



COVID-19 Resources: HOUSING

Updated 10/25/21

Know Your Rights – Housing

Are you struggling to pay your rent or mortgage as a result of the COVID-19 crisis?

- While you are still obligated to pay rent, your landlord cannot commence an eviction proceeding for failure to pay until the moratorium is lifted (see Act below).
- Pursuant to an extension of the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, *pending residential eviction and foreclosure proceedings in the State of New York have been suspended and all residential evictions for tenants experiencing COVID-related hardship have been suspended until Jan. 15, 2022.*
 - If you are facing financial hardship due to the COVID-19 pandemic, you may submit a document to the landlord/mortgage lender/court explaining that hardship (called a Hardship Declaration) to have any eviction or foreclosure further suspended until Jan. 15, 2022.
 - During the period of hardship, you will not be evicted before Jan. 15, 2022, for being unable to pay rent or staying in the property past the expiration of your lease
 - Hardship caused by the COVID-19 pandemic includes the following: loss of household income or significantly increased expenses; increased expenses related to essential work or health reasons; responsibilities for children, elderly, or sick family

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members that prevented your ability to earn income; relocating expenses and difficulty finding alternative housing; or any other circumstances that affected the ability to find a job or earn income

- Mortgagees who submit the Hardship Declaration form to their mortgage lender cannot be foreclosed on until at least Jan. 15, 2022. If you do not submit a document explaining hardship, your pending eviction/foreclosure proceeding will continue normally.
 - You should be provided a Hardship Declaration form by your landlord or mortgage lender (also available [here](#))
 - If you are facing a pending residential eviction/foreclosure proceeding, you will be provided a Hardship Declaration form by the court system
 - Once submitted, landlords have the ability to file an affidavit challenging in court a tenant's hardship declaration if the landlord believes that hardship does not actually exist, and that tenants should be ineligible for eviction protections. If the tenant's declaration of hardship is found invalid, a landlord would be able to move ahead with an eviction proceeding.
 - In cases where the tenant is intentionally doing harm to the property or engaging in behavior that causes a safety hazard to others, landlords may be able to sue the tenant in court. Where warrants for eviction were filed before March 7, 2020, the eviction continues to be stayed until the courts hold a status conference with all parties.
- If you are facing financial hardship that prevents you from being able to pay your rent due to COVID-19, there are resources available to you in New York.
 - NYC Human Resources Administration ("HRA") can offer some financial help through the "One Shot Deal" program. This emergency assistance program can provide qualifying New Yorkers with a one-time payment they can apply toward their rent. Additional information is provided below.

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- You can also apply for a Cash Assistance special grant from HRA to receive emergency benefits if your work schedule was reduced as a result of COVID-19. You may be eligible for assistance regardless of immigration status. Additional information is provided below.
- If you are a NYC Housing Authority resident experiencing a loss of income, you can request an Interim Recertification for any decrease in income. You do not need to submit any supporting documents such as pay stubs or a letter from your employer to submit the Interim Recertification. Proof may be requested at a later time. Additional information is provided below.
- Effective June 17, 2020, New York passed state laws to create a new forbearance program that directs New York-regulated banking organizations and mortgage servicers to provide 180-day mortgage relief to residential mortgage borrowers impacted by COVID-19
 - Mortgage relief applies only to residential mortgage loans on property located in New York that are the primary residences of borrowers residing in New York
 - The forbearance program requires covered lenders and servicers to waive mortgage payments for 180 days based on financial hardship resulting from COVID-19
 - Borrowers also have the option to extend mortgage-relief for up to an additional 180 days
 - Covered lenders or servicers granting mortgage relief must provide 3 different options for repaying the loan payments skipped during the 180-day relief period:
 - Allow the borrower to extend the loan's term for the 180-day relief period without any additional interest, late fees, or penalties
 - Allow the borrower to pay the amounts skipped during the 180-day relief period on a monthly basis for the remainder of the loan's term (without additional interest or fees)

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- Work with the borrower to reasonably pay the amounts skipped during the 180-day relief period through a loan modification or another option (note: a modification may result in additional costs)
- Requesting a mortgage-relief period will not result in negative reporting to credit bureaus
- Borrowers who miss mortgage payments cannot be foreclosed on without first being given the option of the 180-day relief period
- To apply for mortgage relief, contact your mortgage lender or servicer. Each servicer will have a different application process for requesting relief. It is best to request mortgage relief as soon as possible, especially if you are already in default on your mortgage.
 - If you believe your application for mortgage relief has been wrongly denied, you may contact the New York Department of Financial Services at 1-800-342-3736 or <https://www.dfs.ny.gov/complaint>.
- For more information on requesting mortgage relief, please visit: <https://www.dfs.ny.gov/consumers/coronavirus/mortgage>.
- The new forbearance program does not apply to national banks, out-of-state state banks with branches in New York or branches of foreign banks, and mortgages insured or supported by federal government agencies. If you are unsure whether your mortgage lender or servicer falls within the scope of the law, please visit: https://www.dfs.ny.gov/who_we_supervise.

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Are housing courts closed?

