



December 7, 2020

Hon. Yuh-Line Niou
NY State Assembly

Hon. Deborah J. Glick
NY State Assembly

Hon. Brian Kavanagh
NY State Senator

Hon. Brad Hoylman
NY State Senator

Hon. Carl Heastie
NYS Assembly Speaker

Hon. Andrea Stewart-Cousins
NYS Senate Leader

Dear Assembly Members Niou and Glick, Senators Kavanagh and Hoylman, Speaker Heastie, and Senate Leader Stewart-Cousins:

Enclosed please find a Resolution approved by Downtown Independent Democrats General Membership on DATE:

**Resolution in Support of Direct Rent and Mortgage Relief,
an Eviction Moratorium, and Housing Access Vouchers**

New York City is facing an unprecedented crisis from the COVID-19 pandemic, and the biggest burden falls on low-income New Yorkers, with disparate impact across categories of race and class. Our constituents need direct rent and mortgage relief now, and we need our State delegation to step up and demand adequate funding. We need this to be priority number one, building off the work that Salazar and Niou have done with bills S08802 and A10826.

In addition, we need you to adopt Myrie and Reyes's bills S08667 and A10827 to extend the eviction moratorium and extend for 1 year after the end of the emergency, and Kavanagh and Cymbrowitz's bills S7628A and A9657A to provide Housing Access Vouchers for unhoused people. These bills are important but do not go far enough. We need you to improve protections for renters from eviction, and to strengthen protection for unhoused people.

Sincerely,

Richard Corman
President, Downtown Independent Democrats

Enclosure

cc: Hon. Bill de Blasio, Mayor of New York City
Hon. Gail Brewer, Manhattan Borough President
Hon. Corey Johnson, NYC Council Speaker
Hon. Margaret Chin, NYC Council Member
Hon. Carlina Rivera, NYC Council Member
Hon. Scott M. Stringer, NYC Comptroller
Hon. Jumaane Williams, NYC Public Advocate

Hon. Andrew Cuomo, NYS Governor
Hon. Carolyn Maloney, U.S. Representative
Hon. Jerrold L. Nadler, U.S. Representative
Hon. Nydia Velázquez, U.S. Representative
Hon. Chuck Schumer, U.S. Senator
Hon. Kirsten Gillibrand, U.S. Senator



Resolution in Support of Direct Rent and Mortgage Relief, an Eviction Moratorium, and Housing Access Vouchers

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Whereas:

1. The rent situation in NYC is dire, as the COVID-19 crisis yields a disparate impact upon neediest populations based on intersectional dimensions of race & class
 - a. In New York, 47.3% of households have lost employment income since March 2020, 17.9% renter households are behind on rent, and 11.4% owner households are behind on mortgage payments. As of 10/30/2020, 14,800 New York City renter heads of households have been sued by their landlords for failure to pay rent during the coronavirus pandemic.¹
 - b. The responsibility of implementing protections and providing rent and mortgage relief lies primarily with the legislature and the executive, which would mitigate the harm to New York residents and address the need for safe, quality, affordable housing and financial stability during the COVID-19 crisis
 - c. Financial assistance from the Federal government has expired or will expire by the end of 2020. Without additional government intervention, individuals and families unable to pay the costs of housing will be displaced, which would result in an increase in cohabiting and an increase in the population of unhoused individuals and families, both of which would accelerate the spread of COVID-19 infection.
 - d. Direct rent relief is critical for our neediest & impacted renters, including undocumented immigrants. In April 2020, an estimated 192,000 undocumented immigrants in NYC had lost their jobs (38% of NYC's undocumented population of 500,000 individuals), and are not currently eligible for most government assistance or unemployment insurance.^{2,3}
 - i. The Federally-funded, State-written Emergency Rent Relief Program is barred from distributing funds to households with only undocumented immigrants.

¹ NYC Tenant Attys Urge State, Courts To Prevent Default Spike, Law360, October 30, 2020, <https://www.law360.com/newyork/articles/1324363/nyc-tenant-attys-urge-state-courts-to-prevent-default-spike>

² Under Threat & Left Out: NYC's Immigrants And The Coronavirus Crisis, Center for an Urban Future, June 2020, <https://nycfuture.org/research/under-threat-and-left-out>

³ The New Strain of Inequality: The Economic Impact of Covid-19 in New York City, James A. Parrott and Lina Moe, The New School Center for NYC Affairs, April 15, 2020, https://static1.squarespace.com/static/53ee4f0be4b015b9c3690d84/t/5e974be17687ca34b7517c08/1586973668757/NNewStrainofInequality_April152020.pdf



