



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

UPDATED AS OF FEBRUARY 24, 2021

## WHAT IS THE EVICTION MORATORIUM?

The eviction moratorium is a set of state and federal laws that provide residential tenants and homeowners various protections against evictions and foreclosures. In New York, the COVID-19 Emergency Eviction and Foreclosure Prevention Act (CEEFFPA) delays evictions and foreclosures based on financial and/or medical hardship. The Tenant Safe Harbor Act (TSHA) is another New York law that provides residential tenants with a special defense against certain types of evictions if the tenant can prove financial hardship. There is also a federal moratorium issued by executive order by the Center for Disease Control (CDC).

## HOW DOES THE EVICTION MORATORIUM WORK?

The following emergency measures are in place:

- All appearances in eviction cases are paused until at least February 26, 2021, with some exceptions (see below).
- If you submit a completed "Hardship Declaration" to your landlord, the housing court, or a NYC marshal, then your landlord cannot take any further legal action to evict you until at least May 1, 2021, with limited exceptions (see below).
- You cannot be penalized for not appearing in court through at least May 1, 2021, without a special court order.
- If you submitted a Hardship Declaration, then no warrant of eviction can be issued until at least May 1, 2021.
- NYC marshals cannot remove any tenant without a special court order saying they are allowed to do so, until further notice.
- Tenants who can prove, in court, that they suffered a qualifying financial hardship cannot be evicted until further notice pursuant to the TSHA, with limited exceptions (see below).

## HOW LONG WILL THE EVICTION MORATORIUM LAST?

The vast majority of eviction cases are on pause until February 26, 2021. If you submit a Hardship Declaration, then your case will be paused until at least May 1, 2021. Most court dates will be postponed after the pause, and there may be further postponements as needed.

## ARE THERE ANY EXCEPTIONS TO THE EVICTION MORATORIUM?

All residential tenants are covered by the CEEFFPA eviction moratorium, including cases where a warrant has been issued. However, if the landlord claims that you are persistently and unreasonably engaging in behavior that substantially infringes the use and enjoyment of other tenants or occupants, or causes a substantial safety hazard then you may be ineligible for a stay. If you have questions about a pending eviction case or outstanding eviction warrant, please contact MFJ (see below).

## HOW DO I SUBMIT A HARDSHIP DECLARATION?

Hardship Declarations can be submitted electronically, by mail, or in-person at drop boxes located outside each borough housing court. Hardship Declarations can be submitted by any tenant, at any time, even if your landlord has not filed an eviction case. For Hardship Declarations in multiple languages, please visit [nycourts.gov/eefpa](https://nycourts.gov/eefpa). To submit a Hardship Declaration online, please visit [EvictionFreeNY.org](https://EvictionFreeNY.org).

## WHO CAN I CONTACT IF I HAVE A QUESTION?

You can call Mobilization for Justice's Housing Rights Project, which has expanded intake hotlines.

If you are a BRONX tenant, please call 212-417-3889, Mon 9am – 5pm.

If you are a MANHATTAN or BROOKLYN tenant, please call 212-417-3888, Mon, Wed, or Thurs. 9am - 5pm





### **WHAT IF I ALREADY HAVE AN EVICTION WARRANT?**

All eviction warrants are currently on pause until further notice. In most eviction cases, if you submit a Hardship Declaration, then the eviction warrant cannot be served until at least May 1, 2021. If you have been served with a Notice of Eviction and were scheduled to be evicted after December 28, 2020, then your eviction has been suspended automatically and you do not need to go to court.

If a NYC marshal appears at your residence, you may personally serve that marshal with a Hardship Declaration, and the eviction cannot proceed.

If you are served with a Notice of Eviction any time after December 28, 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?**

If your eviction case was scheduled between December 28, 2020 through February 26, 2021, then the case will be automatically rescheduled, and you will not have to appear. You should receive a postcard or some other form of notice from court with your new court date.

If you were sued in a case within the exception of the eviction moratorium and you receive a postcard with a court date, you or your attorney may be required to appear for a virtual conference. Please contact MFJ for more information.

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 December 28, 2020 and you want to be restored to your apartment, please contact MFJ (see below). If you were evicted after December 28, 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. You can start an HP action online at [JustFix.nyc](https://www.justfix.nyc). Please contact MFJ before going to court (see below).

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

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).

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### **DO I HAVE TO KEEP PAYING RENT?**

Currently, there is no suspension of obligations to make rent payments.

### **WHAT ABOUT LATE FEES?**

Landlords cannot charge or collect late fees which would otherwise be due from March 20, 2020, through February 26, 2021. 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?**

You 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 at least February 26, 2021. Voucher holders will be notified of by the agency of rescheduled hearing dates. Voucher holders may submit a Hardship Declaration to stay proceedings until at least May 1, 2021.

### **AM I PROTECTED BY THE FEDERAL CDC EVICTION MORATORIUM?**

In September 2020, the CDC issued a temporary national moratorium on most evictions for nonpayment of rent to help prevent the spread of COVID-19. Similar to CEEFPA, residential tenants may submit a hardship declaration to invoke the protections. The CDC moratorium is effective until March 31, 2021. For more information, please visit the National Housing Law Project at <https://www.nhlp.org/wp-content/uploads/CDC-FAQ-for-Renters.pdf>

### **AM I PROTECTED BY THE FEDERAL CARES ACT?**

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) eviction moratorium is currently expired. 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 was in effect from March 27, 2020 through July 25, 2020. To learn more about 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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