



Memorandum of Support
Emergency Housing Stability and Tenant Displacement Prevention Act
S.8667 (Myrie)/A. 10827 (Reyes)

The New York Legal Assistance Group supports the “Emergency Housing Stability and Tenant Displacement Prevention Act” S. 8667/A. 10827 which prohibits the eviction of any residential or commercial tenant, and the issuance of a judgment of possession against a residential or commercial tenant or other lawful occupant, or a foreclosure of any residential or commercial property, during the COVID-19 emergency period. A serious and unprecedented emergency exists in the state of New York because of the novel coronavirus pandemic. The scope of this emergency is almost impossible to assess, which necessitates that the State respond forcefully to the crisis in order to minimize what is certain to be catastrophic damage to the populace’s health, safety, and social and economic well-being. Without decisive action by the Legislature and Governor, New York is likely to see a wave of evictions that will eclipse by many orders of magnitude any increases in displacement in the State’s history.

The Number of New Yorkers Who Cannot Pay Rent Has Increased Dramatically

A recent study has found that 46% of renters in New York will fail to pay rent during the pandemic.¹ Another has found that a quarter of New York City’s renters have not paid rent since March.² It is estimated that 735,000 New York City households have lost employment income as a result of COVID-19.³

The economic damage caused by the pandemic is well-attested and stark. The pandemic has caused loss of employment and income and the closure of businesses and schools, all of which has exacerbated the already significant financial insecurity felt by many New Yorkers, including many of NYLAG’s clients.

The economic devastation has already manifested in several ways: Applications for public benefits have increased dramatically.⁴ Food insecurity has risen and the need for food

¹ McCarthy, Niall. “Over 40% of U.S. Renters Now At Risk of Eviction.” *Statista*. 28 July 2020. https://www.statista.com/chart/22398/renter-households-facing-a-rental-shortfall-and-potential-eviction/?utm_source=Statista+Global&utm_campaign=82d8924440-Multi_All_InfographTicker_COM_AM_KW31_2020_Th&utm_medium=email&utm_term=0_afecd219f5-82d8924440-299722933

² Smith, Gillian. “Housing Crisis Looms As 1 in 4 NYC Tenants Can’t Pay Rent: Report.” *Patch.com*. 9 July 2020. <https://patch.com/new-york/new-york-city/nyc-housing-market-struggles-25-renters-cant-pay-report>

³ “Policy Minute: Housing Stability and COVID-19 Recovery.” *The Stoop: NYU Furman Center Blog*. 24 June 2020. <https://furmancenter.org/thestoop/entry/policy-minute-housing-stability-and-covid-19-recovery>

⁴ New York State Department of Labor Press Release. 25 April 2020. <https://www.labor.ny.gov/pressreleases/2020/april-25-2020.shtm>

banks and public food assistance has increased accordingly.⁵ And unemployment filings are at record levels.^{6 7}

It is certain that without intervention by the Legislature, the number of tenants facing eviction for failure to pay rent will rise significantly. New York is likely to see a reversal of the 30% decrease in eviction filings from 2013 to 2019⁸ with a strong likelihood that evictions will surpass the highest levels ever seen in the state. Legal service providers are sure to be overwhelmed by the sudden onslaught of eviction filings,⁹ which would weaken what has proven to be an effective bulwark against mass displacement.

Public policy should favor keeping people in their homes. Property owners' lost income should be addressed only after housing security is dealt with. NYLAG submits that the scope of this crisis, with its potential to make many thousands of individuals and families homeless, mandates swift action from the State to ensure that a crisis of rent arrears does not become a humanitarian crisis.

The Burden of the Eviction Crisis Would Fall Disproportionately on Black, Indigenous, and People of Color (BIPOC) Communities

The fact that the COVID-19 pandemic has particularly devastated New York's communities of color is well-documented.^{10 11} Black and brown New Yorkers have a mortality rate for COVID-19 at twice that of white New Yorkers. BIPOC individuals are more likely to be "essential" workers than white individuals, which increases the possibility of exposure to the virus for both the individual and their family. This disparity is further compounded because BIPOC people have so far not been able to work remotely at the rates of their white neighbors. New York had conditions that were primed for a hugely disparate impact of the pandemic along racial lines for both health and economic stability.

