

NYS Tenant Safe Harbor Act (signed June 30, 2020)

- No court shall issue a warrant of eviction against a tenant for rent that became due during “COVID period”
- Covers unpaid rent from the beginning of the COVID-19 state disaster emergency (3/7/20) until such time in which none of the provisions that closed non-essential gatherings continue to apply in the tenant’s county of residence
- However...
 - Tenants must prove they have suffered financial hardship
 - Landlords can still seek money judgments for unpaid rent
- In order to make a determination on a tenant’s financial hardship, the court will weigh their financial burden prior to and during the COVID-19 covered period (beginning 3/7/20). The court will consider:
 - Income prior to the COVID-19 covered period
 - Income during the COVID-19 covered period
 - Liquid assets
 - “Eligibility and receipt of cash assistance, supplemental nutrition assistance program, supplemental security income, the New York State disability program, the home energy assistance program, or unemployment insurance or benefits under state or federal law.”