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**THE COUNCIL OF THE CITY OF NEW YORK**

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**COMMITTEE ON HOUSING AND BUILDINGS**

Hon. Robert Cornegy, Chair

**COMMITTEE ON THE JUSTICE SYSTEM**

Hon. Rory Lancman*,* Chair

**September 17, 2020**

**Oversight: The Potential Eviction Crisis in the Midst of the COVID-19 Pandemic**

**Preconsidered Int. No. :** By Council Member Cornegy

**Title:** A Local Law in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

**Administrative Code:** Amends section 26-520

1. **Introduction**

On September 17, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, together with the Committee on the Justice System, chaired by Council Member Rory Lancman, will hold an oversight hearing entitled “Oversight: The Potential Eviction Crisis in the Midst of the COVID-19 Pandemic.” The Committees expect to receive testimony from the New York City (“NYC” or “City”) Department of Housing Preservation and Development (“HPD”), the NYC Office of Civil Justice (“OCJ”), the Office of Court Administration (“OCA”), NYC Human Resources Administration (“HRA”), legal service providers, advocates, and other key stakeholders.

1. **Background**
   1. **Eviction and Displacement Prior to the COVID-19 Pandemic**

On March 7, 2020, in response to the COVID-19 pandemic, Governor Andrew Cuomo issued an Executive Order declaring a Disaster Emergency in New York State.[[1]](#footnote-2) Prior to this declaration, and the mass unemployment that followed, New York City was already in the midst of a housing affordability crisis. In April of 2019, the Fiscal Policy Institute released a report on housing affordability, and the financial impact of rent on New Yorkers. That report found that 47 percent of NYC renters are rent-burdened, meaning that they spend at least 30 percent of their income on rent.[[2]](#footnote-3) Of these renters, 26 percent are severely rent-burdened, meaning that they spend at least half of their income on rent.[[3]](#footnote-4) Black, Latinx, and Asian families are much more likely to feel this burden—one half of all Latinx and Asian households that rent are rent-burdened.[[4]](#footnote-5)

Displacement and eviction also remain a constant concern for many New Yorkers. From March 7, 2019 until March 7, 2020, 16,094 residential warrants of eviction were executed in the City.[[5]](#footnote-6) Of those evictions, 5,856, or more than one third, were executed in the Bronx,[[6]](#footnote-7) the borough in which households have the lowest median household income[[7]](#footnote-8) and the highest rate of COVID-19 fatalities.[[8]](#footnote-9) Many individuals who are evicted from their homes end up at risk of homelessness.[[9]](#footnote-10)

From December 2009 until December 2019, the number of single adults residing in shelters increased 143 percent, from 7,700 to 18,700.[[10]](#footnote-11) In that same period, the number of families residing in shelters increased 46 percent, with 14,792[[11]](#footnote-12) homeless families sleeping in shelters nightly as of December 2019. The increase in homeless single adults can be attributed to “the acute shortage of affordable and accessible housing for extremely low-income single individuals.”[[12]](#footnote-13) In addition, data indicate that many homeless families have high rates of disabilities among adults in those families,[[13]](#footnote-14) and homelessness has a disproportionate impact on individuals, and families, of color.[[14]](#footnote-15)

The issue of homelessness is compounded by a dwindling affordable housing stock and landlords who previously took advantage of rent regulation laws to deregulate affordable units.[[15]](#footnote-16) From 2000 to 2012, the median apartment rent in the City increased by 75 percent while income declined.[[16]](#footnote-17) During the same period, the City lost approximately 400, 000 units renting for $1,000 or less.[[17]](#footnote-18) The loss of affordable housing inflated the median apartment rent, increasing rent by 31.1 percent during this period.[[18]](#footnote-19) More recently, Furman Center’s State of the City 2019, *State of Renters and their Homes* found that, between 2008 and 2018, the percentage of units affordable to low income households earning 80 percent of the Area Median Income (“AMI”) dropped from 50.9 percent to 40.9 percent.[[19]](#footnote-20) In addition, in 2018, only 14.3 percent of available units could be afforded by very low income households earning 50 percent AMI, while seven percent of available units could be afforded by extremely low income households earning 30 percent of AMI.[[20]](#footnote-21)

