

How the Pandemic Affected Tenants' Rights in NYC

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Talking to attorneys about eviction prevention



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By [Nancy Henderson](#) | Last updated on April 19, 2022

In 2020, during the COVID-19 pandemic, as some New York tenants scrambled to pay their rent in the face of unprecedented hardship, safeguards were enacted. In March 2020, Gov. Andrew Cuomo announced an eviction moratorium across New York State, making it illegal for landlords to force out residential and commercial tenants unable to pay their rent due to the crisis. Property owners were also barred from withholding essential services such as water or electricity, jacking up rates, or reporting a tenant to the credit bureaus. The COVID-19 Emergency Eviction and Foreclosure Prevention Act was extended again in May 2021.

Shutdowns of local courts and housing court provided another layer of protection for renters who would have normally been facing eviction.

“Unless such persons were genuinely endangering the lives of themselves or the landlord or others in the same building, they could not be removed,” says [Dov Treiman](#), who chairs the landlord-tenant civil litigation practice at Adam Leitman Bailey, P.C. “The law was clear that the landlords could not simply lock them out.”

The mandate also shielded owners of 10 or fewer residential dwellings from foreclosure. “Their mortgages, their taxes, their insurance, utilities, building maintenance, all of those things, didn’t stop,” says [Peter Schwartz](#), who heads the real estate department at Graubard Miller. “That put a burden on them.”



The eviction hiatus has prompted some tenants to assume the government will forgive their nonpayment of rent altogether. Not true. You'll still owe those payments unless you've worked out another arrangement with your landlord. Says **Schwartz**: "It doesn't relieve the debt. It just relieves the fear of losing one's home or being evicted from their business during the coronavirus."

So what are your responsibilities as a tenant? First, the eviction stay wasn't automatic; you still had to submit a formal hardship declaration to your landlord. For some, it might be a good idea to [hire an experienced landlord-tenant attorney](#) for tenant protection. "If the lawyer you are contemplating retaining handles fewer than 20 landlord-tenant cases in a month, pick a different lawyer," Treiman advises. "Landlord-tenant work is very technical. It is very exacting. It has a lot of loopholes and tricks of all kinds. This is not the field in which to retain a general practitioner—understanding that in rural New York you may have to."

Don't panic if you can't pay your rent when the moratorium lifts. Because of court backlogs, says Treiman, "I tell my [landlord] clients, 'If you want me to bring an eviction proceeding, I shall. But do not expect the eviction to take place in 2021.'"

Stay informed and read reputable publications for [eviction law](#) updates. "You should not be relying on the internet," says Treiman. "You should not be relying on Facebook. You should not be relying on Chat Space. You should not be relying on your brother-in-law who has a cousin who's a lawyer."

Above all, pay what you can. "Most landlords are not ogres," says Treiman. "If the tenants make some small good-faith payment just as an acknowledgement of still being responsible for the tab, this goes far toward winning the hearts and sympathies of most landlords."

These challenging times have forced both sides to get creative, says **Schwartz**, noting one commercial tenant client near the shuttered Broadway "ghost town" whose landlord agreed to accept reduced rent payments for several months. Among the solutions Treiman has found for his clients: pledging property as security and adding past-due rent to the end of the lease.

"[The pandemic] challenged all of us to see how well we could arrange something that everyone could live with so that the parties could continue in business together," says Schwartz. "There have been many extremely difficult conversations, from both the landlord's side and the tenant's side, because everybody was hurting. And yet you were trying to do something to work it out so that the building could survive and the tenant could survive. For the most part, you realize the humanity here."