



Brooklyn Legal Services Corporation A

Brooklyn Legal Services Corporation A Community & Economic Development Program Small Business Rights During the COVID-19 Pandemic

If you have specific questions about your small business case, please contact Ken Ross at (718) 487-2361 or kross@bka.org or reach out directly to your advocate if you are a current client.

Frequently Asked Questions

* An extended version of the FAQs for small businesses can be found at:
<https://bka.org/wp-content/uploads/2020/04/COVID-19-FAQ-sheet-4.13.2020.pdf>

I heard that New York State issued a moratorium on evictions due to COVID-19. What does this mean?

Governor Andrew Cuomo placed a 90-day moratorium on evictions lasting until at least June 20, 2020; this means that a marshal is unable to evict anyone from their commercial spaces or homes. If your landlord sends you a notice saying you are behind on rent, we recommend that you seek legal assistance, even though the proceedings will be delayed.

- If you fall behind on rent, your landlord may be able to file a new case against you in court whenever courts start accepting new filings, including seeking to evict you or for the money you owe.
- Courts cannot issue an eviction warrant to remove your business from your space for now but will start accepting new filings once the moratorium is lifted.
- If you have received a document saying you need to appear in court or file a response in a certain number of days, you most likely do not need to appear on that date.
- If your landlord sends you a notice saying you are behind on rent, we recommend that you seek legal assistance, even though the proceedings will be delayed.

Do I still have to pay my rent even though the City says I have to close my business or seriously curtail my operations?

Currently, there is no suspension of rent payment at any level of government. You most likely are still legally obligated to pay rent. In general, a formally declared state of emergency, a government order to close your business, and/or an economic downturn do not excuse contractual obligations like those in your lease.

Small businesses throughout the City are facing severe issues paying their rent because of COVID-19, and landlords are aware of this. While you may still be legally required to pay your rent, you may be able to negotiate with your landlord to pay a reduced rent or no rent for a period. You can contact us at kross@bka.org or 718-487-2361 to discuss these options with an attorney, at no cost.

Is there any money a business can access while closed or business is slow?

At this time, there is no direct rent payment assistance available to small businesses. There are several loans and grants that may be able to access. This link via our funder, NYC Department of Small Business Services has more information on financial options for small businesses:

<https://www1.nyc.gov/site/sbs/businesses/covid19-business-tips-fags.page#financial>

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