

**NOTE: LEGISLATIVE INFORMATION NEEDS TO BE UPDATED.
ALL OTHER INFORMATION IS STILL GOOD [5.28.2020]!**



COVID-19 Rent Strike Frequently Asked Questions (FAQ)

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Section A: About the CHTU's demands/campaign

- **What are we asking for?**
 - **We are asking New York State (Gov. Cuomo and the legislature):**
 - Cancel all rents and utilities for the duration of the crisis - for ALL New Yorkers;
 - Guarantee lease renewals for all tenants;
 - Ensure that tenants do not face retaliation for non-payment of rent during the crisis;
 - Meet all striking tenant associations' demands for repairs, justice, and tenant power in their own buildings;
 - Lastly, we demand that all New Yorkers are housed—not by bailing out the real estate industry, but rather by achieving public ownership and tenant control of housing.
 - **We are asking landlords:** to not charge their tenants rent at all.
 - **We are asking the Rent Guidelines Board:** to freeze the rent of rent stabilized apartments
 - **We are asking you:** to stand in solidarity with your neighbors in striking for a cancellation of rent.

- **Do you think we'll win?**
 - Yes! This fight is going to be hard, but together we can win.
 - The tenant movement has already gotten some wins to build on in the COVID-19 response:
 - The closing of housing courts
 - At least 3 month “eviction moratorium” (more info in [section C](#))
 - Partial extension of the “eviction moratorium” to at least August 20
 - Preliminary RGB vote for 0% increase on rent-stabilized leases renewing this year
 - More than 30 buildings have joined the CHTU as part of this effort
 - 10,000 tenants across the state are striking on May Day, May 1st
 - *But we are nowhere near satisfied with our wins from the city, state, or local governments so far – they are merely signs that the campaign is working – and we need to keep our end goals in focus!*

Section B: About the political situation (will dispel idea that current bills will save us)

- **Isn't the NY State legislature trying to pass some bills to help out tenants?**
 - Yes, they have introduced some bad bills, which are linked below.
 - [NY State Assembly bill 10224A](#)
 - [NY State Senate bill S8125A](#)
 - [S8139](#) (Gianaris - seems to be a follow up on S8125A)
 - [S8140](#) (Kavanaugh - emergency vouchers for rental assistance)
 - The CHTU (and almost all tenant groups) don't believe these bills are good enough.

- **What about this bill (S8125a) proposing to suspend the rent for three months?**
 - This bill puts the burden of proof on tenants to prove they can't pay rent. This is a bureaucratic obstacle for tenants who need relief now. This will be impossible for many undocumented workers, gig workers, and hundreds of thousands more fellow-tenants. We demand the universal cancellation of rent.
 - This bill only applies to those that can't pay meaning that people striking in solidarity would not be covered.

- **When do we think that these bills will get passed?**
 - We don't know. Definitely not by May 1st and probably not at all.
 - Right now Cuomo and the leaders of the state legislature have calculated that they can get away with not doing anything for renters, so they are not working to get the bills passed.
 - The statewide coalition believes that the Rent Strikes will shake things up, and change Cuomo and the legislature's calculations: the landlords and then the banks will start screaming, and then Cuomo will realize that the only way he can still appear to be in control is if he gives the executive order to suspend rent.
 - The Housing Justice for All Coalition is asking Governor Cuomo to issue an executive order because we believe the legislature will not act.

- **What if my lease is supposed to expire during this state of emergency?**
 - In the Gianaris bill (S8125a), any tenants *who can prove they have lost income* would have the right to a lease renewal with zero rent increase.
 - We demand that landlords must give **all tenants** a new lease with absolutely zero rent increase.
 - In fact, one of the other policy changes we've been fighting for is for Just Cause Eviction, see below.

- **What is "just cause" or "good cause" eviction?**
 - This is a proposed state law we've been fighting for since way before COVID that requires landlords to offer lease renewals to ALL tenants (i.e. giving non-stabilized tenants some of the protection that stabilized tenants have).

