



Homes and Community Renewal

Division of Housing
and Community
Renewal

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Governor

The Honorable Kathy Hochul
Governor of the State of New York
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Albany, NY 12224

RUTHANNE VISNAUSKAS

Commissioner/CEO

The Honorable Carl E. Heastie
Speaker of the New York State Assembly
Legislative Office Building, Room 932
Albany, NY 12248

The Honorable Andrea Stewart-Cousins
President Pro Tempore of the Senate
State Capitol Building, Room 907
Albany, NY 12247

The Honorable Joseph A. Zayas
Chief Administrative Judge of the New York State Unified Court System
25 Beaver Street
New York, NY 10004

January 2, 2025

New York State Homes and Community Renewal hereby delivers the report of the New York State Temporary Commission on Housing Security and Tenant Protection (the “Commission”), required under Section 27 of the Statewide Housing Security and Tenant Protection Act of 2019.

Under Section 27, the Commission was charged with studying the impacts of this act “on tenants, landlords, and the court system, and recommending the implementation of legislation, regulations and rules to further improve tenant protections in New York.” As per Section 27, the Commission is deemed dissolved by the release of this report.

Temporary Commission on Housing Security and Tenant Protection Report

I. Introduction

The Temporary Commission on Housing Security and Tenant Protection (hereinafter referred to as the “Rent Commission”) was created pursuant to Part M of the Housing Stability and Tenant Protection Act of 2019 (“HSTPA”)¹. The Rent Commission is charged with studying the impacts of Part M of the Statewide Housing Security and Tenant Protection Act of 2019 on tenants, landlords, and the court system, and is required to recommend the implementation of legislation, regulations, and rules to further improve tenant protections in New York².

The Rent Commission is comprised of ten members who are diverse in both professional experience and perspective. RuthAnne Visnauskas serves as the chair of the Rent Commission by virtue of her status as the commissioner of New York State Homes and Community Renewal. The remainder of the Rent Commission members were appointed by either the Governor, the president of the Senate, the minority leader of the Senate, the speaker of the Assembly, or the minority leader of the Assembly as delineated by statute. The political appointees of the Rent Commission are as follows:

Donna Chiu, appointed by the Governor, managing attorney for Housing Administration at Mobilization for Justice, Inc.

Sue Kimmel, appointed by the Governor, President of Two Plus Four Management and Two Plus Four Construction.

Judge Jean T. Schneider, appointed by the Governor, served as the Citywide Supervising Judge of the New York City Housing Court from 2015 until her retirement in 2022.

Michael McKee, appointed by the Senate majority, Leader and Treasurer of Tenants PAC.

Barbara Finkelstein, appointed by the Senate Majority Leader, served as the Executive Director and CEO of Legal Services of the Hudson Valley for 25 years until her retirement in 2020.

Mitchell Pally, appointed by the Senate minority, former CEO of the Long Island Builders Institute.

Yvonne McCray, appointed by the Speaker of the Assembly, has served as the Director of Housing for the Buffalo Urban Renewal Agency since 2009.

Ellen Davidson, appointed by the Speaker of the Assembly, has served as a staff attorney for The Legal Aid Society’s Law Reform Unit since 2006.

Deborah D. (Najarro) Hall, appointed by the Minority Leader of the Assembly, has served with the Finger Lakes Landlords Association Board of Directors since 2015, as association administrator and board member with three years as President of the Board.

¹ The Housing Stability and Tenant Protection Act of 2019, 2019 N.Y. Laws Ch. 36.

² The Statewide Housing Security and Tenant Protection Act of 2019, 2019 N.Y. Laws 36 § 27.

Once constituted, the Rent Commission met for the first time in February 2023. Thereafter, the Rent Commission convened periodically throughout 2023-2024 as it worked to complete its legislative directive.

