



March 13, 2026

NY State Legislature  
Legislative Office Building  
Albany, NY 12248

**Re: Opposition to the “Winter Moratorium on Evictions Act”**

The Business Council of New York State strongly opposes S.9090 (Brisport) / A.10121 (Kelles), which seeks to establish the “winter moratorium on evictions act”, a bill that would prohibit evictions of tenants from residential properties during the winter months. Once again, another bill proposed by lawmakers that will exacerbate the affordability crisis in New York while pretending to solve it. However well-intentioned this bill may be, this legislation is bad policy, bad economics, and bad for the long-term health of New York’s housing market. At a time when the state desperately needs policies that encourage housing investment and expand supply, this legislation moves us in precisely the wrong direction.

While we understand the spirit of this proposal and share the goal of ensuring that vulnerable New Yorkers are protected during the coldest months of the year, this approach is misguided and void of sound policy. This proposal doesn’t solve homelessness; it doesn’t create a single new unit of housing and does not address the true drivers of New York’s affordability crisis. Instead, this bill shifts the burden of a statewide housing crisis onto property owners and tells them to absorb the loss. Many, might I add, who are small landlords simply trying to make ends meet. Good intentions alone do not make good policy, and the unintended consequences of this legislation would be severe.

This bill would effectively give many tenants up to six months in which they could remain in an apartment without meaningful risk of removal, even after a court judgment has been entered. Yes, we know supporters may insist that tenants would still owe use and occupancy, but everyone knows the reality of such situations: tenants who are capable of paying rent could simply choose not to do so during the moratorium period; knowing that enforcement mechanisms are effectively suspended for half the year. While a court may eventually award a money judgement, there is no guarantee it will be paid. The bill creates every incentive to delay, game the system, and remain in possession without consequence. That invites abuse, and most of all, it invites fraud, fraud, fraud. And it punishes the people who are paying the bills on the property, the landlord.

Again, let’s be realistic here, New York is not lacking in tenant protections. In fact, New York already has some of the most pro-tenant laws in the country. Tenants receive notice requirements, opportunities to cure defaults, anti-harassment protections, warranty of habitability protections, access to pro-bono counsel in many cases, and benefit from lengthy service requirements that delay court proceedings. In addition, let’s not forget the broad new protections under the recently enacted good-cause eviction laws. In case that isn’t enough, add on; rental assistance programs, emergency benefits, and homelessness prevention systems intended to intervene before an eviction occurs, such as the New York famous “One Shot Deal”.

What this bill fails to recognize is that landlords also have financial obligations that do not disappear simply because rent goes unpaid. Property owners must still pay mortgages, property taxes, insurance, utilities, and maintenance costs. The roof still needs to be repaired, the heat must remain on, and local property taxes must be paid regardless of whether rent is being collected. By preventing landlords from enforcing lease agreements for

nearly half the year, this bill effectively forces property owners to subsidize housing with no guarantee of repayment.

The burden of this proposal would fall most heavily on small landlords. Across New York State, thousands of rental units are owned by individuals and families who depend on rental income to cover their costs. These are not large corporations with unlimited resources, they are retirees renting out a second unit, working families who invested in a duplex, or homeowners relying on rental income to offset rising expenses. For these small property owners, a tenant who stops paying rent for six months can mean financial devastation. The predictable outcome of policies like this is reduced housing supply. When landlords are stripped of basic enforcement rights, many will leave the rental market altogether, convert units to other uses, or simply decide that renting property in New York is no longer worth the risk. Fewer rental units mean higher rents and fewer options for tenants. In other words, legislation like this does not solve the crisis of affordability, it deepens it.

New York's housing challenges are real and serious, but they will not be solved through policies that undermine property rights and discourage investment. The state should be focused on increasing housing supply, streamlining development approvals and addressing the regulatory barriers that drive up the cost of housing. Punishing landlords and suspending the enforcement of contracts is not a solution.

For these reasons, The Business Council of New York State strongly urges the Legislature to reject S.9090 (Brisport) / A.10121 (Kelles). New York cannot regulate its way out of a housing shortage by placing greater burdens on the individuals who provide housing. Instead, policymakers should pursue balanced, thoughtful reforms that expand housing opportunities while maintaining fairness and stability in the rental market for both tenants and property owners.

Sincerely,

Joseph Alston  
Sr. Director of Government Affairs  
Email: [Joseph.Alston@bcnys.org](mailto:Joseph.Alston@bcnys.org) Tel: 518-694-4464