- This would also give non-stabilized tenants the ability to take your landlord to court if the renewal lease had an “unconscionable” increase (formula based on CPI, about 3% in practice).
- **What are the mayor and the City Council doing in all this?**
 - They don’t have the power to cancel rent, and their terms don’t end until next year, so they have been out of the picture for the most part.
 - City Council has a [bill to prolong the eviction moratorium](#), but it assumes that tenants will pay back all the back rent once the crisis is over. This again leads to landlords shouldering 0% of the pain inflicted by this crisis, and tenants, many of whom have lost all income, taking on 100% of the burden. (Note: the bill was introduced by our local council member Cumbo, who has a bad track record with CHTU demands, and council speaker Corey Johnson, who used to work in real estate).
 - The mayor called for a rent freeze (i.e. no new increases for stabilized tenants) from the Rent Guidelines Board. But the Board still plans to allow a 2.5% increase on 1-year leases, 3.5% on 2-year leases, which would be the highest increases yet of the de Blasio era. We must fight to stop this, and demand a rent rollback to *lower* rents for rent-stabilized tenants at the Rent Guidelines Board this year. In fact, some tenant organizations are demanding the RGB not meet at all this year, ensuring 0% increases for rent-stabilized tenants, but some have argued it would be “illegal” to cancel Rent Guidelines Board hearings.
 - **UPDATE (May 8):** The [RGB’s preliminary vote](#) is for 0% for 1-year leases and the 1st year of 2-year leases, then 1% in the 2nd year! This is a win for us, even though we have long pushed for a rollback – They only voted for this rent freeze (0% increase) after the May 1 rent strikes made it clear that tenants are unable to afford the rent as it is.
- **Can Congress do anything?**
 - Ilhan Omar has introduced a [House bill](#) (H.R.6515) that would cancel rent and mortgage payments. This one appears to be universal (i.e. wouldn’t require proof of lost income), which is a big improvement over the bills in Albany.
 - However, even if enough Democrats signed on in the House (not a sure bet at all), it would then go to the Senate, which is controlled by Republicans; they call Mitch McConnell the Grim Reaper because the Senate is where good bills go to die.
 - We can point to the House bill as a better policy platform, but we need to come together as tenants to strike in order to attain what we’re demanding.
- **What about the stimulus checks? Will unemployment benefits undercut our demands?**
 - Unemployment and bailout and stimulus checks are woefully insufficient. Unemployment will run out in 6 months, but we don’t know when the COVID crisis will end. Many CHTU members who have filed for unemployment have not been able to receive their checks.

- Many people, especially the undocumented, have been left out of the federal bailout bills so far. In fact, undocumented immigrants are barred from receiving the stimulus check, as are U.S. citizens who file taxes jointly with a non-citizen. This means that if one partner is an immigrant, the entire household (including children) is excluded.
- Governor Cuomo has refused to create a relief fund for undocumented immigrants. We must stand with our neighbors and demand a complete cancellation of rent now.
- These stimulus checks and unemployment benefits need to go towards people paying for food and health care. These should not be subsidies that we have to immediately hand over to landlords.

