

Legal Alert: Governor Cuomo Rescinds Executive Orders Regarding Security Deposit and Legal/Late Fee Collection During Pandemic

June 29, 2021

Effective June 25, 2021, Governor Cuomo has rescinded all formerly issued Executive Orders, including Executive Order 202.28 which granted residential tenants the right to use their security deposit towards rent and prohibited landlords from charging and collecting late fees.

Please note, this in no way effects the obligations set forth in the COVID-19 Eviction and Foreclosure Protection Act of 2020 (CEFPA), including but not limited to, the obligation to send a Hardship Declaration to a tenant with all notices being served in a proceeding.

IMPORTANT: Regardless of the foregoing, if you accept payments from your tenant through the COVID-19 Emergency Rental Assistance Program (ERAP) you are prohibited from charging/collecting late fees.