

Legal Alert: Governor Cuomo Extends the Eviction Moratorium for Residential and Commercial Tenants Until August 31, 2021

May 5, 2021

The Governor signed an amendment to the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 and the COVID-19 Emergency Protect Our Small Businesses Act of 2021 which stays evictions until August 31, 2021. All other provisions of the respective Acts remain the same. The following is a summary of those provisions:

- If a residential or commercial tenant serves a Hardship Declaration on the landlord or landlord's attorney or files the Declaration with the Court, any pending eviction proceeding will automatically be stayed until August 31, 2021. If a proceeding has not been commenced at the time a Hardship Declaration is received, no proceeding seeking the eviction of a residential or commercial tenant can be started until September 1, 2021.
- A holdover and/or non-payment proceeding will be stayed at any stage of the action upon receipt of a Hardship Declaration.
- No default judgments will be issued against residential or commercial tenants without a motion being made requesting a hearing.
- In those cases where a warrant of eviction has issued but not yet executed, execution shall be stayed "at least until" the court has held a status conference with the parties.
- The only proceedings not affected by the service/filing of a Hardship Declaration are those based upon nuisance behavior.
- The COVID-19 Emergency Protect Our Small Businesses Act of 2021 only applies to businesses with less than 50 employees.

Click on the following link to read an Article issued by the Governor's Office regarding the newly passed extension of the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 and the COVID-19 Emergency Protect Our Small Businesses Act of 2021: <https://www.governor.ny.gov/news/governor-cuomo-signs-extension-covid-19-emergency-eviction-and-foreclosure-prevention-act-2020>.

If you have any questions or issues you wish to discuss, feel free to reach out to any of our attorneys.