



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

## WHAT IS THE EVICTION MORATORIUM?

On March 16, 2020, the Chief Administrative Judge of New York State ordered that all eviction proceedings and pending eviction orders are suspended until further notice. On March 20, 2020, Governor Cuomo ordered a statewide suspension of all eviction warrants issued against residential and commercial tenants for ninety days. 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?

Until further notice, the following emergency measures are in place:

- NYC Marshals cannot remove any tenant, even if an eviction warrant has already been served, and cannot serve new eviction warrants
- Housing court judges cannot issue new eviction warrants
- Landlords cannot start new eviction cases in housing court
- 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 18, 2020. The suspension on filing of new eviction cases will last at least until April 18, 2020. 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?

Currently, there are no exceptions to the eviction moratorium.

## WHAT IF I ALREADY HAVE AN EVICTION WARRANT?

The eviction moratorium applies to all eviction warrants. If you have already served an eviction warrant and are scheduled to be evicted after March 13, 2020, then your eviction has been suspended automatically and you do not need to go to court.

If any NYC Marshal attempts to remove a tenant after March 13, 2020, please report this activity by calling the New York City Department of Investigation (DOI) Bureau of City Marshals at 212-825-5953.

## 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 will receive a postcard 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.

## 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)





### **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.

### **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 through April 17, 2020 (hearings no longer take place at 250 Broadway). All cases scheduled for conference or hearing during this period will be automatically rescheduled by mail.

### **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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