1. **The Financial Impact of COVID-19**

The COVID-19 pandemic has had a marked impact on employment in New York. During the week ending March 28, 2020, 288,516 new unemployment insurance claims were filed statewide, up from 80,509 filed during the previous week.[[21]](#footnote-22) As of September 5, 2020, 3,680,227 individuals previously employed in New York State had filed for unemployment insurance benefits.[[22]](#footnote-23) Of those, 1,770,555 worked in New York City.[[23]](#footnote-24) This number does not include the estimated 208,700 New York City renter households with members who lost a job but did not file for unemployment insurance benefits.[[24]](#footnote-25)

Currently, New York State’s maximum weekly unemployment benefit rate is $504 per week.[[25]](#footnote-26) From March 27, 2020 until July 31, 2020, individuals collecting unemployment insurance were allotted a supplementary federal benefit of $600 per week.[[26]](#footnote-27) For many New Yorkers, once this additional $600 benefit expired, they were no longer able to pay rent.[[27]](#footnote-28) The New York State Department of Labor recently announced the availability of the Lost Wages Assistance program, which will provide an additional $300 per week to out-of-work New Yorkers.[[28]](#footnote-29) This additional weekly $300 will be available until December 27, 2020.[[29]](#footnote-30)

1. **Evictions and Displacement During the COVID-19 Pandemic**

Governor Cuomo’s March 7 Executive Order [[30]](#footnote-31) issued as a result of the “threat that COVID-19 pose[d] to the health and welfare of its residents and visitor”[[31]](#footnote-32) led to the temporary closure of businesses deemed “non-essential.”[[32]](#footnote-33) Although necessary to flatten the COVID-19 curve,[[33]](#footnote-34) the temporary closure of many businesses lead to mass unemployment and left many already rent-burdened New Yorkers completely unable to pay rent. With an increasing number of New Yorkers out of work due to COVID-19[[34]](#footnote-35)—and therefore facing the threat of eviction—Judge Lawrence K. Marks, Chief Administrative Judge for the State of New York Unified Court System, issued a memorandum that, in part, suspended “all eviction proceedings and pending eviction orders” as of March 16, 2020.[[35]](#footnote-36) Subsequently, on March 20, 2020, Governor Cuomo issued an executive order that stayed the enforcement of “an eviction of any tenant residential or commercial…for a period of ninety days.”[[36]](#footnote-37) On May 7, 2020, Governor Cuomo’s eviction moratorium was extended for an additional 60 days, until August 20, 2020.[[37]](#footnote-38) This extension only applied to tenants who were “eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic.” [[38]](#footnote-39) This moratorium was subsequently extended until September 20, 2020.[[39]](#footnote-40)

On August 12, 2020, Judge Marks issued a memorandum[[40]](#footnote-41) extending the suspension of the filing of new eviction proceedings, but permitting eviction proceedings filed prior to March 17, 2020 to proceed. There are an estimated 200,000 eviction proceedings pending in New York City housing courts.[[41]](#footnote-42) New residential warrants of eviction cannot be executed prior to October 1, 2020. Even after October 1, 2020, residential warrants of eviction may only be executed after a conference is held during which a judge reviews the history of the case and the impact of COVID-19 on the parties.[[42]](#footnote-43) The judge may also refer the tenant to legal services organizations and assess whether the tenant may qualify for a stay under the New York State Tenant Safe Harbor Act.[[43]](#footnote-44)

Currently, there are 14,500 New York City renters with pending warrants of eviction.[[44]](#footnote-45) Under the August 12, 2020 Memorandum by Judge Marks, these evictions can go forward on October 1, 2020. Even though these evictions may proceed, as discussed below, legislation and mandates on the state and federal levels will stay executions of evictions through the end of 2020. Although these moratoriums provide protection for tenants in the near future, once they expire, many tenants may remain in the same precarious situations they are in now: namely, housing insecure and fearful of eviction. In addition, even while the state and federal moratoriums discussed below provide some reprieve from eviction, tenants continue to accrue thousands of dollars in back rent.[[45]](#footnote-46)

These continued moratoriums, however, have helped prevent homelessness, albeit temporarily. During the pandemic, the homeless shelter population has declined, at least in part, because no warrants of eviction have been executed since it began.[[46]](#footnote-47)

