

NEWS

Good cause eviction bill cut from NY budget. What's next for tenants, landlords?



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Published 5:16 a.m. ET May 4, 2023 | Updated 6:54 a.m. ET May 4, 2023

Key Points

Good cause eviction defines the reasons that landlords can evict tenants.

The policy includes language that would limit landlords from evicting someone due to rent increases.

The latest budget doesn't include many housing policies, though lawmakers say they plan to discuss it more through the end of the legislative session.

A proposal meant to limit how landlords evict tenants didn't make it into New York's final \$229 billion budget, leaving both supporters and opponents lacking an attractive solution to the current housing crisis.

Good cause eviction policies — which would prevent landlords from evicting tenants except for lease violations, like failure to pay rent — have faced court challenges by landlord groups since a few Hudson Valley cities passed similar laws protecting renters. Local judges have pushed the issue to state lawmakers.

Prominent national Democrats from New York, such as U.S. Rep. Alexandria Ocasio-Cortez and House Minority Leader Hakeem Jeffries, have supported the policy.

But after weeks of closed-door talks between legislative leadership and Gov. Kathy Hochul, and a major push from housing advocates, the bill fell short, again, of making the cut for the final budget plan.

Several housing policies — including Hochul's plan to build 800,000 units over the next decade — were also cut from the the budget, which passed this week, a month after it was due.

“This budget was supposed to be about housing,” said Cea Weaver, campaign coordinator for Housing Justice for All, an advocacy organization that supports good cause protections.

“Nothing really significant is happening on housing in the state budget.”

Advocates for landlords, while relieved that good cause wasn't successful, were unhappy that housing supply issues remained unaddressed.

“Nobody ended up coming out ahead, and that's unfortunate,” said Kara Rafferty, the board president of the Apartment Professionals Trade Society of New York, an Albany property owners' group. “Now the work begins again.”

Hochul has said, despite her housing compact not in the budget, there are opportunities to discuss housing policies in the current session.

“Let's get people demanding that their legislators be aggressive, deal with this, because otherwise we're pricing New Yorkers out of their home state. And that's not sustainable,” she told NY1 on Monday.

On Wednesday, after the Legislature passed the budget, Hochul announced the state would allocate \$391 million to the state Emergency Rental Assistance Program for tenants, including those in public housing and others with federal Section 8 housing vouchers.

Housing battleground: Showdown set on 'good cause eviction' amid state budget deadline, court fights

What are good cause eviction protections?

Good cause protections define reasons that landlords can evict tenants, said Peter Hepburn, an assistant professor of sociology at Rutgers University-Newark and the associate director of Princeton University's Eviction Lab.

“Instead of just saying a landlord can remove you anytime they want,” he said, “they set up a series of reasons that the landlord has to have at least one of those in order to move forward with an eviction case.”

Additionally, the proposal would limit landlords from evicting someone due to rent increases that are more than 3%, or 1.5 times the local consumer price index to adjust for inflation, whichever is higher.

More housing is necessary, but lawmakers must address tenants being displaced, often through rising rents, said Assemblymember Pamela Hunter, D-Syracuse, who introduced the good cause eviction bill in 2019.

“Good cause eviction would end the price gouging we are seeing in almost every market,” she said. “As we finalize the budget, I will continue to work with my colleagues to find housing solutions that make material differences for my constituents by the conclusion of the legislative session.”

Several states have good cause laws, with New Jersey’s renter protections in place since 1974. But New Jersey’s law is considered weaker because it doesn’t explicitly limit rent increases to evict tenants for inability to pay, Hepburn said. The law only prohibits those spikes that are “unconscionable.”

It’s unclear how effective the laws have been since many tend to be newer, Hepburn added. California and Oregon’s laws, which limit rent increases, took effect just before the COVID-19 pandemic, when eviction moratoria and emergency rental assistance programs shielded tenants.

In the Hudson Valley, a handful of cities like Newburgh and Poughkeepsie enacted laws that advocates said helped tenants amid rent increases that threaten to displace residents. In recent months, courts have struck down those laws because they considered it a matter for state lawmakers.

The ins and outs: Minimum wage, menthol cigarettes, bail laws: What stayed, what got cut from NY budget deal

Why do landlords oppose good cause eviction?

Property owners groups celebrated good cause not being included, but they felt state lawmakers failed to address New York’s housing supply. Instead, they support right-to-counsel for tenants in eviction proceedings, as well as a state housing access voucher program — modeled after the Section 8 program — for low-income New Yorkers. Those weren’t included in the budget.

“It is not a quick resolution, not just one law, one bill will fix the array of problems ahead of us,” Rafferty, of the Apartment Professionals Trade Society of New York, said. “We can’t

wave a magic wand using good cause eviction and solve the issues of the state.”

Good cause opponents also cite state court system data on eviction filings. Nonpayment accounts for 80% of evictions, which good cause wouldn't protect.

It's unclear how many people voluntarily leave their homes or are illegally evicted, such as when a landlord changes someone's locks. Hepburn, of Rutgers, said filings in court are “just the tip of the iceberg.”

What's next?

Evictions tend to be considered a city issue, Hepburn said. However, areas outside of metropolitan areas are seeing growing shares of cases.

“Having state-level policies offer more uniform protections that can be really important for those people who are living there on the periphery,” he said.

In Newburgh, an hour-and-a-half from New York City, René Mejia, a 29-year-old organizer at For the Many, a left-leaning Hudson Valley advocacy group, found himself fielding calls from tenants about what to do with their eviction notices after a court struck down the city's good cause eviction statute in December.

On March 30, Mejia's landlord told his family, including his parents and his sister, to leave the three-bedroom home they've rented for 12 years, Mejia said in an interview. The landlord plans to sell the property to a buyer who wants it vacated, he added.

While they have yet to be served an eviction notice, his family knows their rights.

“It's a wakeup call to people when it happens,” he said. “But when it happens, it's too late.”

The legislative session ends June 8.

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