



How to Respond to Landlord Requests For Financial Info

Many tenants are getting letters or emails from their landlords, asking them to hand over detailed financial information about how COVID-19 has impacted them financially. Landlords are asking for paystubs, bank statements, unemployment insurance applications, tax returns, and social security numbers.

Why is this happening?

Landlord demands are prompted by Governor Cuomo's [recent executive order](#), as well as some pending [NY state legislation](#) and Housing Court [directives](#). These orders and bills claim to temporarily protect tenants from eviction, but ONLY if tenants are facing "financial hardship" due to the COVID-19 emergency.

The result: lots of landlords have started to ask their tenants for their personal financial information! Landlords are doing this so they will be able to sue as many tenants as possible in eviction cases.

How should tenants respond?

Of course these requests are invasive and demand all kinds of detailed information that landlords ordinarily have no right to ask for, and that tenants would be wary of sharing under any circumstances.

While there is no single correct way for tenants to respond, here's what we recommend:

For individual and unrepresented tenants: see our [FAQ](#).

For organized tenants who are responding collectively, below are two options for tenants to consider. These options are suggested by lawyers working with the Right Counsel NYC Coalition and the #CancelRent campaign. The best answer for tenants will depend on who the landlord is and the goals of the tenant association.

- **#1:** Send a very general letter from the attorneys or the TA on behalf of all members of the group putting the landlord on notice that they cannot sue



anyone in a non-payment case because they've all been financially impacted by COVID-19. This could create some space for organizing by staving off potential non-pays for a couple of months. And sending a letter like this might help tenants defend themselves in court if the landlord does file a case. [Here are a couple of sample templates for this letter.](#)

- **#2:** The tenant association may prefer not to respond at all, especially if many of the tenants are “solidarity” rent strikers who have not actually been financially impacted by COVID. However, the landlord will probably take this silence as fulfilling the landlord’s duty to make a “good faith effort” to inquire about financial hardship. And the courts will probably let the landlord start non-payment cases. So, tenants who adopt this strategy will likely be sued for non-payment BUT (a) the landlord will be more delayed in starting the case than Option 1 because they will be waiting for a response, and (b) technically, no information does not give a landlord a basis to file an affidavit to start the case, so if the landlord does sue, the tenants will be able to use the landlord’s lack of information as a defense.

Beyond these two options, tenants may ask about a third: whether to respond to the landlord by sending detailed proof of their financial hardship. We do not recommend doing this. While in a few cases, financial proofs may persuade a landlord to wait before filing an eviction case, providing these documents gives detailed personal information to the landlord that could be used against the tenant later.

Whatever tenants choose, it is important that tenants decide on a unified collective approach, rather than a solution where some tenants choose one option and other tenants do something different. The latter makes it more likely that some tenants in your group will be sued and others not, or that folks will be sued at different times. That is not helpful in terms of advancing a collective strategy on the non-payment cases. So it’s important that lawyers advise tenants about how a collective approach will help their rent strike legal defense.