**S8125**  GIANARIS  No Same as
ON FILE: 03/23/20 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 |  |

GIANARIS, BIAGGI, FUNKE, HOYLMAN, JACKSON, LIU, MONTGOMERY, PARKER, PERSAUD, RAMOS, SALAZAR, STAVISKY
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**

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 8125

 **IN SENATE**

 March 23, 2020

 \_\_\_\_\_\_\_\_\_\_\_

Introduced by Sens. GIANARIS, BIAGGI, CARLUCCI, FUNKE, HOYLMAN, JACKSON,

    LIU, MONTGOMERY, PARKER, PERSAUD, RAMOS, SALAZAR, STAVISKY -- read

    twice and ordered printed, and when printed to be committed to the     Committee on Judiciary

AN ACT to suspend rent payments and certain mortgage payments for

    certain residential tenants and small business commercial tenants 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 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 who faces a financial hardship as a result of being deprived rent payments for a covered property pursuant to this section shall receive forgiveness on any mortgage payments for such covered property 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 qualifying for mortgage payment forgiveness under this paragraph 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, or those who otherwise pay for the use and occupancy of a residential dwelling.

    (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 SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S8125

**SPONSOR:** GIANARIS

**TITLE OF BILL**:

An act to suspend rent payments and certain mortgage payments for

certain residential tenants and small business commercial tenants for

ninety days in response to the outbreak of coronavirus

**PURPOSE**:

To waive commercial and residential rent for 90 days for tenants that

have lost employment 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 experi-

ence financial hardship due to COVID-19.

**SUMMARY OF PROVISIONS**:

Section one waives commercial and residential rent for 90 days for

tenants that have lost employment 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 any lost rent for anyone expe-

riencing 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 hard-

ships 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.