

Open letter to Senator Thomas O'Mara, Representative Tom Reed, Assemblyman Christopher Friend, Chemung County Executive Christopher Moss, City of Elmira Courts, Chemung County Legislator Rodney Strange

Governor ANDREW COUOMO

Re: Tenants that have not been affected by Covid and Not paying rent.

Dear all:

Landlords provide an essential service, which is providing housing. As Essential a service this is, Landlords have been restricted and have been forced to continue working and providing services without payment. That lack of income has made it impossible for many Landlords to not only continue providing services to the housing, but in many cases put food on their own family's table. This has made it extremely difficult to continue to operate. All the other essential services continue to work and get compensated for their services.

Is the Water Board offering free water to tenants? Is New York Gas and Electric offering free gas and electric? Are medical providers offering free healthcare? Are grocery stores offering free food? Are clothing stores offering free clothes? Are Police, Fire, Teacher, State Workers offering free services??

Who is considered essential? Postal workers, Plumbers, Electricians, Grocers, Paramedics, Police Officers, Doctors, Thank you all for your service! But who are we forgetting, who are we never talking about? HOUSING PROVIDERS, the public call us Landlords. HOUSING PROVIDERS ARE ESSENTIAL. They are the only segment of essential workers FORCED TO WORK FOR FREE. Why is it that landlords must work for free? This is only happening to landlords. Is that legal??? Why are landlords' rights being taken away? Yet the county is depending on our taxes and yet we have no income coming in as our working tenants have refused to pay rent!!!

These are ALL essential services and yet only landlords are forced to work for free and offer free housing. Why is that? Why have Landlords been targeted and isolated as the only service provider legally required to continue working with NO compensation. That's what Landlords are doing, working for FREE. Will doctors, grocery stores work for free?? No one will work for free so why should landlords. The Fifth Amendment states, "nor shall private property be taken for public use without just compensation" No one is helping the landlords and the government programs that are offered only the tenant can fill them out and THEY ARE NOT DOING SO!!!

We as landlords are working with our tenants that HAVE indeed been affected by Covid, but we have several that have not been affected, working full time and have not paid rent since March of 2020. The current moratorium doesn't protect tenants who can't prove their hardship and those are the ones that we need to open courts for the working tenants that have NEVER been affected by Covid. We need courts to open to hear cases of tenants that have NOT been affected, those that have NOT supplied the Disclosure Statement to their landlord required back in March of 2020 and taking

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advantage of the Safe Harbor Act. How is it not a crime for a tenant that has NOT been affected by Covid to stop paying, employed full time and NOT paying rent. I've tried to work with the Elmira City Court to have them open evictions for those tenants that are taking advantage of the system, but they will not open courts YET other counties are hearing evictions for situations that we are discussing, those that are working not affected by covid and refusing to pay rent. The courts need to understand that these cases need to go to court. We as landlords will stop paying our taxes, stop paying our mortgages and let the homes in the City of Elmira fall into foreclosure if we don't get help. This is not justice; this is taxation without representation and its illegal. Landlords are still be charged taxes during this pandemic. School, City, County, waste plus property tax late fees, water bills to name a few. If landlords are struggling as we are, tenants will also be affected as home maintenance slides. Maybe NY STATE landlords should create a union and stop paying our taxes???????? Taxation without representation????

The state law known as the Tenant Safe Harbor Act prevents evictions for tenants who can PROVE financial hardship resulting from the Covid pandemic. Why is the City of Elmira protecting those tenants that have NOT proven their hardship via the disclosure required per the CDC and the Tenant Safe Harbor Act?? Even Judge Marks of NY state clearly states the act protects those that have proven hardship and supplied the disclosure it does not protect the working person that is working full time. The ripple effect by landlords letting their properties go into foreclosure will be massive in the City of Elmira. I am asking for help for those that are scamming the system here as we are in fact working with those that HAVE been affected. The massive effect this will have with local landlords, foreclosures and taxes will be catastrophic. With NO federal aid to help landlords, with NO grants to help landlords with the loss of rents to their business this will cause a huge ripple effect in our county. We are asking for the fraud to STOP, to open eviction courts to those that have NOT been affected by Covid and selflessly taking advantage of their landlord and forcing them to foreclose on their properties and unable to provide for their own family and providing an essential service for free, this is not right. We as landlords have gone on average 10 months of NO RENTS BEING PAID and yet these tenants have continued to work full time. And YET we are paying our taxes, fixing what is broken, trying to pay the mortgage, sewer bills, and maintenance with NO NO NO income coming in.

The moratorium on eviction filings denies property owners their day in court for non-affected Covid tenants for an extended period and therefore violates the owners constitutional right to regain possession of their property in a summary proceeding. Tenants MUST declare they are making their best efforts to get assistance and make payments YET they are not as they do not qualify as they are working full time and once again NOT affected by Covid. It is also required that the tenant submit to the landlord a completed and signed declaration and yet once again these tenants that are taking advantage of the pandemic have not supplied anything as they can't because they are causing fraud and taking advantage of the system. It has created an environment in which these tenants are not paying rent even when they have the means to do so.

Please keep in mind, Landlords are Human too!!!! This is an urgent matter as we can't survive one more month of this. Other counties have opened their courts to those that have taken advantage of landlords and those that have not provided their landlord with the proper disclosure back in March 2020. Open the courts to just those that are taking advantage that have not been affected by Covid as a landlord we are working with those truly affected. We as the Landlords of the City of Elmira are asking for courts to open for those evictions of tenants that have not paid rent that have not been affected by Covid, we are asking for tenants to stop the fraud and pay their rent, we are asking for legal action taken on tenants that have abused the system to be held accountable and responsible for their

actions as this is fraud. If landlords have no income then they should NOT be paying taxes, taxation during a pandemic without representation is not ok. We have banded together to defend our constitutional rights; this needs to end now. We ask you to open the courts, case by case basis to start with those cases of tenants that have not provided the declaration back in March 2020 who are working full time and not affected by Covid.

To Be fair on both side A few things that are NOT OK: Tenants advocating the guillotine for property investors. Landlords knowingly and apathetically contributing to homelessness. Tenants not paying rent. Landlords not obeying fair housing. That legislation is over 50 years old and it is important and necessary. Tenant vandalism. Landlords intimidating tenants to get them to move. "Busting heads" mentally is brutish and disgusting. Tenant frivolous and conspicuously allocating spending when rent is unpaid. Landlords giving cash for keys, false references, or otherwise passing the buck to the next landlord. Tenants overusing our natural resources like water, natural gas, and electricity to "get back at the landlord" or "Because it's free, my landlord pays for it. Framing any of this in terms of Us vs. Them and Landlord Vs. Tenant, Right Vs. Left. THIS IS RIGHT vs. WRONG. Pandering, special interest politics and partisanship dominating this issue. Taxation without representation. Discrimination against our sector of essential service which is housing.

THINGS THAT ARE OK: Allowing access to the courts so disputes can be settled. A well-funded court system that specializes in housing. Competent and experienced judges. Speaking out against injustice. Calling it out when you see it. Asking people who engage in bad behavior to stop, then telling them, and then INSISTING THEY STOP through legal means. Tenants get free legal representation and so should landlords. Accepting the interdependence as a fundamental ingredient to economic success. A return to fairness, decency, humanity

Sincerely, The Landlords of the NY (1,076) Chemung County, City of Elmira

Thank you