1. **Immediate Responses to COVID**
   1. **Federal Eviction Moratoriums**

The federal Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, signed into law on March 27, 2020, imposed a temporary moratorium on all new eviction actions for nonpayment of rent and applied to dwellings with a federally backed mortgage loan.[[47]](#footnote-48) That federal eviction moratorium lasted for only 120 days, and expired on July 24, 2020.[[48]](#footnote-49) By early August, landlords started resuming eviction orders across the country, and it seemed likely that the federal government would not have a role to pay in minimizing evictions nationally.[[49]](#footnote-50)

However, in September 2020, the Centers for Disease Control and Prevention (“CDC”) issued an order under the Public Health Service Act to temporarily halt residential evictions in order to prevent the further spread of COVID-19.[[50]](#footnote-51) This order is effective through December 31, 2020.[[51]](#footnote-52) It applies to individual renters who expect to earn less than $99,000 this year on their own or less than $198,000 if they file jointly.[[52]](#footnote-53) It also applies to any renter who did not report income in 2019 or who received a stimulus check earlier this year.[[53]](#footnote-54) Renters who qualify would still owe accrued rent.[[54]](#footnote-55) The CDC moratorium has a greater scope and covers all renters who meet certain criteria – regardless of whether their residence has a federally backed mortgage – and who submit a signed declaration to their landlords.[[55]](#footnote-56)

* 1. **New York State’s COVID Rent Relief Program**

On July 14, 2020, Governor Cuomo announced an emergency rental assistance program that provides direct aid for low-income tenants who lost income due to the COVID-19 pandemic.[[56]](#footnote-57) This program was administered by New York State Homes and Community Renewal,[[57]](#footnote-58) and funded through the Coronavirus Relief Fund, which is part of the CARES Act.[[58]](#footnote-59) More specifically, eligible households were provided with a one-time rental subsidy that was sent directly to the household’s landlord.[[59]](#footnote-60) Applicants would not need to repay this assistance.[[60]](#footnote-61)

The COVID Rent Relief Program was not first come, first served; applications were accepted throughout a two-week application period, which ended on August 6, 2020.[[61]](#footnote-62) However, priority was given to eligible households with the “greatest economic and social need,” accounting for income, rent burden, percent of income lost, and risk of homelessness. The rental assistance payment covered the difference between the household’s rent burden on March 1, 2020 and the increase in the rent burden for the months the households were applying for assistance. Households could apply for up to four months of rental assistance.[[62]](#footnote-63)

* 1. **New York City’s Efforts to Halt Evictions**

HRA’s "One Shot Deal" emergency assistance program helps people who cannot meet an expense due to an unexpected situation or event.[[63]](#footnote-64) Emergency assistance is provided for, but not limited to homelessness, eviction or dispossession, utility disconnection or pending utility shut off, fire disaster, domestic violence, and circumstances that affect the health and safety of the individual or family.[[64]](#footnote-65) The program will provide eligible tenants with a one-time rental subsidy from the COVID Rent Relief Program if a tenant’s rent is more than 30 percent of their gross income (*i.e.*, the tenant is rent burdened)*,* or if they lost, or had income reduced, between April 1 and July 31, 2020.[[65]](#footnote-66)

In April of 2020, the Council passed Local Law 56 for the year 2020. This legislation seeks protect tenants from COVID-related harassment and discrimination with violations punishable by a civil penalty of $2,000 to $10,000.[[66]](#footnote-67) Local Law 56 is currently the subject of pending litigation.[[67]](#footnote-68)

* 1. **Additional State Efforts**

The New York State Tenant Safe Harbor Act, [[68]](#footnote-69) sponsored by State Senator Brad Hoylman and Assemblymember Jeffrey Dinowitz, which was signed into law by the Governor on June 30, 2020, prohibits housing courts from issuing warrants of eviction or judgments of possession against residential tenants who are unable to pay rent due the financial impact of COVD-19. [[69]](#footnote-70) The prohibition runs from March 7 until all coronavirus-related restrictions are lifted in a tenant’s county.[[70]](#footnote-71) The law also permits a respondent in a summary proceeding to recover possession of real property to raise financial hardship during this same period as an affirmative defense.[[71]](#footnote-72)

