**JAIME’S ABCDE NEWSLETTER – 4/17/2020**

1. Today, we went over the Attorney General Letitis James’ Tenant guidance for New Yorkers during Coronavirus Pandemic. <https://ag.ny.gov/press-release/2020/attorney-general-james-issues-tenant-guidance-new-yorkers-during-coronavirus>. Her guidance reinforces the stay provisions, but also seemingly clarifies that the non-renewal or notices of termination can be served in this time period. In addition, the guidance reinforces what I have been stating which is to notify tenants when someone has tested positive. Reminder HIPPA laws apply, do not state the tenant’s name, unit number or any other characteristic which would lead to who has tested positive. The only situation where someone might need to know exactly who, is where there is a direct threat to another individual and then I would determine that on a case by case basis, with legal counsel guidance.
2. We also went a proposed Federal Senate bill <https://www.congress.gov/bill/116th-congress/senate-bill/3565>, which was introduced by Senator Sherrod Brown from Ohio. This bill, if passed would fundamentally overhaul the Fair Debt Collections Practices Act, in that the definition of a “creditor” would be amended to include (a) a person or entity who offers or extends credit creating a debt, (b) a lessor of real or personal property, and (c) a provider of utility services. In addition, the definition of a “debt collector”, would be amended to include creditors collecting their own debt and any person or entity who engages in the collection of a debt. Original creditors and landlords have been under the umbrella of the FDCPA before. Under this bill, upon a declaration by the President of a “major disaster” under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which here, occurred on March 13, 2020, when President Trump declared such an emergency, debt collectors would be prohibited from: (for our purposes)
   1. Capitalize unpaid interest
   2. Increase the interest of a debt following non-payment of debt
   3. Charge a fee as the result of non-payment of debt
   4. Sue or threaten to sue as the result of non-payment of debt
   5. Enforce a security interest through repossession, limitation of use or foreclosure
   6. Take or threaten to take any action to enforce collection, or any adverse for nonpayment of the debt, or for nonappearance at a hearing related to a debt.
   7. Commence, or continue any action to cause or seek to cause the collection of a debt through bank account levies of a consumer or small business
   8. Continue litigation that was commenced before the enactment of the law
   9. Submit a confession of judgment to any court with respect to the debt
   10. Commence or continue an action to evict a consumer or small business from real or personal property or
   11. Disconnect or terminate utility services, including electricity, natural gas, telecommunications or broadband, water or sewer.

These prohibits would last for a period of 120 days after the incident that gave rise to the major disaster or emergency declaration has ended.

1. I don’t need to remind you; optics are everything right now and Landlords are getting the brunt of everything. This article that I spoke about, which refers people harmed to the tenant advocates just shows how bad it has gotten. We have to reverse this messaging starting with your own words and soon! <https://nypost.com/2020/04/17/landlords-sexually-harassing-tenants-during-coronavirus-crisis/>
2. Our meetings have been moved to Tuesday next week so we will update then as far as support for S8140. Deb and I just got off the phone with the Times Union, and they are running a story on the effects of the landlords and how they are getting a really bad rap. It should run Sunday, so we will share then!

Cheers and happy Friday to all of you! Reminder I will SEE you Monday! Sign up if you haven’t! Register for the Zoom meeting by emailing Lisa at LBaumgartner@boylancode.com

Jaime Michelle