

A Conversation With Local Housing Attorneys About the State of Landlord Tenant Law Due to COVID-19

February 24, 2021

Panel Presentation Moderated by

Julie Loesch, Esq., Director,

Child & Family Services EAP and Center for Resolution & Justice

Our Panel Members



Joshua Dubs, Esq.



Katelyn Niedermier, Esq.



Delroy Pinnock, Esq.



Kevin Quinn, Esq.



Julie Loesch,
Esq.

Director,

Child & Family
Services EAP
and Center
for Resolution
& Justice



Gayle Murphy,
Esq.

Panel Members' Information

Joshua Dubs, Esq.

Webster & Dubs, P.C.
37 Franklin St., #500
Buffalo, NY 14202
www.websterdubs.com
(716) 854-2050

Delroy Pinnock, Esq.

8th Judicial District Court Help Center
77 West Eagle Street, Buffalo, NY 14202
<http://ww2.nycourts.gov/courts/8jd/helpctr.shtml>
dpinnock@nycourts.gov
(716) 845-1816

Katelyn Niedermier, Esq.

Neighborhood Legal Services
237 Main St., #400
Buffalo, NY 14203
www.nls.org
(716) 847-0650

Kevin Quinn, Esq.

Center for Elder Law & Justice
438 Main Street, Suite 1200
Buffalo, NY 14202
www.elderjusticenyny.org
(716) 853-3087

Julie Loesch, Esq., & Gayle Murphy, Esq.

Center for Resolution & Justice
2495 Main St., Suite 357
Buffalo, NY 14214
www.cfsbny.org/our-services/conflict-resolution/mediate@cfsbny.org
(716) 362-2323

Today's Roadmap

- Introductions
- The COVID-19 Emergency Eviction and Foreclosure Prevention Act (the Law)
- Impact on relationships between landlords and tenants
- Special situations
- Foreclosure relief for homeowners
- Options for out of court dispute resolution
- Resources: where to find more information & help

The Current State of Evictions in NYS

- Most Tenants cannot be evicted before May 1, 2021
- Moratorium may apply if Tenant:
 - Suffered loss of income during pandemic
 - Experienced increased work or health related expenses due to the pandemic
 - Experienced reduced employability/income or increased necessary expenses due to childcare or care for family during the pandemic
 - Experienced inability to afford moving expenses or secure other housing during the pandemic
 - Is at significant risk of suffering severe illness/death from COVID-19 due to age (over 65), disability, or underlying medical condition
- Tenant must sign and submit a sworn declaration to Landlord to seek this protection
- Protections not applicable to Tenants who are significantly interfering with other Tenants' rights or who pose a substantial safety hazard to others
 - <https://www.governor.ny.gov/news/governor-cuomo-signs-covid-19-emergency-eviction-and-foreclosure-prevention-act-2020>
 - <https://www.nycourts.gov/covid-eefpa.shtml>

Illegal Evictions

- It is unlawful for a Landlord to evict or attempt to evict a Tenant by:
 - Using/threatening force
 - Interfering/intending to interfere with or disturb the comfort, repose, peace or quiet of Tenant to provoke tenant to move
 - Preventing/intending to prevent Tenant's occupancy by methods such as removing Tenant's possessions, removing door to premises, rendering locks inoperable or changing the locks



Resources

- Center for Elder Law & Justice
 - www.elderjusticenyc.org
 - 716-853-3087
- Free Senior Advice Helpline: 1-844-481-0973 or helpline@elderjusticenyc.org
- <https://elderjusticenyc.org/housing-unit-eviction-moratorium-guide/>



Resources

- Neighborhood Legal Services, Inc.
 - www.nls.org
 - 716-847-0650
 - <https://nls.org/2021/01/27/what-we-know-about-evictions-in-new-york-state/>



NEIGHBORHOOD
LEGAL SERVICES, INC.

Resources

- Child & Family Services Center for Resolution & Justice
 - <https://cfsbny.org/our-services/conflict-resolution/>
 - mediate@cfsbny.org
 - 716-362-2323
- Crime Victims Justice Project
 - JusticeHelp@cfsbny.org
 - 716-362-2323

Resources

- Bar Association of Erie County
 - 716-852-3100
 - www.Eriebar.org/lawyerreferralandinformationservice/



Lawyer Referral & Information Service

If you need a lawyer in Western New York, call the Bar Association of Erie County's Lawyer Referral and Information Service at 716.852.3100 or request a referral online. It is a public service of the Bar Association, serving all of Western New York. In 2019, we referred approximately 13,000 calls.

Resources

- 8th Judicial District Court Help Center
 - 77 West Eagle St., Buffalo, NY
 - 716-845-1816
 - <http://ww2.nycourts.gov/courts/8jd/helpctr.shtml>
 - dpinnock@nycourts.gov



Resources

Eviction Prevention



STAND UP BUFFALO

ARE YOU OR SOMEONE YOU KNOW AMONG THOUSANDS THAT FACE EVICTION OR UNABLE TO PAY RENT DUE TO THE PANDEMIC?

AS A PART OF THE "STAND UP BUFFALO" INITIATIVE, THE CITY OF BUFFALO URBAN RENEWAL AGENCY (BURA) IS EXPANDING ITS SUPPORTIVE SERVICES TO HOUSEHOLDS FACING EVICTION.