II. Study

To help to understand the impact of HSTPA on the Court system, landlords, and tenants, the commission requested data on eviction filings and cases from the Office of Court Administration's ("OCA") Division of Technology and Court Research ("DoTCR"). DoTCR was able to provide aggregate data for the city courts across New York State,³ as well as for Nassau and Suffolk County District Courts,⁴ for evictions filed from 2017 through 2022. DoTCR does not collect data from village and town courts, nor is this data collected or maintained anywhere centrally. The geographies included in the DoTCR eviction data are home to 67% of all New York State households and 82% of renter households.⁵

After reviewing this data, it was almost immediately apparent that it would be difficult, if not impossible, to draw concrete conclusions about HSTPA's impact on tenants, landlords, and the court system using the data available due to the disruptions caused by the COVID-19 pandemic.

The COVID-19 pandemic caused a statewide shutdown in March 2020, just nine months after HSTPA was enacted. Subsequently, the courts were shut down to in-person hearings and shifted to virtual operations and later to a hybrid of virtual and in-person hearings. The Tenant Safe Harbor Act ("eviction moratoria"), Chapter 127 of 2020, prevented eviction of tenants for failing to pay their rent that came due during the covered period from March 7, 2020, through January 15, 2022, if they suffered a financial hardship due to COVID-19. In addition, the Emergency Rental Assistance Program ("ERAP") was launched by the State and included limitations on evictions for tenants who filed ERAP applications before January 2023. Finally, the universal right to counsel in New York City was passed in 2021 following the launch of a smaller version of the program in 2017. The combination of the effects of these various programs make it extremely challenging to try to untangle the data as it relates to the impact of HSTPA on tenants, landlords, and the court system.

³ Albany City Court, Amsterdam City Court, Auburn City Court, Batavia City Court, Beacon City Court, Binghamton City Court, Buffalo City Court, Canandaigua City Court, Cohoes City Court, Corning City Court, Cortland City Court, Dunkirk City Court, Elmira City Court, Fulton City Court, Geneva City Court, Glens Falls City Court, Gloversville City Court, Hornell City Court, Hudson City Court, Ithaca City Court, Jamestown City Court, Johnstown City Court, Kingston City Court, Lackawanna City Court, Little Falls City Court, Lockport City Court, Mechanicville City Court, Middletown City Court, Mt. Vernon City Court, New Rochelle City Court, Newburgh City Court, Niagara Falls City Court, North Tonawanda City Court, Norwich City Court, Ogdensburg City Court, Olean City Court, Oneida City Court, Oneonta City Court, Oswego City Court, Peekskill City Court, Plattsburgh City Court, Port Jervis City Court, Poughkeepsie City Court, Rensselaer City Court, Rochester City Court, Rome City Court, Rye City Court, Salamanca City Court, Saratoga Springs City Court, Schenectady City Court, Sherrill City Court, Syracuse City Court, Tonawanda City Court, Troy City Court, Utica City Court, Watertown City Court, Watervliet City Court, White Plains City Court, Yonkers City Court and the New York City Courts.

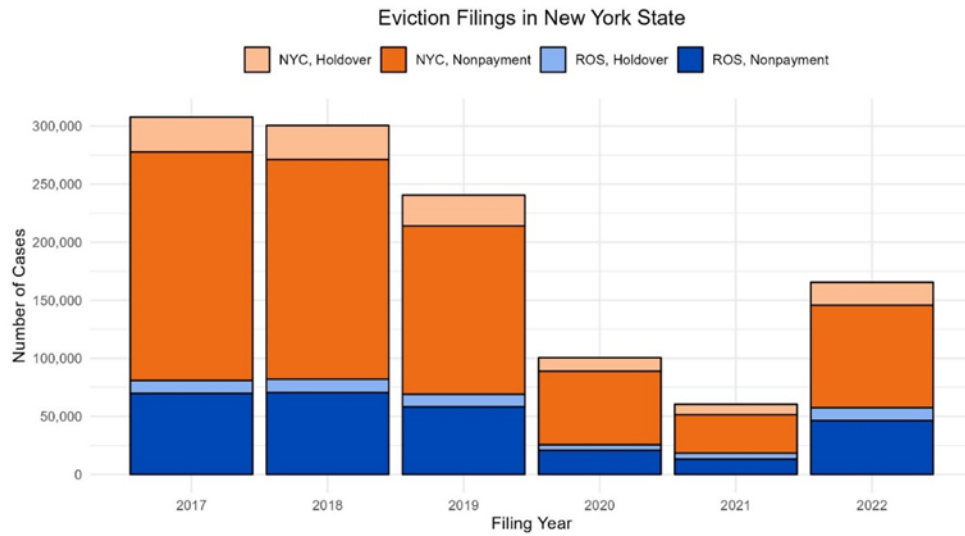
⁴ Nassau County District Court covers the whole county, while Suffolk County District Court covers the five western-most towns of Babylon, Brookhaven, Huntington, Islip, and Smithtown.

