

Clients & Friends Memo

COVID-19 Update: Governor Cuomo Extends Eviction and Foreclosure Moratorium until August 31

May 5, 2021

On May 5, 2021, New York Governor Andrew Cuomo signed a bill that extends the moratorium on evictions and foreclosures for residential tenants and small businesses to August 31, 2021. The previous moratorium expired May 1, 2021.

Specifically, the bill extends two separate laws: the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (the “2020 Act”) and the COVID-19 Emergency Protect Our Small Businesses Act of 2021 (the “2021 Act”). The 2020 Act, which was signed into law by Governor Cuomo on December 28, 2020, bans eviction proceedings against residential tenants who file a hardship declaration stating that the tenant is experiencing financial hardship due to COVID-19 or that moving would pose a significant health risk because of a high-risk household member. It also bans foreclosure proceedings against residential property owners who own ten or fewer dwelling units who file a hardship declaration. The 2020 Act further prohibits tax foreclosures and tax lien sales and credit discrimination against residential property owners who are granted a stay of foreclosure proceedings as a result of filing a hardship declaration.

The 2021 Act was signed by Governor Cuomo on March 9, 2021. It provides eviction protections for small businesses, i.e. commercial tenants that are resident in New York, independently owned and operated, not dominant in their field and have fifty or fewer employees. The 2021 Act prohibits eviction proceedings against a small business that has filed a hardship declaration stating that it has lost significant revenue or had significantly increased necessary costs during the pandemic. It also prohibits foreclosure proceedings against small businesses that own ten or fewer commercial units if such small business files a hardship declaration. Similar to the 2020 Act, the 2021 Act prohibits tax foreclosures and tax lien sales and credit discrimination against small businesses that have been granted a stay of foreclosure proceedings as a result of filing a hardship declaration.

We will continue to keep you apprised of any further developments.

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If you have any questions, please feel free to contact any of the following Cadwalader attorneys.

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