



June 17, 2020

The Honorable Governor Andrew M. Cuomo  
Governor of New York State  
NYS Capitol Building  
Albany, New York 12224

Dear Governor Cuomo:

We are writing to express our deep concern about Executive Order 202.28 issued on Friday, May 7, 2020 related to the eviction moratorium and to urge you to issue a new order, protecting all tenants for the duration of the health and economic crisis.

We commend the eviction moratorium you issued in March. It protected tenants from eviction and relieved the physical danger of contracting or spreading the virus that families would face if they were forced into a crowded courthouse or displaced from their home. As you said in a recent address, the eviction moratorium relieves the fear and anxiety tenants have when confronting eviction and displacement. Given the depth of the crisis, we are extremely concerned about mass evictions and displacement after June 20. Right now, New Yorkers should not have to worry about their most basic needs, like housing. All of their focus should be on the health and safety of their loved ones.

Unfortunately, this most recent order undoes that--because of its limited nature and the onus it will place on tens of thousands of tenants who will be sued in court for nonpayment and will be required to prove their need in order to be protected. For other tenants, who are sued in holdover cases, the order entirely fails to protect them. It therefore puts all tenants at risk of eviction and increases their risk of contracting the deadly COVID-19 first from overcrowded courts and ultimately, for many, from shelters and homelessness. Given the unimaginable and unprecedented loss we've already faced as New Yorkers, we urge you to issue an order protecting ALL tenants, extending a universal eviction moratorium for the duration of the crisis.

## The Executive Order Fails to Protect Tenants:

- The order only stops landlords from filing cases and evicting tenants for non-payment of rent from June 20th to August 20th, *if* the tenant can prove they are getting unemployment insurance or are facing financial hardship due to COVID-19. It puts the onus on tenants to prove they are entitled to not be sued or evicted. This means large numbers of tenants will still be sued in non-payment eviction cases and they will have to face intrusive inquiries into all their personal financial information, just to get dismissal of an eviction case that should never have been brought in the first place. This is particularly traumatic for those who recently lost loved ones due to COVID-19 who were the primary breadwinner for their household and who will now be forced to prove the deceased's financial contributions in housing court.
- Nearly 3,000 households who have currently suspended eviction warrants are at risk of being evicted come June 20th, because they won't know how to stop the eviction, even if they do qualify for the moratorium.
- The new order does not protect tenants who are sick with COVID-19, who have lost loved ones to COVID-19, or those who have been impacted by COVID-19 in any other non-financial way. All of these tenants can be sued by their landlords and evicted.
- It does not stop marshals and sheriffs from evicting tenants who faced holdover cases. This means many tenants can be evicted as of June 20th, if they have a pending eviction warrant that was issued in a holdover case.
- It does not stop landlords from filing new holdover eviction cases against tenants after June 20th. So landlords who want to evict tenants for anything that isn't about non-payment of rent, will still be able to do that. This will undoubtedly lead to a rise in new holdover eviction cases. The majority of New York State tenants live in unregulated units and their landlords can simply decide not to renew their leases. These tenants—who are protected under the original executive order if their landlord files a nonpayment action—will be left completely without protection.

By opening the door to all these new eviction cases and evictions, the new Executive Order will quickly take us back to overcrowded housing courts and families facing homelessness - both of which are guaranteed to endanger individual and public health.

**In addition, we are deeply concerned about the court's move to reopen Housing Courts. We urge you to make good on your promise to protect New Yorkers: put an immediate pause on all non-emergency housing legal proceedings, and direct New York Civil Courts to immediately stop “virtually” processing any eviction cases.**

As New Yorkers struggle to put food on the table, mourn the loss of loved ones, and find ways to make it out to work every day in the middle of a pandemic, we hope the last thing they will have to worry about is losing their home. Court efficiency and business as usual in a pandemic are not the priority.

We urge you to issue an eviction moratorium that protects all New York tenants for the duration of the crisis and to order the court system to fully and functionally close for all eviction proceedings. Specifically, we ask that Executive Order 202.28 be modified to extend the current blanket eviction moratorium until the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 apply in the county the rental property is located.

Given the urgent public health issues New Yorkers are facing, and the expiration of the current moratorium on June 20, we respectfully ask for a prompt response.

Sincerely,



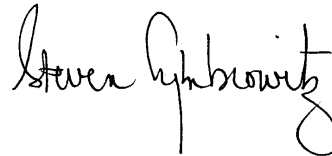
Senator Brian Kavanagh



Assemblymember Linda B. Rosenthal



Senator Gustavo Rivera



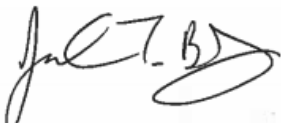
Assemblymember Steven Cymbrowitz



Senator Brad Hoylman



Assemblymember Harvey Epstein



Senator Jamaal Bailey



Assemblymember Carmen De La Rosa



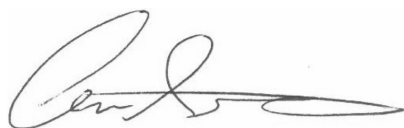
Senator Leroy Comrie

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Assemblymember Diana Richardson



Senator Michael Gianaris



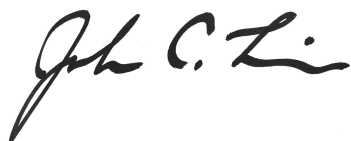
Senator Andrew Gounardes



Senator Robert Jackson



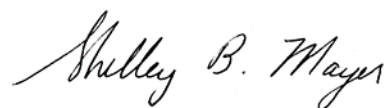
Senator Liz Krueger



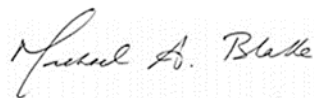
Senator John Liu



Senator Rachel May



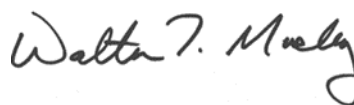
Senator Shelley Mayer



Assemblymember Michael Blake



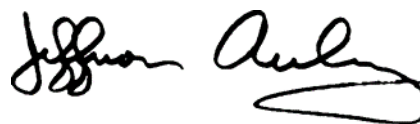
Assemblymember Al Taylor



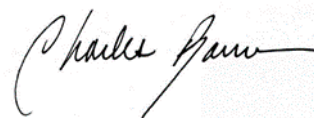
Assemblymember Walter Mosley



Assemblymember Brian Barnwell



Assemblymember Jeffrion Aubry



Assemblymember Charles Barron



Assemblymember Rodneyse Bichotte



Senator Luis Sepúlveda



Assemblymember Robert Carroll



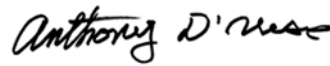
Senator Velmanette Montgomery



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Senator Julia Salazar



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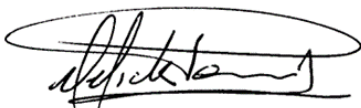
Assemblymember Barbara Lifton



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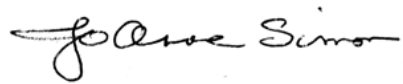
Assemblymember Karines Reyes



Assemblymember Daniel Rosenthal



Assemblymember Rebecca Seawright



Assemblymember Jo Anne Simon



Assemblymember Aravella Simotas