1. **Housing Court Reopening**
   1. **Infrastructure**

Even before the COVID-19 pandemic, the City’s housing courts have always had issues with lines, congestion, and crowding. According to a 2018 report by The Special Commission on the Future of the New York Housing Court, the City’s housing court collectively is “one of the busiest and most overburdened courts in the nation.”[[72]](#footnote-73) The report went on to note that housing courts are “inadequate in size and design for the volume of litigants, counsel and court personnel who come to court each day.”[[73]](#footnote-74) In the Bronx, they found that “trials are often conducted in elevator lobbies.”[[74]](#footnote-75) In Queens, they found that the lack of private or even semi-private areas meant that conferences between litigants and their counsel took place in crowded hallways with no confidentiality.[[75]](#footnote-76) In Brooklyn Housing Court, located at 141 Livingston Street, in a building that was not designed to be a courthouse, they noted that the building’s inadequacy has been known for “20 years without any remedial changes.”[[76]](#footnote-77) At every courthouse, “[l]ong lines of tenants, often accompanied by children, snake around the block outside the courthouse.”[[77]](#footnote-78)

These issues can prove fatal during COVID-19. Advocates also note that these were issues even before the pandemic; when coupled with the surge in eviction filings that will inevitably be coming, as well as the requirements of social distancing, these problems will be exacerbated.[[78]](#footnote-79) The only way to avoid that catastrophe, they contend, is to not reopen housing court for eviction and nonpayment issues at all, but instead to focus on the cases the court had been prioritizing virtually—issues of urgent repairs, illegal lockouts, and serious misconduct.[[79]](#footnote-80) Not only would that avert transmittal of the virus in crowded courthouses, it would also lessen the number of litigants who would need to be equipped with the tools necessary for Skype hearings: including smartphones, virtual translators, and assignments of counsel.[[80]](#footnote-81)

* 1. **Court Processing**

On August 12, 2020, Judge Anthony Cannataro, the Administrative Judge of the Civil Court of the City of New York, issued a directive allowing the resumption of eviction matters that began before March 17.[[81]](#footnote-82) That same day, Judge Marks issued a revised procedure for evictions that allows commercial evictions to begin in August and residential evictions to begin on October 1.[[82]](#footnote-83) Before residential eviction proceedings can continue, the new procedures require a judge to hold a status conference “to address a range of subjects including those related to the case and COVID-19 concerns…”[[83]](#footnote-84) Before the State Senate Judiciary, Housing, and Codes Committees on August 21, Judge Marks testified that October 1 “might be a hard deadline [for OCA],” adding that, “We are the judiciary, not the policy-making branch of government. We urge you to focus on this problem and not rely on us to do that.”[[84]](#footnote-85)

In its reopening plans, OCA has made some modifications to how housing court operates as a result of preexisting infrastructure issues.[[85]](#footnote-86) In Brooklyn, for example, some cases are being calendared in the Supreme Court building because it has bigger courtrooms than the housing court located on Livingston Street.[[86]](#footnote-87) In addition, OCA is not allowing any gathering at the entrances of courthouses, and requiring all visitors to wear facemasks.[[87]](#footnote-88) OCA also plans to evaluate itself by having an epidemiologist tour the court buildings and offer guidance and recommendations about how the system can improve safety more than it already has through social distancing measures, installation of Plexiglas barriers, a mask mandate and temperature readings at all entrances.[[88]](#footnote-89)

However, some changes OCA indicated they would try to make are in fact not happening. In May, OCA administrative judges told the Kings County Housing Court Bar Association that they would try to avoid in-person hearings at the Livingston courthouse until after the pandemic, and Judge Cannataro noted that he “fully underst[ood] what the engineering slash epidemiological issues are [at the Livingston St. courthouse]”[[89]](#footnote-90) However, this month Judge Cheryl Gonzales, Supervising Judge of the Civil Court of the City of New York, Kings County Housing Part, said the existing housing court building at Livingston Street is currently holding in-person emergency hearings.[[90]](#footnote-91)

Because of the courts closing in March, there is an immense backlog of cases that predate the pandemic. According to OCA, there were 200,000 pending eviction cases filed before courts closed on March 17, and 14,500 eviction orders currently on hold.[[91]](#footnote-92) Those cases will proceed first—either online or in-person.[[92]](#footnote-93) Hence, while the City marshals will not currently execute warrants of evictions, landlords can still commence evictions proceedings cases, or continue with existing cases, up until a warrant of eviction is issued. This means that the number of potential evictions that may be executed after the last remaining moratorium expires, will only continue to grow. Families facing eviction could then end up in limbo, waiting for legislative changes in Albany,[[93]](#footnote-94) or an influx of funding from HRA, to save them from eviction.

