

TENANT UPDATES: COVID-19 in Albany, NY.

August 12, 2020

Do I have to pay my rent during the pandemic?

- YES! The rent is still due, and has been due throughout the pandemic.
- There is no rent forgiveness or rent cancellation at this time.

What is the New York State eviction moratorium?

- **The New York State eviction moratorium still applies to all tenants in New York.**
- This means that, Effective August 12th, 2020:
 - All orders of eviction are **suspended until October 1st** (Administrative Order 160-20).
 - Eviction cases filed **before** March 17, 2020 can have court hearings, but no evictions can be ordered prior to 10/1/2020.
 - Any hearings will be from old cases, filed **before** March 17, 2020.
 - Any orders of eviction from those hearings must be stayed until **at least** 10/1.
 - Eviction cases filed **after** March 17, 2020 continue to be suspended. They cannot proceed with court hearings for cases filed after 3/17/2020.
 - New cases can still be **filed** for hearings, but they continue to be suspended.
- ** All tenants are still obligated to pay rent. **
- ****No orders of eviction can happen before 10/1/2020, no matter the status of the case****

What is the Federal eviction moratorium?

- Effective 3/27/2020, there was a moratorium for certain federal housing until July 25 2020.
- **This order only applies to Public Housing, Section 8 Tenants, and other federally subsidized housing. This does not apply to unregulated tenants.**
- Going forward, tenants in federally regulated housing will be entitled to a 30-day notice of nonpayment, instead of 14-days.
- Notices given to tenants after 3/27/2020 and before 7/25/2020 will be ineffective and landlords will have to reissue new notices.
- Tenants will not be liable for late fees accrued between 3/27-7/25.
- Tenants whose landlords' federally backed mortgages are in forbearance cannot be evicted for nonpayment during the length of the forbearance.
- For more information, visit: <https://www.nhlp.org/>

Are there other protections for tenants in New York State due to COVID?

- Tenants have the right to use their security deposit towards the cost of rent or arrears owed for the period of 3/20/2020-8/20/2020 (Executive Order 202.28)
- Tenants **may not be charged any late fees** for rent due for the period 3/20/2020-8/20/2020 (Executive Order 202.28)
- Tenants have the right to special notices with any court papers for eviction from their landlord. (Administrative Order 127-20)



What is the Safe Harbor Act? (for details, see UTA Safe Harbor Act handout)

- The Safe Harbor Act was passed on June 30, 2020.
- Tenants facing eviction for unpaid rent during the pandemic might be allowed to stay in their apartments, **IF** they can successfully prove that they had financial hardship during the pandemic that caused them to be unable to pay.
- Tenants will still be responsible for a debt for the unpaid rent, but they potentially will not be evicted because of that debt.
- ****The judge would decide whether the tenant would have to move out, or pay the debt. Tenants will still be petitioned to court and will have to prove their hardships****

What if my landlord tries to lock me out?

- **DO NOT AGREE TO LEAVE! DO NOT GIVE UP YOUR KEYS!**
- If your landlord tries to force you out by changing the locks, removing your possessions, shutting off your utilities, or denying you access, it is an **illegal eviction**.
- Tenants in Albany should call UTA at 518-436-8997 x 3 if they are illegally locked out. If the lockout is an emergency, they should also reach out to the Albany Police Department (APD) at 518-438-4000 for a response to an unlawful eviction.
- Tenants should request the badge number for anyone they speak with at APD and note police response.
- Tenants can also call Legal Aid at 518-462-6765 for court assistance if they are illegally evicted.

What if I don't have the money to pay my rent?

- Currently the eviction moratorium is in place, so no one can be evicted for any reason right now.
- Tenants will be responsible for all rent unless their landlord **agrees** to reduce or waive the rent.
- The Department of Social Services is still accepting applications for benefits. You can complete an application for **emergency assistance** over the phone, by mail or fax. (518)447-7653
- UTA has funding to assist tenants in Albany who are facing eviction due to back rent or unpaid utilities. For more information, call the housing hotline at 518- 436-8997 x 3.
- Many organizations and coalitions are advocating for rent cancellation. For more information, call UTA at 518-436- 8997 x3 or visit: <https://www.housingjusticeforall.org/covid19>

****What else can I do? Can I get involved in advocating for myself and other tenants?*** **YES you can!**

Please contact the following organizations, depending on where you reside:

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| <ul style="list-style-type: none">• City of Albany/surrounding: UTA hotline at 518-436-8997 x 3.• Troy NY: Troy@capitaldistrictsa.org• New York City : call the Met Council hotline at: 212-979-0611• Central NY Legal Services of Central NY: 315-703-6500 | <ul style="list-style-type: none">• Western NY Citywide Tenant Union: 585-653-8352• New York State, General: Citizen Action of NY: 518-465-4600• Hudson Valley: Nobody Leaves Mid-Hudson: 845-481-0703 |
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To learn more about the statewide movement for housing justice and to sign the rent suspension petition, please visit: <https://www.housingjusticeforall.org/covid>

TENANT POWER!