Section C: About the current relief programs for landlords and tenants

- **What is the eviction moratorium?**
 - Housing courts are shuttered indefinitely, except for tenant emergencies, like if your landlord illegally locks you out, or for emergency repairs.
 - The eviction moratorium in NY state is for at least 90 days (March 20–June 20). See also this [eviction moratorium FAQ](#).
 - If you have an eviction case in process from before the moratorium, the entire case is paused until at least June 20, 2020. As the crisis goes on, and as rent strikes and nonpayment continue, Cuomo may choose to extend it.
 - If you are worried about your landlord starting an eviction process, or if they have threatened to immediately bring a case against you, this is a lie. The court is closed for this type of proceeding, so it's impossible for them to start an eviction case against you until at least June 20 (*possibly* until Aug. 20, see below).
 - Marshals (the people who usually enforce eviction orders) are under court order to not complete any evictions. In NYC, the order is indefinite (we don't know when the city might start allowing them again, but we'll keep you posted)
 - **Beyond June 20** (*updated 05/11*): On May 7, Cuomo started to cave to the pressure from the statewide rent strike, partially extending the eviction moratorium to at least August 20 – but still hasn't cancelled rent yet. We need to continue to strike and bring more buildings on strike until we cancel rent. Here's [what we understand so far from the extension](#):
 - Between June 6 and June 20th, landlords can file cases as they want, **IF AND ONLY IF** the courts decide to allow new case filings.
 - Between June 20th-August 20th, landlords can't file non payment cases for anyone who has been financially impacted by COVID-19. How will this be enforced? Most likely, landlords will sue tenants who they shouldn't sue, and tenants will have to go to court and fight to get their case dismissed by proving they qualify under the Governor's order.
 - After June 20, landlords will be able to file holdover cases against tenants. A "holdover case" is when your landlord chose to not renew your lease (and gave you official notice), and you stayed beyond the date you were told to move out. This is only an issue for non stabilized tenants, and it's why we need the Good Cause Eviction bill (see [section B](#)). Holdover cases have several legal steps though before they lead to an actual eviction, so don't panic yet...
 - In sum, Cuomo's order makes the [period from Jun.20–Aug.20](#) a little bit safer for one subset of tenants, but introduces a whole lot of confusion. But NYC tenants are still protected by the indefinite eviction marshal suspension, and once the Housing Court re-opens (date still uncertain), judges will not have infinite capacity for new cases.

- [Here's a letter from the NY State Attorney General](#) about landlord harassment, your rights and the eviction moratorium during this crisis.
- Remember that the eviction moratorium is NOT the same thing as cancelling rent, which is what we actually need from the NY State government (esp. Cuomo); the moratorium gives tenants a little breathing room, but in the end, it's just delaying the moment when the crisis fallout drives us out of our homes.
 - Cuomo's March and May moves on the eviction moratorium are just a cynical ploy to make it appear that he's helping out tenants, which he thinks will take the pressure off of him to #CancelRent. Instead of easing up the pressure on Cuomo, the Rent Strike uses the eviction moratorium as a tool that lets us apply more pressure and for a longer duration.
- **I like my landlord. My landlord is nice. My landlord is not a big company, it's just one individual.**
 - We don't need to worry about the landlords. They have been making money hand over fist for years. We need to take care of ourselves and our neighbors by cancelling rent.
 - Mortgage payment suspension for homeowners who have lost income is already in place in New York State, so your single family landlord will not lose their home.
 - The federal government will suspend mortgage payments for federally-backed apartment buildings by the amount of income that they lost from rents (see next question), so they are probably going to help your landlord to get through this, but not you – unless we fight for it!
 - The prevalence of "[mom & pop landlords](#)" has been vastly overstated in the press, and the average portfolio size in New York is 21 buildings. If you haven't yet, look up your building on [JustFix.nyc](#) to see how many buildings your landlord really owns and see some info about their whole portfolio. They might not be an international behemoth, but they might be a bigger and wealthier entity than you realize.
 - Even if you're only talking about rent-stabilized buildings, landlords have never not profited from the buildings in modern history, even when there was a rent freeze, and [only about 60% of what they take in goes towards operating expenses and taxes](#). Imagine if at the end of every month you still had 40% of your monthly pay left to save! They can afford to take a hit much more than tenants can right now.
- **Does my landlord really have a mortgage freeze?**
 - [Possibly](#). They definitely have a *foreclosure* freeze in NYS, and their late payment fees are waived, and it's not reported to credit bureaus.
 - If their mortgage is backed by Freddie Mac or Fannie Mae (the federal govt), they can reduce their mortgage payment by the amount that you are not paying!
 - For example, if you normally pay \$1000 and can't pay because of COVID, the landlord can reduce their fed-backed mortgage payment by \$1000, and just catch up with it at the end of their mortgage term. They are **not** paying any more than they normally would by participating, they are just

delaying by a little bit the moment when they finish paying off their mortgage. They can get the forbearance for 6 months for sure, possibly for another 6 months after that.