⁵ Analysis of U.S. Census Bureau, 2021 American Community Survey 5-Year Estimates, Detailed Table B25003. Of the 82% of renter households, 77% of those households are located in New York City.

Despite these challenges, the following datapoints were instructive in forming recommendations by the Rent Commission.

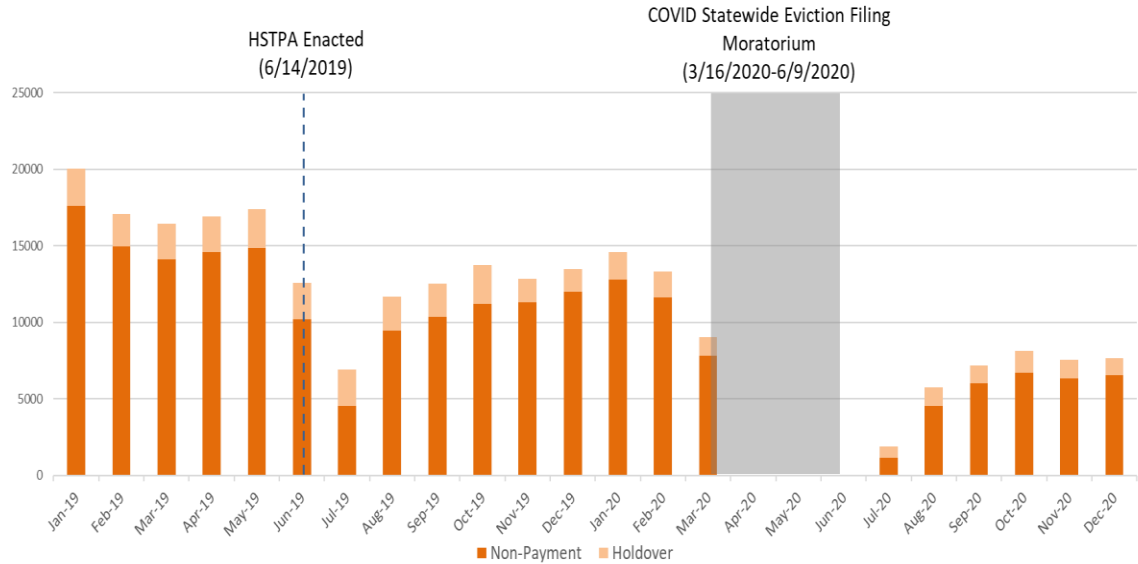
a. Eviction filings⁶

- i. Eviction filings declined substantially in 2020 and 2021. This decline in filings is demonstrated in the chart below and reflects the impact of the COVID-19 shutdown and temporary tenant protections implemented during this time.
- ii. The data shows a smaller decline in eviction filings preceding the pandemic in 2019, especially in New York City.
- iii. Monthly data for New York City shows a decline in eviction filings immediately following the enactment of HSTPA, however, filings increased in the months before the pandemic.
- iv. Data from 2022 shows an increase in eviction filings compared with the eviction filings during the COVID-19 shutdown in 2020 and 2021. Additional data and analysis are needed to understand if the upward trend will continue.