* 1. **CDC Moratorium’s Effect on New York City Housing Court**

OCA has indicated that the CDC’s moratorium does not change any plans to reopen on October 1, 2020 or even necessitate any “massive changes” to OCA policies.[[94]](#footnote-95) Even with an eviction moratorium, there are still cases proceeding in the courts that can result in displacement. The CDC moratorium does not prevent evictions stemming from issues other than non-payment, and it similarly does not prevent the non-renewal of leases.[[95]](#footnote-96) For those tenants who are not guaranteed a renewal—for example, tenants in non-rent-stabilized units—a non-renewal is tantamount to an eviction. Evictions for non-renewals could apply to “tens of thousands” of New Yorkers, according to the Legal Aid Society.[[96]](#footnote-97)

The moratorium also does not prevent landlords from bypassing housing court altogether, and instead pursuing an ejectment action in state Supreme Court in cases that do involve non-payment.[[97]](#footnote-98) Although that process can prove more costly for landlords, advocates contend it has happened with increasing frequency since the right to counsel legislation was enacted.[[98]](#footnote-99) The current right to counsel legislation does not apply to other venues—like appellate courts, or state Supreme Court—meaning that landlords pursuing ejectments outside of housing court can maintain their historical leverage over unrepresented tenants.

1. **Issues and Concerns**

At today’s hearing, the Committees would like to learn more about what the City is planning to do to avoid an eviction crisis, specifically what steps the Administration has taken to help tenants who cannot make their back-rent payments and are facing evictions once the state and CDC eviction moratoriums have expired. In addition, the Committees would like to learn about what the courts are doing to prioritize cases virtually, and what can be done to help in-person appearances occur in a safe manner, if such appearances become necessary.

**Legislation**

Below is a brief summary of the legislation being heard by the Committees at this hearing. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Preconsidered Int. No. \_\_\_, a local law in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine**

Pursuant to State law, to maintain rent stabilization, the City of New York must conduct a housing and vacancy survey (“HVS”) periodically to determine whether there is still a housing emergency.[[99]](#footnote-100) If an emergency continues to exist, the Council may determine to pass legislation extending the City’s Rent Stabilization Law of 1969 until the following determination is due.[[100]](#footnote-101) The HVS, which is sponsored by HPD and conducted in collaboration with the United States Census Bureau (“Census Bureau”),[[101]](#footnote-102) was last conducted in 2017 and identified a continuing housing crisis, which resulted in the Council passing legislation extending the City’s Rent Stabilization Law in 2018 to April 1, 2021.[[102]](#footnote-103)

When the City last extended its Rent Stabilization Law in 2018, State law mandated a determination of emergency every three years, putting the due date for the next determination in 2021. However, for the Council to determine whether to further extend the Rent Stabilization Law in 2021, the next HVS would need to be conducted this year, the same year the Census Bureau is conducting the decennial census. Recognizing that the Census Bureau may not have the capacity to assist HPD during the year of a decennial census, the State amended the Local Emergency Housing Rent Control Act in April of this year to delay the required survey and determination by one year when the year of the HVS and the decennial census would otherwise coincide.[[103]](#footnote-104) The due date for the next determination has thus been moved from 2021 to 2022. In accordance with such amendment, this bill would amend the expiration date of the New York City Rent Stabilization Law, reflecting the extension of the deadline for the Council’s determination by one year, from April 1, 2021 to April 1, 2022.

Preconsidered Int. No.

By Council Member Cornegy

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

Be it enacted by the Council as follows:

Section 1. Section 26-520 of the administrative code of the city of New York, as amended by local law number 85 for the year 2018, is amended to read as follows:

§ 26-520 Expiration date. This chapter shall expire on April 1, [2021] 2022 unless rent control shall sooner terminate as provided in subdivision three of section one of the local emergency housing rent control law.

§ 2. This local law shall take effect immediately.