- If your landlord says that the federal mortgage backing isn't for multifamily homes (i.e. apt buildings), that isn't true. [48.6% of all mortgages](#) on apartment buildings are either held or backed by the federal government, and that percentage goes way up during crises in the housing market (like 2008).
 - Additionally many banks are working on special mortgage adjustments for landlords and all property owners during this crisis.
 - Landlord profits are huge and frequently mortgage payments are often the same cost as just a few units' monthly rent combined.
- **How can I find out who holds the mortgage with my landlord?**
 - Go to: <https://whoownswhat.justfix.nyc/en/>
 - Enter your address, then on the right-hand side of the building's page click on the link marked "View documents on ACRIS" → click on the most recent mortgage agreement (IMG) → it's listed as "Mortgagee/Lender"
 - The "Mortgagee/Lender" might be Freddie Mac or Fannie Mae, or might be a recognizable bank, or might be another mortgage servicer.
 - Even if Freddie Mac or Fannie Mae isn't listed on the ACRIS docs, they might still be backing the mortgage at a secondary level (the bank takes a whole pile of mortgages, repackages them as mortgage-backed securities, and the federal government invests in them). Unfortunately, there is currently no way for tenants themselves to look up whether their building is federally-backed at the secondary level.

Section D: About organizing your building, deciding on demands

Links: CHTU general [Organizing](#) guide and info on running [your first TA meeting](#)

- **What's my very first step?**
 - To reach out to your neighbors and begin discussing this immediately. One way to do that is using [this letter](#) to reach out to your fellow tenants.
 - If you need printed copies, please email CrownHeightsTenantUnion@gmail.com

- **What officially makes a Tenant Association (TA)?**
 - There is no official process. Once two units come together, you have a tenant association!
 - There is no minimum number of folks required to form a TA. However, the more units involved, the stronger the TA.
 - Once you have formed a TA, it's a very good idea to set up an email address for the TA and to use it when communicating with the landlord (more on this topic in [section E](#)).

- **How do I get my landlord to address other issues in my building (repairs, access to yards, secure doors, stop harassment)? Should I strike for multiple causes at once?**
 - Yes. Housing is a human right and this is exactly the right time to demand safe and livable conditions.
 - Repairs are a very common defense for rent strikes in housing court. This means that a judge will not require you to pay rent when repairs have not been done.
 - Don't limit yourself in your demands. Your TA should include demands for all tenants in your building – both long term tenants and new tenants. Make sure everyone in your building has a voice and agrees to the demands.

- **Many of my fellow tenants are out of town or have left the building to stay with relatives. How do I organize folks if they are not here?**
 - If you have your neighbors' contact information, you can still meet regularly via video conferencing, and keep them in the loop via email or text. It's okay to start organizing with the neighbors that you have been able to contact.
 - Some buildings' TAs have been able to reach out to other buildings owned by the same landlord, and that's another way to expand the number of people signing on to your letter. This is a great way to build community and put more pressure on landlords to support all tenants in all buildings they manage or own.

- **So far only X units are involved, is this enough to write a letter? There are one or more tenants in my building who are still going to pay their rent, what should I do?**
 - You can start small. That's okay – you can build towards 100% for next month.

