



COVID-19 EDITION  
**COVID-19: RENTERS  
AND EVICTIONS**  
NASSAU AND SUFFOLK COUNTIES

Last updated May 14, 2020. The situation is changing rapidly.  
Please check our website for the latest updates.



### What if I cannot pay rent?

Rent is still due during the COVID 19 state of emergency. However, there are federal and state moratoriums on starting or completing an eviction.

The NY courts suspended eviction proceedings in March 2020. They are not allowing new eviction cases to be filed and adjourned cases pending in March 2020, for the time being. The Governor's May 7, 2020 [Executive Order 202.28](#) extends the moratorium on evictions for non-payment of rent by tenants who are facing financial hardship due to COVID 19 until August 20, 2020. Read on for more information about the Governor's May 7 order.

The federal CARES Act prohibits eviction filings for non-payment of rent in federally covered properties. This includes federally subsidized housing programs administered by the United States Department of Housing and Urban Development (HUD), those with Low Income Housing Tax Credits (LIHTC), and those with federally backed mortgages. The [federal moratorium](#) requires the landlord give the tenant a 30-day notice to vacate. The landlord cannot give the 30-day notice until July 24, 2020 and cannot start new eviction proceedings until August 23, 2020. In addition to these prohibitions, landlords must comply with existing New York State Law governing eviction proceedings, including providing tenants with a 14-day demand for rent before starting a non-payment proceeding.



### Are there programs helping tenants who are unable to pay rent?

The Department of Social Services provides eligible families emergency rent assistance. The [Emergency Solutions Grant](#) (ESG) program, administered by the Nassau County Office of Housing and in Suffolk, the [Family Services League](#) also provides rent assistance. And the CARES Act allows grantees of Community Development Block Grants (CDBG) to assist distressed, low income households with rent payments.



### What if my landlord threatens to or tries to remove me without a court order?

It is a criminal misdemeanor for a landlord to unlawfully evict "an occupant lawfully residing in the premises for thirty days or more." Unlawful evictions occur through the use or the threatened use of force. An unlawful eviction can also be through discontinuing essential services like electricity, heat or water. Or, it can be other conduct intended to prevent you from occupying your home.

The [NY Attorney General](#) has issued a directive for law enforcement to ensure that landlords comply with this law. Although eviction proceedings are suspended, occupants can file an emergency application with the Courts to request an order to restore occupancy.



### More about illegal evictions and how to stop them available below:

- [Download English Version Here](#)
- [Descargue la versión en español aquí](#)

- Tenants in Suffolk who have experienced an illegal eviction should call (631) 208-5775 or call Nassau Suffolk Law Services at (631) 232-2400.
- Tenants in Nassau who have experienced an illegal eviction should call (516) 493-4113 or call Nassau Suffolk Law Services at (516) 292-8100.



### **Can my landlord just use my security deposit to pay my rent?**

Normally your landlord does not have to use your security deposit if you cannot pay your rent. However, on May 7, 2020 Governor Cuomo ordered that a landlord must allow you to use your security deposit to pay rent if you ask to do so and are experiencing financial hardship because of COVID-19. Your agreement with the landlord about this must be in writing, but an email will be enough. A landlord may not harass or threaten a tenant to enter into such an agreement.

If the landlord uses the security deposit for outstanding rent, you must repay the security deposit at a rate of 1/12 the amount used per month. You must start repaying your security deposit 90 days after the landlord uses it for rent. In other words, a tenant will have one year to pay back the security deposit to the landlord, in 12 equal monthly installments starting 90 days after the landlord uses the security.



### **Are all evictions suspended until August 20, 2020?**

There is no clear answer to this question. For now, the New York courts have suspended all eviction proceedings. We don't know when that suspension will be lifted.

The Governor's May 7, 2020 order states that landlords cannot start an eviction proceeding for nonpayment of rent for anyone who is "eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic" until August 20, 2020. Landlords also cannot enforce an eviction **for nonpayment of rent** or after a foreclosure for people experiencing a financial hardship due to COVID-19 until August 20, 2020. The order does not say whether evictions for other reasons, such as lease termination, are subject to the suspension as well.

The federal moratorium on evictions, which similarly applies to evictions based on nonpayment of rent or other fees, runs until July 24, 2020, but then requires the Landlord to serve a 30-day notice before starting an eviction proceeding.

Tenants who have been unable to pay rent during the COVID 19 emergency, cannot be brought to Court until after August 20. Though there is no express moratorium on evictions for other reasons, if the tenants' failure to pay rent is a factor in the decision not to renew the lease, or otherwise terminate the tenancy, there are legitimate arguments that the federal and State moratoriums would apply to these cases. Given the current suspension of **all** eviction proceedings by the courts, this unanswered question is not yet necessary to resolve.

If you have any questions as to how this affects you, please contact Nassau/Suffolk Law Services at (631) 232-2400 (Suffolk) or (516) 292-8100 (Nassau). You can also continue to check our website for further updates.



### **Can my landlord charge late fees?**

New York State law passed last year prohibits landlords from seeking late fees in eviction proceedings. Late fees are only allowed where a written lease expressly allows it. The Governor's Executive Orders prohibit landlords from charging for late fees from March 20, 2020 through August 20, 2020.



### **I'm worried that my apartment is unsafe because of serious maintenance problems. Do I have to wait until June to get help?**

No! You can contact your Town or Village Building Department or Code Enforcement if your landlord is unwilling to remedy conditions that cause unsafe or uninhabitable living spaces. You may also contact the County Department of Health if those conditions include mold, lack of water, or infestation.

