

Legal Alert: Housing Court New Law Requires Declaration of Hardship to be attached to Rent Delinquency Letters

January 11, 2021

As you know by now, in 2019 the *Housing Stability and Tenant Protection Act*, amended the Real Property Law to include a provision that requires a landlord to send a tenant a certified letter advising of their rent delinquency prior to commencing a non-payment proceeding (Real Property Law Section 235-e[d]). As a result of the recently enacted *COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020*, you now must attach a "Hardship Declaration" to the rent delinquency letter in the form that is posted on the Office of Court Administrations' website, ([click here](#)). This Declaration must be given to the tenant in English and their primary language, if not English (the translations into Spanish and the six most common languages in New York City are also available on the website link provided above); it must include a list of the non-profit legal service providers in the county in which the property is located, which is likewise on the website, ([click here](#)); and must provide an office or email address to which the tenant can return the Declaration along with a telephone number. If received, no further action to collect the rent may be taken until May 1, 2021.

The Hardship Declaration and the other documents mentioned herein are also required to be attached to the rent demand and non-payment petition.

If you have any questions concerning the above information, please feel free to contact us