***A10224-A****Niou   Same as*[*S 8125-A*](javascript:getselect(%22SPECIAL%22,%222019%22,%22BILLS08125A%22))*GIANARIS *[*Add Alert*](javascript:addAlertWithBill(%22PASSBILC*2020*A10224*%22))***Text Versions:***[*A 10224-A*](javascript:getselect(%22bstframe%22,%22SPECIAL%22,2019,%22BILLA10224A%22))*,*[*A 10224*](javascript:getselect(%22bstframe%22,%22SPECIAL%22,2019,%22BILLA10224-%22))

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| |  |  | | --- | --- | |  |  | | **A 10224-A**  Niou   Same as [S 8125-A](javascript:getselect(%22SPECIAL%22,%222019%22,%22BILLS08125A%22)) GIANARIS | | | Real Property | | | TITLE....Relates to suspending rent payments for certain residential tenants and small business commercial tenants and certain mortgage payments for ninety days in response to the outbreak of covid-19 | | | 03/24/20 | referred to judiciary | | 03/27/20 | amend (t) and recommit to judiciary | | 03/27/20 | print number 10224a | | |  |  | | --- | --- | |  |  | | **S8125-A** GIANARIS    Same as [A 10224-A](javascript:getselect(%22SPECIAL%22,%222019%22,%22BILLA10224A%22)) Niou | | | ON FILE: 03/26/20 Real Property | | | TITLE....Relates to suspending rent payments for certain residential tenants and small business commercial tenants and certain mortgage payments for ninety days in response to the outbreak of covid-19 | | | 03/23/20 | REFERRED TO JUDICIARY | | 03/26/20 | AMEND (T) AND RECOMMIT TO JUDICIARY | | 03/26/20 | PRINT NUMBER 8125A | |

NIOU, EPSTEIN, DENDEKKER, SIMOTAS, TAYLOR, GLICK, HEVESI, REYES, FRONTUS, L. ROSENTHAL, BARNWELL, DE LA ROSA, CARROLL  
Suspends all rent payments for certain residential tenants and small business commercial tenants if such tenant has lost employment or was forced to close their place of business and certain mortgage payments for landlords of such tenants in the state for ninety days following the effective date of this act in response to the outbreak of coronavirus disease 2019 (COVID-19).

**STATE OF NEW YORK**

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10224--A

**IN ASSEMBLY**

March 24, 2020

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Introduced by M. of A. NIOU, EPSTEIN, DenDEKKER, SIMOTAS, TAYLOR, GLICK,

    HEVESI, REYES, FRONTUS, L. ROSENTHAL -- read once and referred to the

    Committee on Judiciary -- committee discharged, bill amended, ordered     reprinted as amended and recommitted to said committee

AN ACT to suspend rent payments for certain residential tenants and

    small business commercial tenants and to suspend certain mortgage     payments for ninety days in response to the outbreak of coronavirus

**The People of the State of New York, represented in Senate and** **Assembly, do enact as follows:**

Section 1. (a) Notwithstanding any other provision of law, rule or regulation to the contrary, any residential tenant or small business commercial tenant in the state that has lost income or has been forced to close their place of business as a result of government ordered restrictions in response to the outbreak of coronavirus disease 2019 (COVID-19), shall have all rent payments suspended for ninety days following the effective date of this act. Such residential tenant or small business commercial tenant shall not and shall never be required to pay any rent waived during such time period. Every residential tenant or small business commercial tenant whose lease expires during this time period shall be subject to an automatic renewal lease at the current rent charged. Late fees shall not be collectable for rent accrued during this time period.

    (b) (i) Any person or entity who faces a financial hardship as a result of being deprived rent payments for property pursuant to this section shall receive forgiveness on any mortgage payments for such property for ninety days, in an amount determined by the following fraction multiplied by such mortgage payment, up to the total dollar amount of lost rent:

    (A) The numerator shall be the total amount of rent payments suspended for his or her tenants over the ninety day period laid out in this section; and

    (B) The denominator shall be the total amount of rent payments typically owed for such entire property over the ninety day period laid out in this section.

    (ii) Any person or entity qualifying for mortgage payment forgiveness under this subdivision shall not and shall never be required to pay any mortgage waived during such time period.

    § 2. For the purposes of this act, the following terms shall have the following meanings:

    (a) "Residential tenant" shall have the same meaning as paragraph (a) of subdivision 1 of section 235-f of the real property law, those who otherwise pay for the use and occupancy of a residential dwelling, or occupants as defined by paragraph (b) of subdivision 1 of section 235-f of the real property law.

    (b) "Commercial tenant" shall mean a person or entity lawfully occupying a covered property pursuant to a lease or other rental agreement.

    (c) "Covered property" shall mean any building or portion of a building:

    i. that is lawfully used for buying, selling or otherwise providing goods or services, or for other lawful business, commercial or professional services, or manufacturing activities; and

    ii. for which a certificate of occupancy authorizing residential use of such building or such portion of a building has not been issued.

    (d) "Small business" shall have the same meaning as section 131 of the economic development law.

    § 3. This act shall take effect immediately.

**NEW YORK STATE ASSEMBLY  
MEMORANDUM IN SUPPORT OF LEGISLATION  
submitted in accordance with Assembly Rule III, Sec 1(f)**

**BILL NUMBER:** A10224A

**SPONSOR:** Niou

**TITLE OF BILL**:

An act to suspend rent payments for certain residential tenants and

small business commercial tenants and to suspend certain mortgage

payments for ninety days in response to the outbreak of coronavirus

**PURPOSE**:

To waive small business commercial and residential rent for 90 days for

tenants that have lost income or been forced to close their place of

business as a result of government ordered restrictions in response to

COVID-19, and waive certain mortgage payments for 90 days for mortgagors

who experience financial hardship due to COVID-19.

**SUMMARY OF PROVISIONS**:

Section one waives small business commercial and residential rent for 90

days for tenants that have lost income or been forced to close their

place of business in response to COVID-19, and waives certain mortgage

payments for 90 days in an amount consistent with lost rent for persons

or entities experiencing financial hardship due to the virus.

Section two defines residential and commercial tenants, covered proper-

ty, and small business.

Section three sets the effective date.

**EXISTING LAW**:

**JUSTIFICATION**:

With non-essential businesses shutting down in New York State to prevent

the spread of COVID-19, workers and employers alike will face difficult

economic times. Businesses across the state are forced to lay off

employees or shut down their businesses due to an inability to afford

their numerous expenses. These tenants should not be held responsible

for paying money into rent while their income is being interrupted by

this pandemic. Additionally, mortgagors experiencing financial hardships

because of the virus should also receive relief All New Yorkers are

sacrificing as a result of this crisis and government must do what it

can to help. It would be harmful to our entire society to expect tenants

without income to continue to take on financial liabilities.

**LEGISLATIVE HISTORY**:

New bill.

**FISCAL IMPLICATIONS**:

None to the state.

**LOCAL FISCAL IMPLICATIONS**:

**EFFECTIVE DATE**:

This act shall take effect immediately.