VIEW TARGETED EVICTION PREVENTION AREAS ON THE BACK.

To qualify, applicants must provide:


- At or below 80% of Area Median Income *Low income is based on income and household size, i.e. under \$62,100 for a family of 4
- Proof of Buffalo residency
- Proof of tenancy, i.e. lease or landlord month to month statement
- Proof of overdue rent payment for any month after March 2020

Call 2-1-1 to learn more and apply today!





Foreclosure Prevention



STAND UP BUFFALO




HAS THE COVID-19 PANDEMIC IMPACTED YOUR ABILITY TO MAKE PAYMENTS TOWARD YOUR MORTGAGE?



THROUGH THE "STAND UP BUFFALO" INITIATIVE, THE CITY OF BUFFALO URBAN RENEWAL AGENCY (BURA) IS WORKING WITH OUR COMMUNITY PARTNERS TO HELP HOMEOWNERS MAINTAIN HOUSING STABILITY DURING AND AFTER THE COVID-19 PANDEMIC. QUALIFIED RESIDENTS WILL BE CONNECTED WITH HUD-CERTIFIED MORTGAGE COUNSELORS FOR ONE-ON-ONE SESSIONS TO ASSIST WITH LOAN MODIFICATIONS AND PROVIDE REFERRALS TO PREVENT POSSIBLE FORECLOSURE. UP TO \$3,500 IS AVAILABLE IN DIRECT ASSISTANCE FOR UP TO THREE CONSECUTIVE MONTHS OF MORTGAGE ASSISTANCE.

To qualify, applicants must:

- At or below 80% of Area Median Income *Low income is based on income and household size, i.e. under \$62,100 for a family of 4
- Participate in financial counseling sessions
- Be City of Buffalo residents.

Call 2-1-1 to learn more and apply today!





Resources

- 8th Judicial District Webpage
 - <http://ww2.nycourts.gov/courts/8jd/index.shtml>

Not secure | ww2.nycourts.gov/access-justice-8th-judicial-district-29841

MAIN MENU > HOME THE COURTS E-COURTS REPRESENTING YOURSELF THE LAW JURORS JUDGES LEGAL PROFESSION TOPICS A TO Z

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NYCOURTS.GOV

NEW YORK STATE UNIFIED COURT SYSTEM

8th JUDICIAL DISTRICT



Access to Justice

[Access to Justice and Free Legal Assistance](#)

[COVID-19 and Free Legal Assistance](#)

[Supreme Court Help Center](#)

[List of Legal Service Providers](#)

[Cares Act Rental and Mortgage Assistance](#)

[Free Legal Services Landlord/Tenant Evictions and Housing Matters](#)

8th JD Home

Accessibility (ADA)

Courts by County ▶

General Information ▶

Judges & Rules ▶

Jurors

Resources

- <https://www.nycourts.gov/LegacyPDFS/courts/8jd/pdfs/covid/A2JEvictionsCivilLegalServiceProviders2.pdf>

ERIE COUNTY

Neighborhood Legal Services
237 Main Street, Suite 400
Buffalo, New York 14203
(716) 847-0650



Services are provided for Buffalo City Court, Lackawanna City Court, Tonawanda City Court and All Town and Village Justice Courts in Erie County

[Website](#)

ECBA – Volunteer Lawyers Project
438 Main St. 7th Floor
Buffalo, New York 14202
(716) 828-8460



Services are provided for Buffalo City Court, Lackawanna City Court

[Website](#)

Legal Aid Bureau
290 Main Street Suite 400
Buffalo, New York 14202
(716) 853-9555 x453



Services are provided for Buffalo City Court, Amherst Town Justice Court and Cheektowaga Town Justice Court

[Website](#)

Center for Elder Law and Justice
438 Main Street, Suite 1200
Buffalo, New York 14202
(716) 853-3087



Services are provided for Buffalo City Court, Lackawanna City Court, Tonawanda City Court All Town and Village Justice Courts in Erie County

[Website](#)

Child & Family Services Center for Resolution and Justice
2495 Main St., Suite 357
Buffalo, New York 14214
(716) 362-2323 or email: mediate@cfsbny.org



Mediation to resolve disputes between landlords and tenants

Services are provided for Buffalo City Court, Lackawanna Falls City Court, Tonawanda City Court All Town and Village Justice Courts in Erie County

Upcoming Seminar

<https://us02web.zoom.us/join/join?secret=8tE9cQsjAkoJRAKmhok6pQ1Ruh>

The Volunteer Lawyers Project Presents

KNOW YOUR RIGHTS

THE COVID-19 HOUSING EDITION

What have you heard about the **Eviction Moratorium** and new rules regarding your rented housing? Join us for an Overview of Landlord/Tenant Law and new protections during the Covid-19 crisis. Bring your questions for this interactive session.

Christine McMenamin, Senior Housing Staff Attorney, Volunteer Lawyers Project
Christopher Szczypiel, Housing Staff Attorney, Volunteer Lawyers Project
Michael Fiessa, Esq., Housing Staff Attorney, Neighborhood Legal Services

THURSDAY, FEBRUARY 25, 2pm

TO REGISTER FOR VIRTUAL SESSION:
bit.ly/knowyourrightsfeb