⁵ Mann, Brian. "In New York City, 2 Million Residents Face Food Insecurity, Officials Say." *NPR.org*. 21 May 2020. <https://www.npr.org/sections/coronavirus-live-updates/2020/05/21/860312565/in-new-york-city-2-million-residents-face-food-insecurity-officials-say>

⁶ McGeehan, Patrick. "A Million Jobs Lost: A 'Heart Attack' for the N.Y.C. Economy." *The New York Times*. 7 July 2020. <https://www.nytimes.com/2020/07/07/nyregion/nyc-unemployment.html>

⁷ Pereira, Sydney. "Report: NYC Will End 2020 With 500,000 Fewer Jobs." *Gothamist*. 1 July 2020. <https://gothamist.com/news/report-nyc-will-end-2020-500000-fewer-jobs>

⁸ NYU Forman Center State of New York City's Housing & Neighborhoods. "State of the City 2019: Eviction Filings." <https://furmancenter.org/stateofthecity/view/eviction-filings>

⁹ Culliton, Kathleen. "NYC Prepares for Mass Evictions as Moratorium's End Nears." *Patch.com*. 15 June 2020. <https://patch.com/new-york/new-york-city/nyc-prepares-mass-evictions-moratoriums-end-nears>

¹⁰ NYC Health. COVID-19: Data. <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>

¹¹ Oppel, Jr., Richard A., Robert Gebeloff, K.K. Rebecca Lai, Will Wright, and Mitch Smith. "The Fullest Looks Yet at the Racial Inequity of Coronavirus." *The New York Times*. 5 July 2020. <https://www.nytimes.com/interactive/2020/07/05/us/coronavirus-latinos-african-americans-cdc-data.html>

Already, the impacts of the pandemic are concentrated in areas that were already seeing higher rates of displacement. NYLAG has surveyed the zip codes served by the City's Right to Counsel law and found that the economic shocks of the pandemic of being felt acutely in these areas (see, Schedule A). The people of these neighborhoods, already facing an eviction crisis in their neighborhoods, are likely to see things get much worse.

If New York allowed eviction or rental arrears filings to proceed, Black and brown communities would bear the brunt of the economic devastation. Already endemic race-based inequalities would be further amplified. The murder of George Floyd and the widespread Black Lives Matter movement has brought the conversation about racial disparities to the fore in this country. New York should not willingly and through inaction allow communities of color to suffer the most during this pandemic and the eventual recovery.

Allowing Filings for Rent Arrears Poses a Safety Threat

New York State has a constitutional requirement to provide shelter to unhoused people. The shelter system, already overburdened, is likely to be completely overwhelmed if evictions are allowed to proceed unimpeded. An increase in the shelter population threatens our ability to contain COVID-19: the shelter system has been shown to be a vector for infections. An increase in the unhoused population will cause an even larger cascade of social and economic hardship such as children missing school, people losing jobs, the long-term psychological trauma of eviction and homelessness, etc. The State will be financially incapacitated by paying for the shelter of increased unhoused population.

But it is not enough to merely stop people from entering a shelter. Without an eviction moratorium, the number of eviction case filings for nonpayment of rent will increase tremendously, resulting in overburdened court systems which do not have the resources or space to operate safely and functionally. NYLAG has publicly stated that it will not send its employees to court without a meaningful health and safety plan in place in those courthouses. Without a moratorium, the wave of eviction filings will result in massive congestion and increased human contact in courthouse spaces, both of which will exacerbate the spread of COVID-19, further contributing to the public health crisis.

This bill adequately addresses these serious concerns. Until the court systems have shown that they can be operated safely in a pandemic, allowing evictions will force many tenants to enter unsafe buildings and put themselves and their families at risk.

For these reasons, the New York Legal Assistance Group strongly supports this bill.

Schedule A

Unemployment rates by borough (Right to Counsel zip codes)

Borough	Zip code	Unemployment rate	Unemployment ranking (borough comparison)	population
Brooklyn	11207	17.85%	#6/47	86,551
Brooklyn	11216	14.39%	#9/47	55,775
Brooklyn	11225	12.13%	#13/47	63,774
Brooklyn	11226	13.82%	#11/47	106,154
Brooklyn	11221	18.53%	#4/47	76,363
Manhattan	10025	6.68%	#22/43	97,086
Manhattan	10026	17.28%	#8/43	30,377
Manhattan	10027	19.31%	#5/43	56,168
Manhattan	10029	15.59%	#9/43	75,390
Manhattan	10031	17.69%	#6/43	60,221
Manhattan	10034	17.28%	#8/43	30,377
Queens	11373	8.6%	#17/61	105,723
Queens	11385	8.5%	#19/61	97,524
Queens	11433	12.6%	#4/61	28,435
Queens	11434	11.3%	#6/61	59,142
Queens	11691	13.4%	#3/61	56,184
Bronx	10457	21.41%	#3/25	69,048
Bronx	10462	10.01%	#16/25	72,077
Bronx	10467	12.09%	#15/25	94,342

Bronx	10468	16.83%	#12/25	78,309
Bronx	10453	19.59%	#8/25	76,775
Staten Island	10302	8.45%	#3/12	16,406
Staten Island	10303	9.83%	#1/12	23,530
Staten Island	10310	7.87%	#5/12	22,852
Staten Island	10314	4.80%	#7/12	84,821