⁶ This Data was provided by DoTCR and analyzed by the NYS HCR Office of Research and Strategic Analysis.

Eviction Filings in New York State

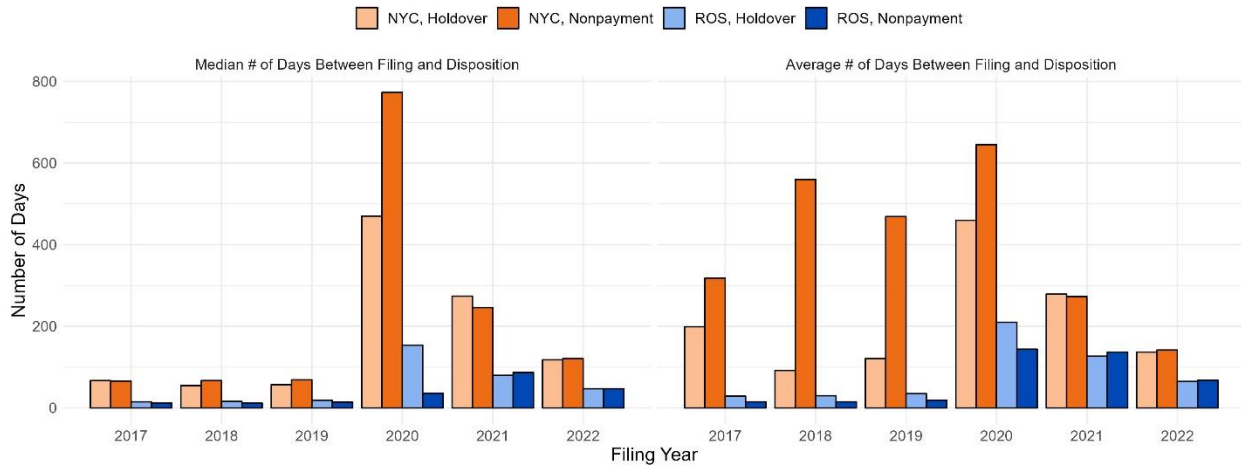


b. Length of time cases remain open before disposal⁷

- i. As one may expect, the length of time cases remained opened increased for cases filed during the COVID-19 period.
- ii. The length of time cases remain open appears to be decreasing from its high in 2020, however, more time and data is needed to determine whether the downward trend continues.
- iii. In New York City, the median days from filing to disposition was approximately 120 days for both holdover and non-payment cases in 2022 compared with approximately 65 days for both case types filed before 2020.
- iv. While the increase in the median time cases remained open upstate was less dramatic, the median time cases remained open upstate was still elevated to more than three times the pre-COVID-19 era⁸ average.
- v. Data suggests that courts may still be working through backlogs or may have encountered new challenges in the post-COVID-19 era that have increased case times; it's not possible to tell from the data whether these residual time lags are related to changes due to HSTPA.

