, 2020, through August 20, 2020. You should review your lease agreement to determine when your landlord can charge late fees.

CAN I APPLY MY SECURITY DEPOSIT TO A RENT PAYMENT?

Tenants may apply their security deposit, and any interest accrued, to back rent or future rent payments. Tenants who wish to apply their security deposit to their rent must enter into a written agreement signed by the tenant and landlord or their agent. Tenants will be required to repay the security deposit applied to rent within ninety days after entering this agreement. Tenants may repay the security deposit by adding one-half of the amount used as rent per month, or by retaining insurance that provides relief for the landlord in lieu of a repayment plan. Landlords cannot harass, threaten or engage in any harmful act to compel any tenant to apply their security deposit to their rent.

WHAT HAPPENS IF I CAN'T PAY A UTILITY BILL?

Currently there is no suspension of obligations to pay utility bills. However, all utility shut offs are temporarily suspended statewide until further notice.

I LIVE IN PUBLIC HOUSING AND HAVE AN UPCOMING NYCHA HEARING, WHAT DO I DO?

NYCHA's Office of Impartial Hearings at 803 Atlantic is closed for the duration of the governor's shelter-in-place order (hearings no longer take place at 250 Broadway). All cases scheduled for conference or hearing during this period will be automatically rescheduled by mail. If you have questions about a NYCHA hearing, you can call (718) 218-1182 or (718) 218-1184.

I HAVE AN UPCOMING SECTION 8 HEARING, WHAT DO I DO?

All NYCHA, HCR, and HPD Section 8 hearings are temporarily postponed until further notice. All conferences and hearings are postponed. Voucher holders will be notified of by the agency of rescheduled hearing dates.

AM I PROTECTED BY THE FEDERAL CARES ACT?

On March 27, 2020 the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) went into effect. Only certain types of federally funded or subsidized housing are covered by the CARES Act. Covered properties cannot file new eviction actions for non-payment of rent and also are prohibited from charging fees, penalties, or other charges to the tenant related to such nonpayment of rent. The CARES Act is in effect from March 27, 2020 to July 25, 2020. To determine whether your home is covered by the CARES Act, please visit the National Housing Law Project at <https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>

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