

# HOUSING JUSTICE FOR ALL / RIGHT TO COUNSEL NYC

## To CANCEL RENT, RECLAIM OUR HOMES

### **Demands to Fight COVID-19 Today and for a Just Recovery Tomorrow**

New York State is at the epicenter of a global public health crisis which has caused millions of New Yorkers to lose jobs and/or income. Decades of austerity politics and disinvestment have made the economic fallout of COVID-19 worse.

But at the same time the COVID-19 crisis has reawakened the political imagination of millions of people: a world without rent hikes, evictions, and unsafe living conditions IS possible and something we all deserve. We have already shown this through our fight for an eviction moratorium. For the first time ever, Housing Courts are closed.

But one thing is clear: we cannot go back to the world we lived in before COVID-19. Our current system allowed 92,000 people to live without housing; allowed our public and social housing to fall apart; and encouraged corporate landlords to profit endlessly on the backs of struggling renters.

While we fight for immediate relief to prevent mass evictions and house homeless New Yorkers today, we also are not afraid to say billionaire investors who made their fortune speculating on the real estate market are part of the problem – not part of the solution. In this crisis, we are fighting to intervene in the market and expand social housing for people, not for profit.

### **Cancel Rent and Reclaim Our Homes<sup>1</sup>**

#### **Cancel Rent, Mortgages, and Utility Payments:**

All rent, mortgage, and utility payments accrued during COVID-19 should be automatically forgiven and never owed. While an eviction moratorium is critical during this crisis, it does not prevent evictions or displacement in the future. A strong #CancelRent policy must apply *universally to everyone*, including manufactured homeowners, those who live in single family homes, subletters or roommates.

#### *Key components of the call to #CancelRent:*

- Canceling Rent is universal and not subject to tenants providing proof or documentation of loss of income. There is no transfer of funds or need to apply. It's a universal cancellation of rent.
- This must last for a minimum of 90 days after the state of emergency ends.
- Full and automatic forgiveness of all utilities including electricity, gas, water, sewage, or internet for the duration of the crisis. No late fees, surcharges, price gouging to collect higher rates, or arrears may be sent to or collected by debt collection agencies.

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<sup>1</sup> While we are fighting to #CancelRent, we are also fighting to implement and enforce the first ever Eviction Moratorium in New York State. As part of that struggle, we believe that all housing court stipulations signed by both parties in which a tenant was required to pay rent, prior to the crisis, should be granted an automatic extension with zero penalty. The extension must be granted for at least 90 days to provide adequate time to find resources, rent arrear help, consult a lawyer, apply for benefits and other available subsidies. Landlords may not commence any non-payment or holdover eviction cases for rent arrears owed prior to the crisis for at least 90 days after housing courts have opened.

- To protect renters long-term, all forms of rent hikes must be disallowed.
- All tenants must have the right to renew their lease during this crisis.

*How it Could Work:*

- Governor Cuomo could use his executive power to suspend landlords' right to collect rent and sue for any rent owed or accumulated during the crisis, from March 15th onward.
- Corporate landlords – Blackstone, A&E – would be forced to take a hit.
- A strong #CancelRent demand would come with emergency relief for existing social housing: public housing, subsidized housing, and non-profit housing, as well as a “Landlord Hardship” fund that small landlords are eligible to apply for.
- Landlords are provided relief in this policy through a mortgage suspension.
- Governor Cuomo could direct the Division of Homes and Community Renewal (HCR) to freeze all MCI rent increases subject to the 2% cap for the next 2 years.
- The Governor should issue a statewide rent freeze for all renters for 2 years.

**Reclaim Our Homes:**

The demand to #CancelRent must be paired with a longer-term vision of reclaiming millions of apartments as regulated, social housing. Social housing – housing that is protected from the private market – is the only housing that is capable of solving the homelessness crisis.

*Key Components of the call to #ReclaimOurHomes:*

- Urgently and permanently rehouse all homeless New Yorkers in any vacant housing, with leases and/or rental support to ensure affordability. Any homeless people who are rehoused during this moment are now tenants, and therefore subject to the same rights that could exist for all tenants regarding cancellation of rent/utilities during the crisis.
- Buildings with distressed and delinquent mortgages and/or taxes should be purchased by the State and converted to limited equity cooperatives, community land trusts, or public ownership.
- Investment in permanent operating subsidies for social housing.
- The City, State and the Federal government must work together to invest in the health of the hundreds of thousands of New Yorkers who call public housing home. This must include emergency operating funds to expand cleaning staff as well as full funding of repair needs to ensure healthy living conditions in the years to come.
- Any rent support or operating subsidies to buildings should come with ideal, gold-standard tenant protections: Building-wide good cause eviction protections, rent freeze for two years, et cetera.

*How it Could Work:*

- The State and local governments can use Federal stimulus money to provide rent support to homeless New Yorkers; once homeless New Yorkers are housed they have the same leverage and rights as tenants. As noted above, any rent support or operating subsidies to buildings should come with conditions.
- Mayors and County Executives could, at the Governor's direction, intervene in all publicly-funded affordable housing developments to determine vacancies and urgently rehouse homeless families in all vacancies.

- The State could pass anti-warehousing measures that issue lienable fees and fines on landlords who hold units vacant during this crisis.
  - Those liens could later be collected through tax foreclosure to transfer the property to social housing.
- The Governor could issue an emergency bond to raise capital to fund the purchase of buildings and transfer to non-profit entities (social housing).
- The State could pursue eminent domain for buildings that cannot be acquired through faster and/or cheaper measures.

### Existing #NYHomesGuarantee Legislation that Albany Must Urgently Pass To Fight COVID-19

- Eliminate Major Capital Improvement (MCI) Rent Increases (**S3693/A6322**)
- Good Cause Eviction (**S2892/A5030**)
- Tenant Opportunity to Purchase (TOPA)
- Housing Access Voucher Program (HAVP) and Home Stability Support Act
- Extend the 7A Program Statewide
- Anti-Warehousing Legislation, Statewide

A just recovery requires a #NYHomesGuarantee. We will not be able to weather this crisis, or future ones like it, until every person in the richest state in the richest country in the history of the world has a safe place to call home.

### Stepping Into the Moment and Winning a #NYHomesGuarantee

Moments of crisis are moments of opportunity. Over the last 40 years the government has played a role of facilitating and managing the accumulation of private wealth through real estate.<sup>2</sup> Our call to #CancelRent reminds us during this crisis that landlords' wealth was facilitated by government interaction, and because of this they SHOULD pay more than the rest of us.

Our call to #ReclaimOurHomes rejects the government's practice of providing vast amounts of assistance and/or guarantees to the real estate and banking industries – practices that have resulted in centuries of racism – and rejects the claim that the government isn't responsible for providing a human right to housing.

Our calls to #CancelRent and #ReclaimOurHomes are winnable. We must seize this moment to demand the bold things we already knew were true: that housing based in profit only leads to evictions and homelessness.

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<sup>2</sup> Housing Court is an example. It is a government body that uses state resources to allow/facilitate/enforce the right of landlords to extract wealth through the violence of evictions. The moratorium was a government intervention into that process and prioritized the needs of tenants over the private market. That would have been unimaginable 2 months ago. While we know it's temporary, we shouldn't dismiss the transformative nature of that win.