



Attorney General
of New York
Letitia James

Dear New Yorker,

Many people in New York State have suffered financially during the COVID-19 pandemic. The Tenant Safe Harbor Act (TSHA) protects tenants and lawful occupants from eviction if they cannot pay their rent.

Some people do not have traditional employment or may have other sources of income which are hard to prove. For instance, undocumented individuals, freelancers, and the self-employed may have a hard time showing how their income changed.

This publication outlines other kinds of proof that you can use to receive the protections granted under the TSHA.

Sincerely,

Letitia James

Resources

Within New York City:

New York City Right to Counsel Hotline

(718) 557-1379

Housing Court Answers

For information and referrals to attorneys who may be able to provide representation

(212) 962-4795

New York City Department of Consumer Affairs

For information about freelance and self-employed workers' rights

www1.nyc.gov/site/dca/workers/workersrights/freelancer-workers.page

New York State:

LawHelp NY

For referrals to attorneys who may be able to provide representation

lawhelpny.org

New York Immigration Coalition

For statewide information about undocumented workers rights

nyic.org

New York State Emergency Rental Assistance Program (ERAP)

Provides financial help to households who could not pay rent or utility bills during the COVID 19 pandemic

otda.ny.gov/programs/Emergency-Rental-Assistance

English



Demonstrating Financial Hardship Under the Tenant Safe Harbor Act

Guidance for Tenants



Office of the New York State
Attorney General
Letitia James

Financial Hardship Defense under the Tenant Safe Harbor Act (TSHA)

The TSHA helps residential tenants and lawful occupants stay in their homes.

I owe rent. How can the TSHA help me?

If you could not pay your rent because of COVID-19 (for example, you lost your job), a judge can stop your eviction for unpaid rent if you can show in court how COVID-19 hurt you financially.

Do I still have to pay the unpaid rent?

Even though the judge can stop your eviction for unpaid rent, your landlord can still show that you owe the money and can ask the judge for a monetary judgment. They can then try to collect that money.

Am I protected from other eviction proceedings?

The TSHA only applies to nonpayment of rent cases and does not apply to hold over proceedings.

How do I show the judge I suffered financially?

Under the TSHA, a tenant or other lawful occupant must prove that they have suffered a financial hardship due to COVID-19. The judge will look at several factors to determine financial hardship, including:

- Income that changed during COVID-19
- Cash and money in bank accounts
- Whether you can get:
 - Cash Assistance (PA)
 - Supplemental Nutrition Assistance Program (SNAP or Food Stamps)
 - Supplemental Security Income (SSI)
 - New York State Disability
 - Home Energy Assistance Program (HEAP)
 - Unemployment Insurance
 - Other benefits under state and federal law

Alternatives to Traditional Documentation of Financial Hardship

The TSHA says that judges “shall consider” financial hardship factors but does not tell them what tenants need to bring to court.

You can show a loss of income through pay stubs, bank statements, tax returns, or bills.

If you do not have these types of documents, you can show a loss of income in other ways, including by you or someone else who knows your situation giving a statement if you have no documents.

Examples of Proof You Can Bring to Court Other Than Paystubs, Bank Statements, Tax Returns or Bills:

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| <ul style="list-style-type: none">· Statements from you or people you live with that explains in detail changes in your income and public benefit eligibility· Statements from your employer who reduced your hours or laid you off after March 7, 2020· Statements of family members who provided financial help, but stopped after March 7, 2020· Statements from roommates who lost income· Receipts, notes, or spreadsheets that you wrote listing cash payments for work and when those payments ended· PayPal, Venmo, or other online payment records for cash transactions showing a change in income· Paid and unpaid work invoices | <ul style="list-style-type: none">· Time sheets indicating a loss of work hours· Bank statements showing regular cash deposits that stopped or changed after March 7, 2020· Statements that you could not work due to lack of child care or in-person school· Documents showing informal child support (such as cash or supplies) that stopped or changed after March 7, 2020· Documents showing that you or your family members (including children) are eligible for government benefits· Documents demonstrating COVID-19 related expenses, including out-of-pocket medical costs and funeral expenses |
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I submitted a hardship declaration under the Emergency Eviction and Foreclosure Prevention Act (EEFPA) Is this the same?

No. The Emergency Eviction and Foreclosure Prevention Act (EEFPA) protects tenants in a different way. Under EEFPA, if you have financial trouble, health issues, or are elderly, you can sign a hardship declaration and file it with the court. That will stop your landlord from filing most eviction cases against you and stop you from being evicted. That protection currently ends on August 31, 2021. If you signed a hardship declaration under the EEFPA make sure to tell the judge, even after August 31, 2021, as a signed declaration can be used to prove financial hardship under the TSHA.