



## Memorandum in Opposition

July 21, 2020

**S.8667 (Myrie) – In Senate Rules Committee**  
**A.10827 (Rules – Reyes) – In Assembly Housing Committee**

*AN ACT preventing evictions during the COVID-19 covered period*

The New York Capital Region Apartment Association (NYCRAA) and Under One Roof is a coalition of small business landlords, property owners, and tenants residing in properties across the Capital Region and Upstate New York.

The proposed legislation, entitled the "Emergency Housing Stability and Displacement Prevention Act", would extend the state's moratorium on evictions through one year from the date of the end of the State emergency period for both residential and commercial properties. The bill would prohibit courts and law enforcement from enforcing executing warrants for orders of eviction or any monetary judgment for rent arrears from any commercial or residential tenant during the covered period. It would further prohibit courts from commencing an eviction action or from executing a foreclosure action for both commercial and residential property during the covered period.

This proposed legislation would effectively cancel rent in New York and would be disastrous for the housing industry. As it stands, our members have experienced increasing instances of the nonpayment of rent throughout the COVID-19 crisis. On average, our members experienced 25% nonpayment of rent in April, 38% in May, 40% in June, and now 48% in July. Landlords cannot afford to continue to cover the costs of their tenants and the upkeep of their apartments, as they are experiencing ever decreasing cash flow while property tax bills become due. The legislature has already passed a law that protects tenants from evictions due to COVID-19 related financial loss through the expiration of the crisis, providing more than sufficient protection of housing for tenants. This proposed legislation would effectively *CANCEL RENT FOR ALL COMMERCIAL AND RESIDENTIAL TENANTS* by prohibiting evictions for the nonpayment of rent for any reason – or even no reason at all.

This legislation **would** bankrupt small business landlords throughout New York State. It goes way beyond protecting vulnerable tenants, by eliminating the contractual responsibility to pay rent for all leases in New York – regardless of whether the tenant has been affected by the COVID-19 crisis. This bill will force existing landlords to sell or abandon their rental properties. It will lead to more absentee landlords, vacant apartments, and a continued increase in housing costs over the long term.

For the reasons state above, NYCRAA **STRONGLY OPPOSES** this legislation.