

## Summary of the “Covid-19 Emergency Eviction and Foreclosure Prevention Act of 2020”

On January 28, the State Legislature passed a statewide eviction ban for tenants facing hardships due to Covid-19 until at least May 1, 2021, which Governor Cuomo signed into law ([Chapter No. 381](#)). The new law expands and strengthens the existing moratorium on evictions put into place through executive order by the governor, which was set to expire January 1. The law also places a moratorium on foreclosures and tax lien sales until May 1, 2021 for homeowners and multi-unit property owners with 10 or fewer units where the owner has a primary residence in one of the units. Read more [here](#). Additionally, NYSAR has provided a summary of the new law below, which is for informational purposes only and is not meant as legal guidance or advice.

### [Chapter No. 381, “Covid-19 Emergency Eviction and Foreclosure Prevention Act of 2020”:](#)

- Creates a standardized Hardship Declaration Form that tenants can submit in court or to their landlords to prevent eviction. This form must be provided by the landlord to the tenant with every notice required by current law to the tenant.
- Prohibits residential foreclosures and tax lien sales by creating another standardized form that the property owner can file with their lender, local assessor, or court. Homeowners and landlords who own 10 or fewer units (aggregate) are covered under the foreclosure protections of the law as long as one of the units is owner occupied. The unit cap of 10 or less in total can be spread out over multiple buildings.
- Halts all evictions pending residential eviction proceedings or any proceedings commenced within 30 days after the bill being signed into law, for at least 60 days, or until the state’s chief administrative judge determines the courts are able to be in compliance with the law.
- If there is no pending eviction proceeding but the tenant can provide a Hardship Declaration Form to the landlord, there shall be no eviction proceeding commenced until at least May 1, 2021.
- In cases where an eviction proceeding has been filed (but an eviction warrant has not been issued) on or before March 7, 2020, if the tenant provides the Hardship Declaration Form, the eviction shall be stayed until at least May 1, 2021.
- Where a warrant has been issued but not yet executed, the eviction is stayed until the court has had a status conference with the parties.
- The only evictions that could move forward prior to May 1, 2021 would be cases where the court finds the tenant is persistently and unreasonably engaging in behavior that substantially infringes on the use and enjoyment of other tenant or occupants or causes a substantial safety hazard to others.
- Before a landlord can file a court petition seeking an eviction, the landlord would be required to provide the tenant with current contact information and a list, prepared by the courts, of all not-for-profit legal service providers actively handling housing issues in the county.