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## Rent is due, What to do?

In the wake of the unexpected job losses and furloughs caused by Coronavirus (COVID-19), New York renters are turning to landlords for rent reprieves.

### Here's what landlords need to know:

Tenants have a continued obligation to pay rent despite eviction moratoriums. As of today, no law has passed in New York eliminating tenants' obligation to pay rent under the rental agreement. On March 20, Governor Andrew Cuomo announced a 90-day moratorium on evictions for residential and commercial tenants in New York until at least June 20, 2020.

On March 27, CARES Act was signed by President Trump holding a 120-day eviction moratorium until July 25, 2020 on any property that has a federally backed mortgage loan or participates in a covered housing program (as defined in section 41411(a) of the Violence Against Women Act of 1994) or the rural housing voucher program under section 542 of the Housing Act of 1949 (42 U.S.C. 1490r). The landlords covered by the CARES Act eviction moratorium may not issue a notice to vacate to tenants until August 24, 2020.

### Landlords' options:

Encourage tenants to apply for rent relief from nonprofit and government agencies.

If your cash flow allows, you might defer the April or May rent - but be sure to document any agreement with your tenant - and you might be able to recoup the lost funds from new government subsidies or bring a legal action against the tenants once the moratoriums expire.

Make sure to keep a complete and organized record of any non-payments, ledgers, and other documentation in order to bring a timely action after expiration of the eviction moratoriums.

Maintain continued communication with tenants including sending customary monthly invoices (if normally sent) and appropriate late rent notices.



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### What can we do for you?

Many landlords are reaching out to our office requesting us to communicate with their tenants regarding their continued obligation to pay rent.

Note, the CARES Act eviction moratorium does not apply to hold over or non payment proceedings related to a non-Federally backed mortgage property. If a landlord is having non-rent issues with a these tenants, contact our office to discuss the best course of action.

Also, our office is here to help small businesses and property owners with applications to receive federal grants and loans through the Paycheck Protection Program ("PPP") If you need assistance or have any questions, please do not hesitate to contact our office.

James G. Dibbini & Associates, P.C. collectively has over 30 years of experience providing legal services in the areas of:

- Landlord & Tenant Law
- DHCR Representation
- Property Management Company Support and Representation
- Commercial & Residential Real Estate Closings
- General Business Law
- Civil Litigation
- Zoning Issues and Variances
- Housing and Building Code Violation Matters
- Cooperative Apartment & Condo Representation

If you have any questions regarding these new laws, please give us a call at (914) 965-1011 or email us at [jdibbini@dibbinilaw.com](mailto:jdibbini@dibbinilaw.com).

Sincerely,

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*This James G. Dibbini & Associates,*



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