- **If we can pay a portion of our rent, should we? Should we offer to negotiate in any way? Should we wait to escalate to this demand? I can pay this month, but I might not be able to pay the rent next month. Isn't the rent strike our last resort?**
 - Legally, paying only a part of the rent is the same as no rent. The landlord can see you in housing court for either.
 - We do not recommend you try to negotiate with your landlord. Negotiations should only happen in housing court. Do not negotiate individually or collectively until then.
 - However if you do obtain the cancellation of rent and your other demands before that point, get it in writing!
 - Even if you individually choose to pay your rent, you can still:
 - Sign on to your buildings Tenant Association letter asking for rent relief.
 - Sign on the [CHTU public letter](#) to all elected officials and landlords.
 - Remember that many neighbors can't pay rent at all. We need to stand firm with our neighbors. Unemployment runs out. Emergency supplements to unemployment will run out. To truly protect all people – all individuals, including undocumented workers who won't receive unemployment or the COVID emergency stimulus – we need to have a complete cancellation of rent for all New Yorkers.
 - The mass rent strike is designed to affect the landlords' bottom line, to force them to accept the cancellation of rent. The more people who strike, the more likely we are to win.

- **Does it matter if our building is rent stabilized or not?**
 - Rent stabilization does reduce the risks involved in a rent strike, because a rent stabilized lease gives you the right to a renewal when it expires, and it protects you from a retaliatory rent increase.
 - All tenants have the right to organize, have the right to a safe and well-maintained apartment, and cannot be evicted without being taken to Housing Court.
 - For more info on your rights after the 2019 rent laws:
 - [Your Rights Under the New Rent Law \[STABILIZED APARTMENTS\]](#)
 - [Your Rights Under the New Rent Law \[NON-STABILIZED APARTMENTS\]](#)

- **I don't want to strike, but I want to show support. I am still paying rent, but I want to endorse my neighbors who can't. What if my whole building isn't ready?**
 - Join your Tenant Association and endorse their letter asking for a cancellation of rent. Even if you individually choose to pay your rent, you can still:
 - Sign on to your building's Tenant Association letter asking for rent relief.
 - Sign on the [CHTU public letter](#) to all elected officials and landlords.
 - We're stronger when we stand together but endorsing a letter together is a start.
 - If you don't have a Tenant Association yet in your building, try to start one! If the COVID crisis hasn't hit your building yet, there will certainly be a time in the future when having a functioning TA will be useful.

- **What else can I do to show support?**
 - Get your neighbors involved. A phone zap is a great practice: you set a specific time where you each call an elected official one after another to cancel the rent.
 - Sign the [petition](#) for the cancellation of rent.
 - Talk to your friends and family (inside or outside the neighborhood, online or offline) about the campaign to cancel rent, get them to sign the petition too.

- **We have no power - is this worth it?**
 - Yes! Being unable to pay rent this month is an acute form of what every generation of working-class New Yorkers has felt. This crisis is a unique time to say we won't accept it any longer, and to apply serious pressure on our elected officials and the real estate industry.
 - If NY state doesn't suspend rents, hundreds of thousands of people will be evicted all at the same time. The courts would not have any ability to pursue, evict, and force out that many people all at once.
 - Solidarity can achieve many things – for example last year the statewide tenant movement abolished two generations of laws that incentivized landlords to evict long-term tenants and illegally overcharge new tenants. We can and will win.

Section E: About communicating with the landlord

- **Do I notify my landlord that I plan to strike? What should I send to my landlord?**
 - Yes, all Tenant Associations going on strike should send a strike demand letter to your landlord. Demands are always stronger when it comes from your TA.
 - In fact, one demand should be that your landlord responds and communicates to tenants only through a Tenant Association email address. Demand that the landlord not contact tenants individually. The landlord will try to divide and conquer tenants; we need to stand together in solidarity to protect each other.
 - If you don't have a TA or your TA chooses not to strike, then you can send a letter as an individual notifying your landlord that you are striking.
 - We have sample letters that we can share with you to communicate with your landlords about this.