- ii. The NYS Housing and Community Renewal Agency has denied half of all reviewed applications.⁴ This program only covers rent from the first four months of the crisis, and only to renters who paid over thirty percent of their monthly salary for rent pre-pandemic, and only if they paid an even higher percentage in the months that followed. It also does not cover full back rent, just the difference from what they could pay before March and what they could pay after.
- iii. 75 days after the application process had closed, the program had only distributed \$19.5 million dollars to about 8,400 applicants, and only had \$40 million in the pipeline, leaving an additional \$40 million of funding on the table and unavailable to assist needy renters.
- e. New York State Senator Salazar and Assemblymember Niou have introduced bills S08802 and A10826, which would:
 - i. Provide a universal right to relief from housing payments for renters and small homeowners, via removing the requirement of rent payments from March until end of state emergency are removed, and
 - ii. Provide financial assistance for residential co-ops, affordable housing providers, and landlords that can demonstrate hardship resulting from payments cancelled pursuant to this act, and for public housing authorities.^{5,6} Landlords who receive this funding will have to agree to some tenant protections, e.g., rent does not go up, additional eviction protections.
- f. Additional areas where tenants are at risk include: i) landlords can give notice to tenants that they are filing for eviction (also known as “notice to quit”); ii) tenants may be unfamiliar with the eviction process and unaware of current protections; iii) landlords in New York are not prohibited from reporting missed or late rent payments to credit agencies; iv) New York’s governor and Department of Public Service have not taken action to require utilities to reconnect service shutoffs during the pandemic; v) current orders in New York make no mention of a grace period to pay rental debt that accrues during the pandemic; and vi) as of September 4th, landlords can charge late fees.
- g. An additional area where co-op and condo owners are at risk is common charges and maintenance fees.

⁴ Immigrants Left Out Of COVID-19 Emergency Rent Relief, Documented NY via Patch, December 3, 2020, <https://patch.com/new-york/new-york-city/immigrants-left-out-covid-19-emergency-rent-relief>

⁵ Senate Bill S8802, Relates to establishing the Rent and Mortgage Cancellation Act of 2020, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/s8802>

⁶ Assembly Bill A10826, Relates to establishing the Rent and Mortgage Cancellation Act of 2020, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/a10826>



2. New York City renters are facing a grave existential threat with the expiration of the eviction protections on January 1, 2021:
 - a. On March 7, 2020, Governor Cuomo established temporary eviction protections, due to the impending threat of the COVID-19 global pandemic, which are in place until January 1, 2021. The CDC has established an eviction moratorium, slated to expire on December 31, 2020.⁷
 - b. However, there is not a full eviction moratorium in place, and as of November 20, 2020, renters are being evicted from their homes.⁸ NYC Department of Housing Preservation and Development inspectors have issued 95 vacate orders to tenants living in illegal basement apartments, leaving some tenants homeless.⁹ A pilot program to help property owners to legalize basement apartment dwellings suffered major budget cuts due to COVID-19.¹⁰
 - c. Evictions across the country are directly causing deaths. A recent study illustrates that "evictions between the beginning of the pandemic and the CDC's national eviction moratorium in September led to 433,700 excess COVID-19 cases and 10,700 additional deaths."¹¹
 - d. Current eviction moratoriums do not apply to self-storage units, and many storage facilities are beginning to auction off the contents. Many houseless New Yorkers have their belongings in self-storage, since they cannot bring all of their belongings with them to shelters, and the city's Human Resources Administration assists with payments, temporarily, for storage units.
 - e. Renter advocacy organization Eviction Lab gives New York State a 1-star rating (out of 5 stars) for having terrible eviction protections during the pandemic, compared to peer states and cities like Minnesota and Washington, D.C., which each have 4 stars;¹²

⁷ Temporary Halt in Residential Evictions To Prevent the Further Spread of COVID-19, Centers for Disease Control and Prevention, September 4, 2020, <https://www.federalregister.gov/documents/2020/09/04/2020-19654/temporary-halt-in-residential-evictions-to-prevent-the-further-spread-of-covid-19>

⁸ First Tenant Evicted in NYC since the Pandemic Started. Here's What It Means, The City, November 24, 2020, <https://www.thecity.nyc/2020/11/24/21664774/first-tenant-evicted-in-nyc-since-the-pandemic-started>

⁹ Eviction Moratorium Exception: Nearly 100 Basement Apartments Hit With Vacate Orders During Pandemic, The City, November 29, 2020, <https://www.thecity.nyc/housing/2020/11/29/21725755/eviction-moratorium-exception-basement-apartments>

¹⁰ Basement Apartment Conversion Pilot Program, NYC Housing Preservation & Development, retrieved December 5, 2020, <https://www1.nyc.gov/site/hpd/services-and-information/basement-apartment-conversion-pilot-program.page>

¹¹ Evictions Caused More Than 10,000 COVID Deaths, Curbed NY, November 30, 2020 <https://www.curbed.com/2020/11/evictions-caused-covid-deaths.html>

¹² COVID Policy Scorecard, Eviction Lab, retrieved December 5, 2020, <https://evictionlab.org/covid-policy-scorecard/ny/>



