# Legislation Details (With Text)

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| **File #:** | Int 1912-2020 **Version:** * | **Name:** | COVID-19 Relief Package - Ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of COVID-19. |
| **Type:** | Introduction | **Status:** | Filed (End of Session) |
| | | **In control:** | Committee on Consumer Affairs and Business Licensing |
| **On agenda:** | 4/22/2020 | | |
| **Enactment date:** | | **Enactment #:** | |
| **Title:** | A Local Law in relation to ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of COVID-19 | | |
| **Sponsors:** | | | |
| **Indexes:** | | | |
| **Attachments:** | 1. Summary of Int. No. 1912, 2. Int. No. 1912, 3. April 22, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 4-22-20, 5. Minutes of the Stated Meeting - April 22, 2020, 6. Committee Report 4/28/20, 7. Hearing Testimony 4/28/20, 8. Hearing Testimony 4/28/20 (Con't), 9. Hearing Transcript 4/28/20 | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 4/22/2020 | * | City Council | Introduced by Council | |
| 4/22/2020 | * | City Council | Referred to Comm by Council | |
| 4/28/2020 | * | Committee on Consumer Affairs and Business Licensing | Hearing Held by Committee | |
| 4/28/2020 | * | Committee on Consumer Affairs and Business Licensing | Laid Over by Committee | |
| 4/28/2020 | * | Committee on Housing and Buildings | Hearing Held by Committee | |
| 4/28/2020 | * | Committee on Housing and Buildings | Laid Over by Committee | |
| 12/31/2021 | * | City Council | Filed (End of Session) | |

Int. No. 1912

By the Speaker (Council Member Johnson) and Council Members Kallos, Van Bramer, Lander, Chin, Ayala, Rivera and Louis

A Local Law in relation to ceasing the taking and restitution of property and the execution of money judgments by the city sheriff and marshals due to the impacts of COVID-19

Be it enacted by the Council as follows:

Section 1. As used in this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 state disaster emergency. The term "COVID-19 state disaster emergency" means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020.

Federal eviction moratorium. The term "federal eviction moratorium" means the moratorium on certain residential evictions set forth in section 4024 of the coronavirus aid, relief, and economic security, or CARES, act and any subsequent amendments to such section.

First suspension date. The term "first suspension date" means the later of (i) the end of the first month that commences after the expiration of the state eviction moratorium, (ii) the end of the first month that commences after the expiration of the federal eviction moratorium, or (iii) September 30, 2020.

Second suspension date. The term "second suspension date" means the later of (i) the end of the seventh month that commences after the expiration of the state eviction moratorium, (ii) the end of the seventh month that commences after the expiration of the federal eviction moratorium, or (iii) April 1, 2021.

State eviction moratorium. The term "state eviction moratorium" means the moratorium on enforcement of evictions of residential and commercial tenants set forth in executive order number 202.8, as issued by the governor on March 20, 2020 and thereafter extended.

§ 2. Until the first suspension date, the city sheriff and, pursuant to section 1609 of the New York city civil court act, the marshals shall take no action with respect to the taking and restitution of property or the execution of money judgments unless:

1. such action or type of action has been ordered by the governor or mayor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor or mayor pursuant to such article; or

2. such action or type of action is in connection with a matter under the jurisdiction of the family court.

§ 3. a. Until the second suspension date, the city sheriff and, pursuant to section 1609 of the New York city civil court act, the marshals shall take no action with respect to the taking and restitution of property or the execution of money judgments unless:

1. such action or type of action has been ordered by the governor or mayor pursuant to article 2-B of the executive law or is necessary in order to carry out an order issued by the governor or mayor pursuant to such article;

2. such action or type of action is in connection with a matter under the jurisdiction of the family court; or

3. the party against whom such taking and restitution or such execution is sought has been provided a reasonable opportunity to show the court having jurisdiction over the matter that such party suffered a substantial loss of income because of COVID-19 and such court has found that such party has not suffered such a loss or has effectively waived such opportunity.

b. For the purposes of subdivision a of this section, a party has suffered a substantial loss of income because of COVID-19 in the following instances:

1. The party is a natural person and between March 7, 2020 and the first suspension date, inclusive, experienced two or more weeks in which (i) the person claimed federal or state unemployment insurance benefits in connection with a claim that was filed on or after March 7, 2020 or (ii) the person worked fewer than three days and earned less than $504 because of one or more of the following situations:

(a) the person was diagnosed with COVID-19 or was experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(b) a member of the person’s household was diagnosed with COVID-19;

(c) the person was providing care for a family member or a member of the person’s household who was diagnosed with COVID-19;

(d) a member of the person’s household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work;

(e) the person was unable to reach the person’s place of employment because of a quarantine imposed as

a direct result of the COVID-19 state disaster emergency;

(f) the person was unable to reach the person's place of employment because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(g) the person was scheduled to commence employment and did not have a job or was unable to reach the job as a direct result of the COVID-19 state disaster emergency;

(h) the person became the breadwinner or major supporter for a household because the head of the household died as a direct result of COVID-19;

(i) the person quit a job as a direct result of COVID-19; or

(j) the person's place of employment is closed as a direct result of the COVID-19 state disaster emergency;

2. The party is a business and (i) it was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor during the COVID-19 period or (ii) its revenues for any three-month period between March 7, 2020 and the first suspension date, inclusive, were less than 50 percent of its revenues for the same period in 2019 or less than 50 percent of its aggregate revenues for the months of December 2019, January 2020, and February 2020; or

3. The party is a natural person who is being held liable for a debt or other obligation of a business that satisfies the requirements of paragraph 2 of this subdivision.

§ 4. This local law takes effect immediately.

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