- **Does the form of communication matter?**
 - It's easier to use written communications as evidence in court and to share them with fellow tenants and organizers.
 - Begin recording and keeping copies of all communication with your landlord: email, letters, phone calls, etc. We also recommend you begin a journal to document every interaction with your landlord moving forward (so that you don't forget anything if you end up needing to explain things later in court).
 - Your tenant association should set up an email account for the TA and use it in communicating with the landlord. In fact, if you have never given your personal email address to the landlord, you are under no obligation to do so, and this essentially forces him to either write to you via paper mail, or to email you via the tenant association.

- **My landlord said we would only discuss things over the phone.**
 - Do not communicate with your landlord over the phone. There is no requirement that you must correspond over the phone with your landlord.
 - Individually calling tenants and demanding rent is a form of tenant harassment, and should be reported to 311. Ignore all attempts by a landlord or super to contact you about rent -- just don't pick up the phone, answer the email or text, and report it to your Tenant Association.
 - This is now your second demand – to request that all future communication be done via your Tenant Association email address so you have a digital record trail.

- **Can I record the conversation with my landlord over the phone?**
 - Yes, good record keeping is crucial. New York is a one-party consent state, which means that you don't have to notify your landlord in advance of recording a phone call. You can also record any conversation you have in person (i.e. when they knock on your door to try to change your mind or cut a deal).

- **Can I include the Crown Heights Tenant Union in my demand letter?**
 - Yes, we will co sign this with you. We're looking out for you and our neighbors. We are in solidarity and struggle together.
 - We recommend the letter is signed first and foremost by your building's Tenant Association.

- **I'm ready to write a letter to my landlord. Should I send the letter to my landlord digitally or by certified mail?**
 - Both! We recommend you email the letter to your landlord (from the TA's email account) and send it certified mail so that you can prove that they received it.
 - Keep a copy of your demands letter and the certificate of mailing; you will need these in court.

- **Do you have a letter I can send to my landlord?**
 - Yes, here's a [modified version of the Housing Justice for All / Right to Counsel letter](#), from their rent strike toolkit.
 - Here are some sample letters:
 - [Letter to Landlord from TA version 1](#)
 - [Letter to Landlord from TA version 2](#)
 - [Letter to Landlord from an individual](#)

- **Our TA/I sent the rent strike letter and the landlord replied. Should I write back to them?**
 - It's crucial not to respond to your landlord until you come to a collective decision with everyone else in your building, and we recommend you also consult with the rest of the CHTU on this before you do.
 - What we don't want is for the landlord to divide and conquer, offering different things to different tenants.

Section F: About risks

- **Can I be forced out of my apartment?**
 - Current law states that no tenants in NYC who have been living in their apartment for more than 30 days can be evicted without being taken to Housing Court. Housing Court is closed until at least June 20. So no tenant who has lived in their home for more than 30 days can be evicted during this time.
 - If a landlord asks for your keys or demands that you leave your apartment, this is illegal and you should refuse. If he starts knocking on your door or keeps calling you, this is illegal harassment.
 - In an extreme situation a landlord might try to lock you out of your apartment. This is completely illegal and should be reported immediately to the police. Sometimes, police don't believe that you have been locked out, so contact the CHTU and your neighbors in advance so we can be there (virtually or in person) in solidarity. Lockouts are rare, but we want to be prepared just in case.

- **What are the risks if I don't pay rent? Will we face retaliation from the landlord when it comes to renewing our lease?**
 - No one can be evicted in NYC without going to housing court, which is shut down right now (see [Section C](#) question re: eviction moratorium). See also this [eviction moratorium FAQ](#).
 - In rent-stabilized buildings, traditional rent strikes cannot be used as cause to deny a rent-stabilized tenant their lease renewal. Under no circumstances can a landlord refuse to renew a rent-stabilized lease, or increase the amount of rent beyond what the Rent Guidelines Board has approved for a rent-stabilized lease renewal.
 - In non-stabilized buildings/units, under current law tenants don't have an automatic right to a lease renewal, whether you're on rent strike or not. This is why we support the Good Cause Eviction bill (see [Section B](#)), and why Cuomo's fake extension of eviction moratorium puts non-stabilized tenants in an especially tough spot (see [section C](#), answer about post-June 20 issues). In the meantime, this is why solidarity is important – we believe that if enough buildings are on rent strike, housing court judges would be persuadable.