- f. New York State Senator Myrie & Assembly Member Reyes have put forth bills S08667 and A10827 to extend the eviction moratorium for the duration of the COVID "state of emergency" period plus one year.^{13,14} However, these bills are still in committee.
 - i. Their bill would 1) prohibit the enforcement of an eviction of any residential or commercial tenant; 2) prohibit the issuance of a judgment of possession against a residential or commercial tenant or other lawful occupant; 3) prohibit foreclosure of any residential or commercial property for the covered period; and 4) prevent state courts from accepting the filing of any papers commencing any action or proceeding seeking a judgment of possession or a monetary judgment.
3. The COVID-19 crisis has a disproportionate impact on unhoused New Yorkers
 - a. Prior to the COVID-19 crisis, New York had a record population of 92,000 unhoused New Yorkers (approximately 1% of the population).¹⁵
 - b. Existing shelter systems are vulnerable to the COVID-19 pandemic, where it is difficult to enact adequate social distancing protocols. In New York City, as of May 31, 2020, there were 926 confirmed positive COVID-19 cases in approximately 179 shelter locations. As of that date, DHS had reported 86 deaths of homeless people due to COVID-19.¹⁶
 - c. There is a high cost to emergency temporary solutions, such as housing unhoused people in hotels; New York City's contract with the Hotel Association of New York City was \$299,790,000 from April 15 - October 12, 2020, to house 9,500 individuals at a nightly rate of \$120.¹⁷
 - d. Housing vouchers are an effective tool for ending homelessness and have been found more cost effective than transitional housing or emergency shelters.¹⁸

¹³ Senate Bill S8667, Relates to the Emergency Housing Stability and Displacement Prevention Act, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/s8667>

¹⁴ Assembly Bill A10827, Relates to the Emergency Housing Stability and Displacement Prevention Act, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/a10827>

¹⁵ Pandemic Causing New York's Homeless Population to Grow, Coalition for the Homeless, September 25, 2020,

<https://www.coalitionforthehomeless.org/pandemic-causing-new-yorks-homeless-population-to-grow/>

¹⁶ COVID-19 and Homelessness in New York City: Homeless People Sleeping in Shelters

Face Disproportionately High Mortality Rate, Coalition for the Homeless, June 2020,

<https://www.coalitionforthehomeless.org/wp-content/uploads/2020/06/COVID19HomelessnessReportJune2020.pdf>

¹⁷ City's Unaudited 'Homeless Hotel' Program Is Nearly Four Times as Expensive as First Estimated, West Side Rag, September 29, 2020,

<https://www.westsiderag.com/2020/09/29/citys-unaudited-homeless-hotel-program-is-nearly-four-times-as-expensive-as-first-estimated>

¹⁸ Major Study: Housing Vouchers Most Effective Tool to End Family Homelessness, Center on Budget and Policy Priorities, July 14, 2015,

<https://www.cbpp.org/blog/major-study-housing-vouchers-most-effective-tool-to-end-family-homelessness>



- e. New York State Senator Brian Kavanaugh and Assemblymember Steven Cymbrowitz introduced bills S7628A and A9657A, which would create a program to provide housing vouchers to unhoused individuals/families and those facing an imminent risk of homelessness. However, these bills are still in committee. These bills would be administered by existing public housing agencies, and would ensure at least 50% of funding would go to currently unhoused individuals and families, and at least 87.5% of funding would go to individuals and families with income below federal poverty level.^{19,20}

We Support:

1. We support principles for direct rent and mortgage relief, and the stated goals of Salazar and Niou's bills S08802 and A10826, of ensuring that all renters who have suffered financial hardship and are in need as a result of the COVID pandemic will receive rent relief, including undocumented immigrants.
 - a. We support additional legislative study for mechanisms and distribution of direct rent and mortgage relief.
 - b. We support increased protections for tenants,²¹ and increased payments for co-op and condo owners for common charges and maintenance fees.
2. We support Myrie and Reyes's bills S08667 and A10827 to extend the eviction moratorium and extend for 1 year after the end of the emergency.
 - a. We also support increased protections for renters from eviction.
 - b. Legislation should also require that eviction notices ("notices to quit") should include language documenting tenants' rights around eviction
3. We support Kavanaugh and Cymbrowitz's bills S7628A and A9657A to provide Housing Access Vouchers for unhoused people.
 - a. We also support increased protections for unhoused people.

¹⁹ Senate Bill S7628A, Relates to establishing the housing access voucher program, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/s7628>

²⁰ Assembly Bill A9657A, Relates to establishing the housing access voucher program, 2019-2020 Legislative Session, <https://www.nysenate.gov/legislation/bills/2019/a9657>

²¹ Examples of increased tenant protections include: no notice to quit, no filing if tenant has COVID-19 hardship, no filing for nonpayment, no filing, except emergencies CARES certification required; short-term supports like moratorium extends past emergency declaration, no utility disconnection, free utility reconnection, grace period to pay rent, no report to credit bureau, foreclosure moratorium; court process improvements like hearings suspended, judgments of possession stayed, deadlines extended or tolled, eviction records sealed, marked for standout status; tenancy preservation measures like no late fees, no rent raises, housing stabilization, marked for standout status, legal counsel for tenants; enforcement of eviction order reforms like no removal if tenant has COVID-19 hardship, no removal of tenant for nonpayment, no removal of tenant, except emergencies.