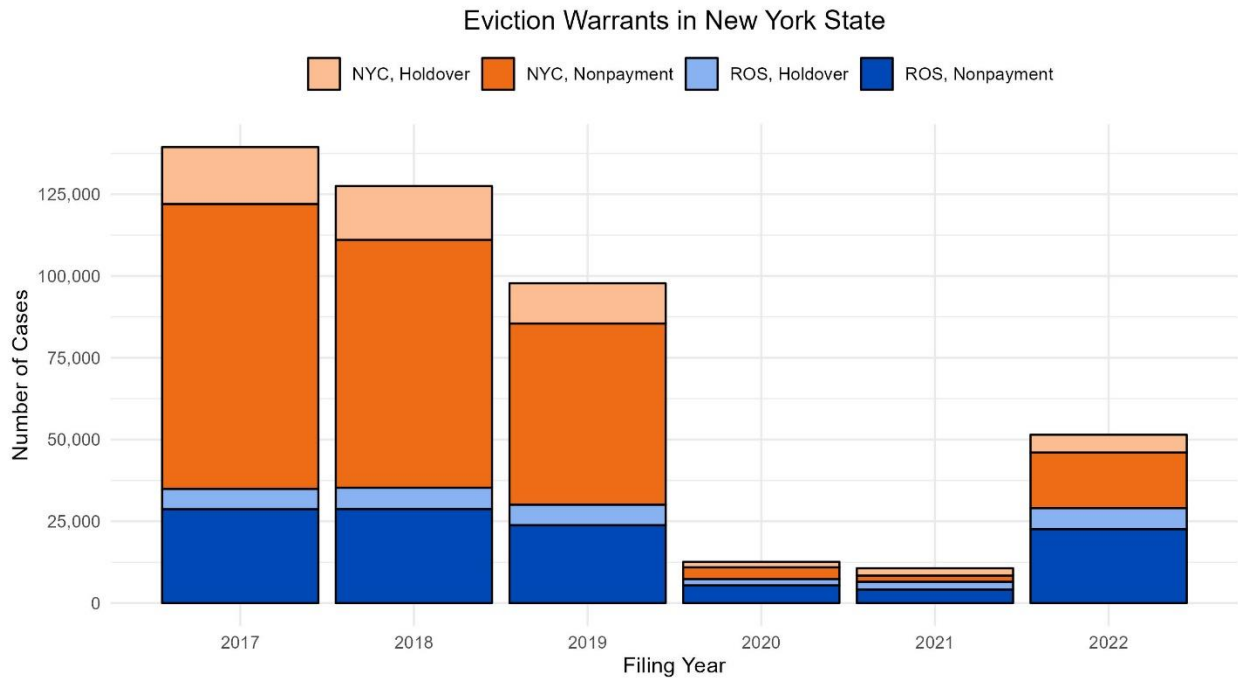
⁷ Data provided by DoTCR and analyzed by the NYS HCR Office of Research and Strategic Analysis.

⁸ 47 days for cases filed in 2022 compared to about 15 days in 2017.



c. Warrants for Eviction Issued⁹

a. The trend for eviction warrants appears similar to that of eviction filings. The data shows a COVID-19 shutdown-related decrease followed by a moderate increase in 2022. More data and additional time are necessary to determine whether the upward trend continues¹⁰.



⁹ Data was provided by DoTCR and analyzed by the NYS HCR Office of Research and Strategic Analysis.

¹⁰ It is important to note that a warrant of eviction issued does not indicate whether a tenant was removed from their home. Data on the execution of eviction warrants is not centrally available, as warrants are executed through local law enforcement.

III. Recommendations

Despite the data challenges discussed above, the Rent Commission has several recommendations to improve tenant protections in New York.

1. **Provide funding and resources for expanding the collection of eviction and housing-related court data across all of New York State.** Currently, we have data for only New York City and district courts. Expanding eviction data collection across the state will provide a better basis for future review. A funding source and mechanism to provide this funding would need to be identified.
2. **Provide funding and resources for expanding reporting requirements for local law enforcement.** Currently, unified data on eviction warrant executions is not centrally available. Expanding eviction warrant execution data collection across the state will provide a better basis for future review. A funding source and mechanism to provide this funding would need to be identified.
3. **Continue/Expand virtual court hearings and Support Universal E-Filing.** Both measures should benefit all parties and the court system itself by increasing access, including by unrepresented litigants, increasing transparency and saving in administrative costs.
4. **Change how Non-payment cases are calendared.** The calendaring of New York City's non-payment cases should be aligned with the calendaring procedure for all cases outside of New York City and holdovers within New York City via either legislative or administrative change. This will help to eliminate false defaults that result from requiring a tenant answer before the case is calendared in New York City non-payment cases.
5. **Increase staffing and provide resources to the OCA for technological advances for courts that handle eviction proceedings.** This need is even more urgent given the passage of recent legislation which is expected to place additional burdens on the courts in terms of processes.