|  |  |  |
| --- | --- | --- |
| S.8125A Gianaris / A10224A Niou | S.8139 Gianaris (No Same As) | S.8140 Kavanagh |
| **Tenants:**   * This bill would forgive 90 days of rent payments for residential and commercial property. | **Tenants:**   * Would have to pay their rent up to 30% of their current income or their contractual rent, whichever is less. * When tenants are authorized to pay less than is contractually or statutorily owed, the tenant must provide a written and signed statement affirming the tenant’s aggregate actual income for the 30 days before the date such rent was due. Doing this would absolve the tenant of any further obligation to pay rent or any difference in what was owed except where a tenant later receives additional income. When a tenant receives additional income, the rent obligation of the tenant would be recalculated. * Any tenant whose lease expires during the state of emergency shall have the option of extending the lease up to 90 days after the state of emergency under the terms existing in the prior lease. * No Late Fees, interest or other penalties shall be collectable when accrued during the state of emergency. | **Tenants:**   * Individual or family eligible if they lost a substantial (defined by the commissioner) amount of income, rent as their primary residence in New York, **and** the individual’s monthly rent obligation is more than 30% of their adjusted income. * Lose eligibility when their income is restored, or their rent obligation is no longer greater than 30% of their income. * Program lasts 90 days unless extended by the commissioner. * Eligibility for this program does not apply to college kids, unless they have established their own household for one year prior to applying or meets the US Dept. of Education definition of independent student AND the college student is not claimed as a dependent on anyone’s taxes. * Tenants rental obligation is 30% of their income towards rent, then the voucher covers the gap in their rental obligation remaining. * The amount of rental assistance will be the amount the owner is to receive for the unit minus the rent the tenant is required to pay (30% of their income). * The bill includes groundwork for how assistance will be split if families “become divided” i.e. divorce, separation * Fair housing obligations are set in place. |
| **Landlords:**   * This bill would forgive 90 days of landlord mortgage payments for residential and commercial property. | **Landlords:**   * Landlords who have lost rental income, not fully compensated by federal, state or local assistance can apply to the division of housing and community renewal for relief. * The commission will be empowered to distribute emergency aid available in the COVID-19 rental assistance fund (established in this bill). * No summary proceedings to recover possession of property for non-payment of rent for at least 30 days after the state of emergency ends. Lost rent during the state of emergency will not be a basis for such proceeding. * Division of Housing and Community Renewal will administer the “COVID-19 rental assistance fund.” * The fund will consist of any unrestricted federal emergency assistance provided to the state, and there are provisions to allow NYS to seek donations, grants, etc. for the fund. * The fund will be earmarked specifically for providing relief due to reduced rental income caused by the outbreak of COVID-19. * The Comptroller of the division of housing and community renewal will oversee moneys paid out of the fund. | Landlords:   * The emergency voucher will be paid directly to the owner of the dwelling unit or manufactured home park occupied by the voucher recipient. * If the rent and tenant paid utilities combine to exceed 250% of fair market rent for the rental obligation established in the bill the assistance payment to the landlord shall be 250% of fair market rent minus the 30% of income the tenant is obligated to pay. |
| **Problem:**   * Landlords have financial obligations outside of mortgage payments. This bill proposes to end their source of revenue, while not providing any relief for the other financial obligation’s landlords have. | **Problem:**   * This bill does capture more of the financial harm a landlord will realize under rent “suspension” or “forgiveness” and establishes a mechanism for landlords to be made whole. However, the timing of such relief provided to landlords will be subject to administrative review and approval which will take time in and potentially cause problems in a logistical sense. | **Problem:**   * Does not help commercial property owners or tenants. * Same problems as Gianaris bill. |
|  | **Short Summary:**   * This bill requires tenants to pay 30% of the adjusted actual income or the amount agreed upon in a lease whichever is less. Rents above this threshold are forgiven. For what is forgiven, there is a fund created to get landlords relief. | **Short Summary:**   * Creates a voucher fund for tenants to apply for relief with the voucher going directly to the landlord and covering the difference in rent owed between 30% of the tenant’s current income and the capping out at 250% of fair market rent for that unit. |
|  |  | **Other Notes:**   * Housing Trust Fund Corporation will issue vouchers and is empowered to contract with the division of community housing and community renewal, as well as any local government with a housing department to administer the program/fund. |
| **Comparison:**   * No help for landlords | **Comparison:**   * Voucher for landlords * Funding mechanism could be appropriation, grants, unrestricted federal funds provided to the state for this emergency. * If landlords lose money, they apply for voucher to fill the gap. * Landlords apply under this bill for relief. * Covers what is lost by the landlords * Lays out an application process and leaves it to the courts to later decide if a tenant had the income or not. * Seems more balanced on helping landlords and tenants for relief. | **Comparison:**   * Voucher for landlords * Doesn’t speak to the funding mechanism for the vouchers, just “subject to appropriation. * Still a voucher to fill the gap in missing rent. Much more extensive list of who qualifies and who does not. (i.e. college kids do not qualify unless they meet enhanced qualifications laid out) * Landlords would rely on tenants to apply for assistance (voucher does go straight to the landlord) * Covers the gap between 30% of the tenant’s new income and what the landlord lost (up to 250% of fair market rent -Gianaris bill does not have this cap) * Empowers the Commissioner to verify income and eligibility for the program. * Provides relief to both the caveats are more slanted towards helping tenants and what the sponsor perceives as lower income landlords. Also, the eligibility caveats make this bill more to set up administratively which would likely compound the logistical problems that having to navigate all of these applications, eligibility, etc. would cause. |