APB

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2. Fiscal Policy Institute, Nearly Half of New York Renting Families are Rent-Burdened, Apr. 2019, <http://fiscalpolicy.org/wp-content/uploads/2019/04/NYS-RentBurdens_Apr2019_MAIN-3.pdf>. [↑](#footnote-ref-3)
3. *Id.* [↑](#footnote-ref-4)
4. *Id.* [↑](#footnote-ref-5)
5. *See* https://data.cityofnewyork.us/City-Government/Evictions/6z8x-wfk4 [↑](#footnote-ref-6)
6. *Id*. [↑](#footnote-ref-7)
7. United States Census, Quick Facts, <https://www.census.gov/quickfacts/fact/table/newyorkcitynewyork,bronxcountybronxboroughnewyork,kingscountybrooklynboroughnewyork,newyorkcountymanhattanboroughnewyork,queenscountyqueensboroughnewyork,richmondcountystatenislandboroughnewyork/PST045219>. [↑](#footnote-ref-8)
8. Erin Durkin, “NYC's poorest neighborhoods have highest death rates from coronavirus,” *Politico,* May 18, 2020,

   available at:

   https://www.politico.com/states/new-york/city-hall/story/2020/05/18/poorest-nyc-neighborhoods-have-highest-death-rates-from-coronavirus-1284519. [↑](#footnote-ref-9)
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11. *Id*. at 1. [↑](#footnote-ref-12)
12. *Id*. at 6. [↑](#footnote-ref-13)
13. *Id*. at 18. [↑](#footnote-ref-14)
14. *Id*. at 19. [↑](#footnote-ref-15)
15. NYC Office of Civil Justice 2016 Annual Report, NYC Human Resources Administration (the “2016 Report”), available at: <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ%202016%20Annual%20Report.pdf> at 11. [↑](#footnote-ref-16)
16. The Growing Gap: New York City’s Housing Affordability Challenge (April 2014), Office of New York City Comptroller Scott M. Stringer, available at <https://comptroller.nyc.gov/wp-content/uploads/documents/Growing_Gap.pdf> at 1. [↑](#footnote-ref-17)
17. *Id.* [↑](#footnote-ref-18)
18. *Id.* [↑](#footnote-ref-19)
19. NYU Furman Center, “State of Renters and their Homes,” State of the City 2019, https://furmancenter.org/stateofthecity/view/state-of-renters-and-their-homes [↑](#footnote-ref-20)
20. *Id*.; *see also* Amy Plitt, “Is New York City housing actually getting more affordable?,” March 8, 2018, *Curbed New York* https://ny.curbed.com/2018/3/8/17096666/new-york-housing-vacancy-survey-census-findings-affordable [↑](#footnote-ref-21)
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23. *Id.* [↑](#footnote-ref-24)
24. Understanding the Potential Magnitude of Rent Shortfalls in New York Due to COVID, The Stoop – NYU Furman Center Blog, June 4, 2020, available at: <https://furmancenter.org/thestoop/entry/understanding-the-potential-magnitude-of-rent-shortfalls-in-new-york-state>. [↑](#footnote-ref-25)
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26. *Id*. [↑](#footnote-ref-27)
27. Caroline Spivack, “As New York hurtles toward an eviction crisis, these are the tenants most at risk,” *Curbed New York,* August 19, 2020, available at: https://ny.curbed.com/2020/8/19/21368734/new-york-city-eviction-crisis-rent-tenants-greatest-risk. [↑](#footnote-ref-28)
28. NYS Department of Labor Announces $300 Lost Wages Assistance Payments Will Begin Next Week, https://www.labor.ny.gov/pressreleases/2020/september-10-2020.shtm [↑](#footnote-ref-29)
29. *Id.* [↑](#footnote-ref-30)
30. Governor Andrew M. Cuomo, Executive Order No. 202, Declaring a Disaster Emergency in the State of New York, https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO\_202.pdf [↑](#footnote-ref-31)
31. *Id*. [↑](#footnote-ref-32)
32. Governor Cuomo Issues Guidance on Essential Services Under The 'New York State on PAUSE' Executive Order, https://www.governor.ny.gov/news/governor-cuomo-issues-guidance-essential-services-under-new-york-state-pause-executive-order [↑](#footnote-ref-33)
33. “Cuomo Reports ‘Possible Flattening’ In Curve, Extends NY ‘PAUSE’ Order,” *WCBS 880*, April 6, 2020, available at: https://wcbs880.radio.com/articles/ap-news/gov-cuomo-reports-possible-flattening-in-curve. [↑](#footnote-ref-34)
34. *See* New York State Department of Labor, Initial Claims Data Over-the-Year Percent Change in Initial Claims by Region Week Ending 3/28/2020, April 2, 2020 <https://www.labor.ny.gov/stats/pdfs/Research-Notes-Initial-Claims-WE-3282020.pdf>. On March 28, 2020, unemployment filings were 2,637% higher in New York City than they had been in the prior year. [↑](#footnote-ref-35)
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