Call (631) 854-4000 in Suffolk or 516-227-9697 (Nassau) or try your town's Building Department or code enforcement office.

The courts allow essential applications for immediate relief, including applications seeking an order to compel repairs necessary for the premises to be habitable and safe.

*We make every effort to keep referral information, legal educational materials, and related forms up-to-date. However, the situation is rapidly evolving, and we do not maintain materials on external sites. We cannot guarantee the accuracy of this information, nor are we responsible for any legal advice, information or assistance that you may obtain from external sources. They are provided for general information only.*

- **Tenants in Suffolk** who are facing serious habitability issues should call (631) 208-5775 or call Nassau Suffolk Law Services at (631) 232-2400.
- **Tenants in Nassau** who are facing serious habitability issues should call (516) 493-4113 or Nassau Suffolk Law Services at (516) 292-8100 (Nassau).



**I have a Section 8 voucher or live in subsidized housing with my rental obligation based on my income. What should I do if I my income is lower, or I no longer have income?**

If you have a Section 8 voucher or live in subsidized housing with rent based on your income, be sure to inform your local Housing Authority if you or anyone in your household has lost, or reduced income, so that your tenant share of the rent can be adjusted to reflect the change in household income. During the public health emergency, a self-attestation (your sworn statement) of lost income may be sufficient for the housing authority to reduce your tenant share of the rent. It is still best to you provide verification of lost income from third parties such as your former employer, or a government agency (Unemployment, DSS, SSA). You can provide all documents to the housing authority via regular mail or electronic delivery.

You will need to notify the housing authority if you or anyone in your household receives unemployment benefits, necessary to determine your tenant share of the rent.

Keep copies of all documents you send to the housing authority, as well as confirmation of delivery.



**I have a Section 8 termination notice. What should I do?**

You should request a hearing. While we understand that hearings are not currently being scheduled in Nassau or Suffolk, it is still important to make the request. Call your local Housing Authority or Nassau Suffolk Law Services for more information.

Also, continue to check with your housing authority or on our website for updates on when hearings resume.



**I have a Section 8 termination hearing. What should I expect?**

The decision about holding hearings is up to each individual Housing Authority. We understand that Section 8 termination hearings in Nassau and Suffolk have been put on hold, but we do not yet have information on new dates for those hearings.

Check with your local Housing Authority for more information.



**I have a voucher to move or a new voucher. What is going to happen?**

Those who received vouchers to move with a Section 8 rental subsidy before the pandemic shutdown in March, have had their time to find suitable housing tolled. This means the time they had remaining to find housing (vouchers generally allow up to 120 days to find housing), will be counted from the date the tolling period ends. However, if you are able to find housing now, you should still be able to submit a Request for Tenancy Approval with the Housing Authority. Since inspections are part of this process, you will want to check with the Housing Authority before submitting the Request for Tenancy Approval, as they may only be conducting inspections on vacant units.

If you have a disabling impairment that prevents you from moving at this time, and you have a voucher to move, you should request an extension, and/or a reasonable accommodation for more time to search for new housing, to ensure that you will have time to when you are able to begin searching. Make the request in writing. Keep a copy of your letter and proof of sending.

If you have an emergency need to move, contact Nassau Suffolk Law Services.



**I received a 14-day eviction notice from the sheriff before the Statewide shutdown in March 2020. When will the Sheriff be able to evict me from my home?**

On March 7, 2020 Governor Cuomo issued a moratorium on all evictions. This initial order suspended evictions by the County Sheriff on a previously served 14-day notice to vacate, for 90 days, through June 19, 2020.

Governor Cuomo's May 7, 2020 Executive Order extended the moratorium to August 20, 2020. This order stays enforcement of eviction orders for nonpayment of rent by someone who is facing financial hardship due to the COVID 19 pandemic. It is unclear whether this order will apply to individuals now facing a financial hardship due to the pandemic, but who received a notice to vacate from the Sheriff for an eviction case decided before the shutdown caused by the pandemic. It is also unclear whether whenever the moratorium on evictions ends, the Sheriff will be able to evict without having to serve a new 14-day notice. Despite this uncertainty, it is expected the majority of pending eviction orders will not be enforced by the County Sheriff until after **August 20, 2020**.

If you have any questions as to how this affects you, please contact Nassau/Suffolk Law Services at (631) 232-2400 (Suffolk) or (516) 292-8100 (Nassau). You can also continue to check our website for further updates.



**My eviction proceeding began before the courts suspended eviction proceedings. What is happening with those cases?**

All eviction cases pending when the suspension order was issued were adjourned by the Court. Initially, the Courts adjourned these matters to May 2020, or June, 2020. The May court dates have been adjourned to later dates, many into July, 2020. You can check for the next, tentatively scheduled court date on the [e-courts website](#). Click on the links to look your case (by name or preferably by index number).

Most eviction proceedings on Long Island are in the District Courts, though some are in Village, Justice or Town courts, primarily on the eastern end of Suffolk County. If you have an eviction case in the Suffolk County East End Justice Courts, please **call the court** or Nassau Suffolk Law Services if you have questions about the status of your case.

The courts' website may not immediately update the new court date. Don't worry if it is still showing the court appearance on a date that has passed, or is upcoming through June 6. Due to the current orders in place, all pending eviction proceedings are suspended through at least June 6, and will be adjourned even if the courts' website does not show that.

You should regularly check the courts' website as dates are tentative depending upon when the courts will resume hearing cases, and there is often a delay in the new information appearing on the courts' website.



**Where can I go to learn more about programs to help people through the public health emergency?**  
[Click this link to learn more about programs available.](#)