

S8190

Introduced by Julia Salazar

No assembly support yet

Proposes abatement of rent for residential/commercial small business tenant (defined as a NYS company with 100 employees or less) where:

- For any residential tenant or commercial small business that *has lost income as a result of such residential tenant's or such tenant's employer's compliance with government ordered restrictions in response to COVID 19, or as a result of the closure of a small business commercial tenant's place of business in compliance with government ordered restrictions in response to COVID 19:*
- No rent shall be recovered by a landlord for the entire period of such compliance which shall run from March 20, 2020 until the date that the governor shall specify through an executive order that the prohibition on enforcement of an eviction of a tenant residential or commercial imposed by executive order 202.8 shall have expired, but in no event shall such date be sooner than June 20, 2020. (90 days from 3/20).
 - To determine residential tenant has lost income a rebuttable presumption shall be created if the tenant establishes through testimony or documentary evidence that the tenant has lost hourly income pay, or was terminated, laid-off, subject to a reduction in work hours or was terminated from an independent contract job or "gig" employment within 2 weeks of the issuance a government ordered restrictions in response to COVID 19. This two-week period shall run from March 7, 2020.
 - To determine if a small business tenant has lost income a rebuttable presumption shall be created if the tenant can establish through testimony or documentary evidence that such small business tenant closed the premises when the premises are the small business' place of business within two weeks of the issuance of the government ordered restrictions in response to COVID 19. This two-week period shall run from March 7, 2020.
- For residential tenants:
 - The state division of housing and community renewal as well as any court, which includes the NYC Civil Court and any city, village or town court within a summary proceeding under Article 7 of the RPAPL, shall have jurisdiction to determine rental abatements.
- For commercial small business tenants:
 - Any court, which includes the NYC Civil Court and any city, village or town court within a summary proceeding under Article 7 of the RPAPL, shall have jurisdiction to determine rental abatements as well as the comptroller in a municipality having a comptroller or in a municipality having no comptroller, than the chief fiscal officer of such municipality, in NYC, the department of small business services shall have jurisdiction as well.

- Any abatement of rent shall have the effect of cancellation of the rental debt and any claims related for the legal collection, enforcement and reporting to a credit bureau.

Owner relief:

- Owner is undefined.
- At owner's election, any owner of premises subject to any orders awarding abatements of rent shall be entitled to recover the total dollar amount of all abatements issued hereunder either:
 - a) As a reduction in the owner's real property tax payment by deducting from the amount due in any quarter or period an amount not in excess of 10% of the total abatement dollar amount from each payment coming due until the total abatement amount is deducted; or
 - b) A withholding of any mortgage or construction loan principal payments, mortgage or construction loan interest payments, or mortgage or construction loan extension fee payments due and owing to the state or any political subdivision thereof until the total abatement amount is repaid.

Residential mortgage relief for individuals

- Reinforces the provisions of the executive order 202.9 (3/21/20) that any bank that does not grant a forbearance to any person or business who has a financial hardship as the result of COVID 19 for a period of 90 days shall be deemed to be engaging in unsafe and unsound business practices.

Assistance to small homeowners losing rental income (defined as an owner of a dwelling with 4 or fewer units where such owner also resides as a primary residence)

- Any small homeowner who has lost 25% or greater of rental income as a result of financial hardship shall be entitled to a payment of the total amount of lost rental income if the small homeowner can establish that the rental income was lost as a result of COVID 19, for which there is a rebuttable presumption of loss if the homeowner can demonstrate that the loss of 25% or more of rental income within 1 month of the issuance of the governmental order which shall run from March 7, 2020 to April 20, 2020.
- Payments made to the small homeowner shall be monthly, paid on or before May 1, 2020 and such payments shall continue on a monthly basis through the date when the governor by executive order declares that the prohibition on evictions is lifted. In no event shall this period end before June 20, 2020. The first payment on May 1, 2020 shall cover the period of March 20, 2020 through April 30, 2020.

Assistance for affordable housing operators (defined as not-for-profit corporation or housing development fund company owning and operating any housing project, of any size, for persons of low income as defined in Section 573 of the private housing finance law or any corporation or entity owning and operating a residential cooperative with 10 or fewer units)

- Any affordable housing operator that has lost 25% or greater of rental income shall be entitled to a subsidy payment of the total amount of lost rental income if they can

demonstrate that the loss of 25% or more of rental income within 1 month of the issuance of the governmental order which shall run from March 7, 2020 to April 20, 2020.

- Payments made to the small homeowner shall be monthly, paid on or before May 1, 2020 and such payments shall continue on a monthly basis through the date when the governor by executive order declares that the prohibition on evictions is lifted. In no event shall this period end before June 20, 2020. The first payment on May 1, 2020 shall cover the period of March 20, 2020 through April 30, 2020.