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Locke Lord QuickStudy: New York State Senate Extends Foreclosure and Eviction Moratorium From May 1, 2021 ?Until August 31, 2021?

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On May 3, 2021, the New York State Senate voted to extend the moratorium on foreclosure and eviction actions provided in the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (S.9114/A.11181)(the “Eviction and Foreclosure Prevention Act”) until August 31, 2021. Originally signed into law by Governor Andrew Cuomo in December 2020, the Eviction and Foreclosure Prevention Act prevented all residential evictions and foreclosure proceedings from going forward, and halted related credit discrimination and negative credit reporting until May 1, 2021 due to the impact of the COVID-19 pandemic.

The bill was sponsored by Brian Kavanagh (D-26th District) and initially introduced to the floor on Friday, April 28, 2021, before the Eviction and Foreclosure Prevention Act was set to expire, but a “technical error” delayed the vote until May 3, 2021. Now passed, the bill retroactively applies to the May 1st deadline.

The bill was argued during the legislative session’s “Controversial Calendar,” and while most Senators agreed that an extension is warranted, several questioned the merits of the legislation, which extends the moratorium beyond the date of the CDC’s suspension on similar activities for federally-backed mortgages, which expires on June 30, 2021. In particular, Senator Mike Martucci (R, C, IP – 42nd District) pressed Senator Kavanagh on the purposes of extending the Eviction and Foreclosure Prevention Act to August 31, 2021 when thousands of New York landlords cannot afford to maintain their mortgage and tax payments. In addition, several Senators also argued that the extension is preventing \$2.4 billion of federal aid allocated to New York from being distributed to homeowners.

No changes were made to the bill beyond extending its expiration to August 31, 2021.

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