- **Will I have to pay the back rent once the strike ends? Will I have to pay late fees once the strike ends? If I get charged late fees, how much would it be?**
 - In this unique situation, we are demanding the entire rent be cancelled throughout this crisis, meaning that when we win there would be no need to pay back the rent or be charged any fees for the months you did not pay.
 - On May 7, Cuomo banned late fees statewide for the duration of the crisis.
 - In a normal situation under the current rent laws,
 - In a non rent stabilized building, the late fee can't be more than \$50 or 5% of the monthly rent - whichever is lower.
 - In a rent stabilized building, housing courts strike down the late fee automatically.

- Regardless of your stabilization status, late fees can't be collected in housing court. Even if it's in your lease and lawful, they would have to go to small claims court. Landlords can only sue for the rent in housing court, late fees are automatically struck down in housing court.
- From CHTU experience, taking a tenant to small claims court for a late fee is exceptionally rare; the costs for a landlord to get a lawyer and sue in small claims are often not worth the late fee.
- **I want to get prepared for the eventuality of going to court. What should I do?**
 - All tenants should request your rent history. Many new tenants and some long-term tenants have illegal rent increases in their rent history. This can be addressed if your landlord takes you to court for striking. Through your strike, you can challenge illegal rent increases and win rent reductions and refunds for past overcharges plus a triple penalty for what you have paid in illegal overcharges.
 - Request your rent history from the State here: <https://portal.hcr.ny.gov/app/ask>
 - In the drop-down menu, select "Apartment Rent History" and fill out the rest of the form.
 - After you submit the online request, the rent history will come through the mail. Your landlord will not be notified that you made the request.
 - As discussed above, keep documentation of all communication with the landlord. Ideally, all communication is done over email and through your Tenant Association.
 - CHTU and the statewide movement have connections to legal support, which includes pro-tenant lawyers, Right To Counsel, the Legal Aid Society, and perhaps private attorneys who can take on overcharge cases.
 - Do not pay for an attorney without consulting with the CHTU first. Often, we will be able to find your TA representation without having to pay anything.
- **Will my landlord use my security deposit as rent if I don't pay?**
 - On May 7, Cuomo allowed landlords to take deposits as rent; technically, he said tenants would be able to use deposits to pay rent, but we doubt landlords will give us the choice. Additionally, under Cuomo's guidelines as we now understand them (information is still being clarified), landlords would be able to charge additional rent to recoup the deposit.
 - Technically they can currently do this to recoup their losses from our non-payment.
- **Will this financially or legally impact my guarantors?**
 - It could - but we think this risk is very, very low. In CHTU experience, we've never seen any lawsuits that include or escalate to financially impact guarantors.
 - Usually, guarantors can only become financially or legally involved if you refuse a settlement or payment plan in housing court, go to trial, lose, and have a money judgment against you, which you then default on. This doesn't happen with CHTU because we will not advise you to go to trial if you can't win there. As

stated elsewhere, if we think you cannot win the case in Court, we will work with you to find other solutions.