- No, for certain essential functions, listed below, housing courts are open.
- In NYC, emergency courtrooms in every borough's housing court will be open to deal with emergency cases which include:
 - illegal lockouts
 - serious housing code violations
 - post-eviction cases
 - evacuate orders

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- repair orders
- Emergency repairs:
 - In NYC, you can still go to housing court for emergency repairs. This is called an HP proceeding.
 - For pending emergency repair cases, your court date stands and you will have a hearing.
 - Other options to get repairs are still available, such as by calling 311 or applying to DHCR for a rent reduction. However, please keep in mind that with closures continuing throughout the City and State, enforcement agencies may be working with limited staff, and it may take longer to get repairs or inspections.
 - Emergency repairs for NYC tenants include heat and hot water cases, access for heat and hot water, and other major emergencies, lead cases with the Department of Health and Mental Hygiene and/or violations for lead remediation.

What if my landlord tries to evict me anyway?

- If you recently received a notice of eviction, that by itself is not enough for your landlord to evict you. A landlord must get an order from the court to legally evict a tenant, even if their lease has expired or they are behind on rent.
- Do not ignore any court notices. If there is a date to appear, you must appear or risk defaulting on your case.
- If your landlord shows up at your door and claims that you have been evicted or tries to change the locks, shut off utilities, or physically remove your belongings, you can call the police and explain that your landlord is engaging in an illegal self-help eviction, which is a criminal misdemeanor.
- You may also file an illegal lockout case in housing court to seek emergency relief from a judge to be let back into your unit. Illegal lockout cases are considered “essential applications,” which can still be filed in housing court at this time.

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What resources are available to me?

New York State Resources

New York State Division of Housing and Community Renewal (NYDHCR)

For additional information on the Executive Order and how it may impact you, please visit: <https://hcr.ny.gov/covid-19-helpful-links-and-faqs#tenants> or call the COVID-19 Hotline: 888-364-3065

Other resources:

- A statewide list of housing resources by region is available at: <https://hcr.ny.gov/system/files/documents/2020/03/housing-resources.pdf>
- If you have questions about your specific lease, please contact a lawyer using one of the following links to legal service providers Statewide: <https://www.findalawyernys.org/>; <http://lawhelpNY.org/>; or <http://www.nycourts.gov/courthelp/>
- If you are a rent stabilized or rent controlled tenant and feel you are being harassed by your landlord, file a complaint with HCR's Tenant Protection Unit at: tpuinfo@nyshcr.org or the Office of Rent Administration at: <https://hcr.ny.gov/harassment>
- Non-rent stabilized tenants can report harassment to the Attorney General's office at: <https://ag.ny.gov/uploads/tenant-harassment-prevention-task-force-complaint-form>
- To file a complaint if your utility service is shut off, visit: <http://www.dps.ny.gov/>
- To seek a rent reduction, if you are a rent stabilized or rent controlled tenant, due to individual apartment conditions, heat and/or hot water, you may file a complaint with DHCR online at: <https://rent.hcr.ny.gov/RentConnect/Tenant/DecreasedServicesOverview>, or you may file one of these paper forms:

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- For an individual complaint about apartment conditions, you may file form RA-81, available at:
<https://hcr.ny.gov/system/files/documents/2018/09/applicationrentreduction-individual.pdf>
- For complaints about heat or hot water, you may file form HHW-1, available at:
<https://hcr.ny.gov/system/files/documents/2018/09/failure2provideheathotwater.pdf>
- For complaints about building-wide conditions, if you are a rent stabilized or rent controlled tenant, you may file form RA-84, available at:
<https://hcr.ny.gov/system/files/documents/2018/09/applicationrentreduction-building.pdf>
- For more information about rent reductions for decreased services in rent regulated apartment units, please visit:
<https://hcr.ny.gov/system/files/documents/2019/11/fact-sheet-14.pdf>

New York City Resources

NYC Housing Court

For the most current status of New York City Housing Court, please visit:

<http://www.nycourts.gov/courts/nyc/housing/index.shtml> or call 311

To check if your case has been assigned a future date, check eCourts regularly at:

<https://iapps.courts.state.ny.us/webcivillocal/LCMain>

For more information and resources about landlord and tenant matters, go to:

<http://housingcourtanswers.org/contact-us/> or call 212-962-4795 Mon-Fri, 9-5 pm

NYC Human Resources Administration

To apply for one-time assistance through the “One Shot Deal” program, please visit:

<https://portal.311.nyc.gov/article/?kanumber=KA-01104>

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To apply for a Cash Assistance special grant, call 718-557-1399 to schedule a telephone intake interview, or go to: <https://access.nyc.gov/> to get more information on what type of assistance you may be eligible for.

New York City Housing Authority

Note: This section applies to residents of the NYC public housing system only

To apply for and Interim Recertification of benefits and a decrease in rent, go to: <https://selfserve.nycha.info/> Residents with questions or concerns should contact NYCHA's Customer Contact Center at 718-707-7771.

For more information, please visit: <https://www1.nyc.gov/site/nycha/index.page> or <https://www1.nyc.gov/site/nycha/about/covid-19-resources.page>

NYC Department of Investigation (DOI) Bureau of City Marshals

If a city marshal attempts to violate the order preventing the execution of any pre-existing eviction warrants, please report this activity by calling 212-825-5953.

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