
Many small businesses, including neighborhood salons, bodegas, hardware stores, are deeply in debt and still struggling to get back on their feet, said Meghan Liu, a law fellow at Manhattan Legal Services, a program of Legal Services NYC. In the cases where commercial landlords are refusing to renegotiate rent or set up a payment plan, the tenants are just waiting for eviction and bankruptcy. We hope this guide will give small businesses some guidance on how to get through the court process and buy them some time to financially recover.

Read the commercial tenant guide available in English, Spanish, Chinese, and Korean.

More than year since the beginning of the pandemic, small businesses in New York are still reporting a decrease in revenues, sales, or receipts. Nearly 78 percent of small businesses (with less than 500 employees) surveyed reported an overall negative impact in their business in the first week of March 2021, according to the U.S. Census Bureau. Experts expect a major wave of displacements and foreclosures after New York’s eviction moratorium expires, posing serious economic and health risks to New York’s commercial tenants.

An eviction can occur in a matter of days if a landlord obtains a favorable judgment and eviction warrant from a court. Currently, while the moratorium is in effect, landlords cannot evict commercial and residential tenants who are experiencing financial hardship due to the COVID-19 pandemic. But once the moratorium expires, eviction proceedings which have been on pause will be permitted to resume in court. New York lawmakers have proposed a bill to extend the moratorium until October 31, 2021, but it is unclear whether the government will do so.

This essential guide gives small business owners comprehensive information about the process for lawsuits in New York courts for eviction, debts, and other civil issues. It includes important information about court documents, filing deadlines, and common defenses and counterclaims.

Prior to the pandemic, commercial evictions moved swiftly through the courts to uproot small businesses from their foundations in so many communities, explained solo practitioner Daniel F. Pepitone, who counsels small businesses and self-employed individuals. Few resources are available to explain the process to small business owners, even just to let them know that New York law requires them to be represented by an attorney in most cases. This guide is unprecedented and gives small business owners comprehensive information about the process, important documents, and deadlines. It couldn’t have come at more crucial time.

Legal Services NYC is also offering free legal consultations to income-eligible New York commercial tenants who have received eviction notices from their landlords. Individuals must schedule an appointment with an intake officer by contacting the Citywide Legal Assistance Hotline at 917-661-4500.

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