- It is rare for guarantors to be called into Housing Court because they do not live in the apartment therefore cannot be evicted and are not party to the case.
 - However, recently we have heard about landlords contacting guarantors directly to tattle on tenants for striking and to demand rent. Landlord lawyers may even send guarantors threatening legal-sounding letters. This is illegal harassment the same as illegal tenant harassment. Report it to 311 and your Tenant Association. If possible notify guarantors to ignore all communication with landlords.
 - The only thing with the force of law is a petition or postcard from Housing Court (or, in extremely rare circumstances, from another court such as small claims or civil supreme -- where landlords are not usually able to sue for rent). Everything else is just harassment and can be ignored (but documented)! See the next question below.
 - You can and should ignore all other legal sounding letters, and all legal threats. If you ever have a question about what a legal-sounding letter means, contact the CHTU: crownheightstenantunion@gmail.com
- **I got a legal sounding letter from a lawyer, or a “collection agency,” or my landlord saying rent is due immediately. What should I do?**
 - Don’t panic and don’t pay. The landlord cannot demand rent outside of Housing Court. Housing Court is closed and landlords cannot file any cases there while it is closed. These letters are idle threats, meant to scare you into caving. Hold firm!
 - There is no such thing as a rent “collection agency” -- this is just a landlord lawyer trying to intimidate you. Hold firm!
 - Remember, Housing Court is closed and there’s an eviction moratorium in effect. These letters are harassment and have no force of law. Send copies of these to the Attorney General, who says she is collecting examples of threatening rent demands in order to possibly order landlords to stop this practice.
 - Under normal circumstances, some of these letters would be considered “predicate notices” -- an initial step required by the new rent law to even try to file a non-payment case in housing court. They have no force of law, but do show that your landlord might be thinking of trying to take you to Housing Court in the future. Be prepared, stay in touch with CHTU -- but again, these letters have no force of law on their own, and you should not act on them.
 - The only thing with the force of law is a petition or postcard from Housing Court (or, in extremely rare circumstances, from another court such as small claims or civil supreme – where landlords are not usually able to sue for rent). Everything else is just harassment and can be ignored (but documented)!
 - You can and should ignore all other legal sounding letters, and all legal threats. If you ever have a question about what a legal-sounding letter means, contact the CHTU: crownheightstenantunion@gmail.com

- **Should we have proof of our financial hardship?**
 - Yes, keep any and all records of your financial situation. Even if you are striking in solidarity, you should document any extra costs that this crisis has incurred for you.
 - However, do NOT provide this information to your landlord, even if they request it. They have no legal right to access this personal financial information.

- **If I have the money to pay rent, should I put it in an escrow/checking account for my landlord? Should I prove that I can pay?**
 - Yes, if you can pay rent but are joining the strike in solidarity, you can open a new checking account and every month deposit exactly your rent into it. There should be no other money than your monthly rent in this account.
 - This way, if you get to Housing Court, you can show the judge that you have this account and can decide alongside your TA when to end the strike.
 - Or you get to keep it because we have won the cancellation of rent! The more people on strike, the more likely we are to win this demand.

- **What about a blacklist of tenants?**
 - New York State has outlawed the commercial preparation of a blacklist. This means landlords can no longer purchase a list of tenants that have been in Housing Court.

- **Will my credit be impacted if I don't pay rent?**
 - No, Housing Court does not report to credit bureaus, and only the biggest corporate landlords can report to them.
 - The only way for Housing Court to end up being on your credit report is if 1) we don't win the cancellation of rent, and 2) if, after fighting in Housing Court for some time, your TA chooses not to accept a payment plan or other agreement to settle, and then 3) your TA decides to proceed to trial and loses. Only after you have lost at trial in Housing Court could it end up on your credit report.
 - In CHTU experience, this has never happened. This is because we partner with you throughout the process. If we think you cannot win the case in Court, we will work with you to find other solutions.
 - Under the new federal COVID-19 law, the CARES Act, if you get your landlord to agree to waive some or all of your rent, [it is then illegal for your landlord to report your nonpayment or reduced payment to a credit bureau](#) as long as the state of emergency is going on.

- **I'm concerned about legal fees in the future. What happens if we end up in court for a long time?**
 - Under the new rent law, landlords can no longer sue for legal fees.
 - We will be there to stand with you. CHTU has never charged any tenant for any court support, it's all non-lawyer volunteers. CHTU has connections to pro-tenant lawyers who accommodate tenants who can't pay much.

- There is going to be city and statewide support from multiple organizations, including the Right To Counsel Coalition and the Legal Aid Society.
- Now is the time to stand together. We have to win this fight, and we will win this fight!