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ADVICE TO THE HOUSELORN

BY MAC MOWBRAY

Winter is on the wane. (We hope!) Now that much of the snow has melted, take this opportunity to assess the damage salt, ice and snow may have done to your buildings. Check roofs, drains, walkways and vegetation. The freeze thaw cycle can do incredible damage to almost anything if water gets trapped and freezes before it can drain or dry up. Damaged branches can fall on your roofs and shrubs.

Rensselaer asks about drains: I was prepping an apartment for re renting and noticed the kitchen sink and the bathtub were draining somewhat slowly. This worried me, but I hate to use harsh chemicals since I have septic system and not municipal sewers. The drains are not clogged, just a little slower than normal.

Yes, I have a suggestion, a little off beat, but VERY economical. Go to the Dollar Store (I used Dollar Tree) and purchase 4 bottles of their generic Cola. It comes in the super, giant king size of 93 ounces for only a dollar ! Pour 2 bottles down each drain. Do not flush with water at this time. This "beverage" contains phosphoric acid and it will help scrub out some of the grease and soap scum in the drains. You could, if you want, reserve about 8 or 10 ounces to mix with some rum for a refreshing drink while you are completing this task.

Colonie wants to talk about blood. OK, but not too gory please.

One of my tenants (An aspiring chef) cut himself with a rather large knife and got blood all over an expensive scatter rug that I foolishly supplied with the apartment. What to do ?

Fortunately, I was home and got the call right after it happened. I had a solution which needed to be used right when the blood is fresh.

Mix 1 cup of ammonia, 1 cup of Dawn Dish soap and one cup of water. Spray liberally on the stain. Wash the item right away. He reported that it worked. I believe this rug to be cotton. I have no idea if it would work on wool, nylon or blends.

Glenmont has high heating bills. I have a four family apartment house where 6 people live. All have jobs and are paying the rent. How nice for me you say ! I thought so too until Corona came along. At that point 4 of them are working from home instead of the office. They now doing at home what they used to do at the office. Lots of cooking, more laundry (No more dry cleaning) Opening & closing entry doors. Turning up the heat during the day and taking more showers. All this adds up to MUCH larger gas and electric bills. Since all utilities are included in the rent, I pay the bills. What can I do? Mac says: Not much. When folks are home all day, this is what happens. You can ask them to be more careful. Such as: Do only full loads of laundry instead of 4 small ones, take shorter showers. There are many other common sense tips for saving energy. Your best bet is to ask the utility company to put you on a budget plan to ease the pain of those big bills in the winter.

See you next month - Mac Mowbray

EVICTION MORATORIUMS FACE CONSTITUTIONAL ISSUES

On February 24, 2021, five New York landlords filed a complaint in federal court, alleging that Part A of the state's COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (the "Act") violates their constitutional rights (*Chrysafis, et al. v. James*, Case No. 2:21-cv-00998). The suit challenges the extended statewide eviction moratorium and hardship declaration components of the Act on First Amendment and due process grounds. The landlord plaintiffs, whose tenants have refused to vacate or pay rent, have asked the court to declare the Act unconstitutional and to bar New York Attorney General Letitia James from enforcing the hardship declaration requirement, which allows tenants facing pandemic-related financial challenges (or for whom eviction would create a "significant health risk") to stay their own eviction proceedings until May 1, 2021.

The complaint, filed in the Eastern District of New York, sets forth numerous claims arising under both the U.S. Constitution and the New York State Constitution. In particular, the plaintiffs assert that the Act:

Compels speech, in violation of the First Amendment, since it forces landlords to provide tenants with the state government's (i) hardship declaration form (the "Form") and (ii) list of legal aid service providers (the "List"). Consequently, the Form and List as distributed by property owners amount to compelled speech "...in support of a government eviction moratorium with which [those owners] disagree," and in favor of "specific legal organizations whose mission and advice is squarely adverse to [their] interests";

Invites arbitrary enforcement, since the Form's "hardship" categories, pursuant to which tenants can avoid eviction without also providing supporting documentation, are not adequately defined. The complaint thus alleges that the Act is unconstitutionally vague under the Due Process Clauses of the U.S. and New York State Constitutions;

Deprives small property owners of their procedural rights, since the Act fails to provide them with a mechanism to verify or challenge individual tenants' hardship declaration forms;

Prohibits landlords from filing eviction petitions in violation of both the First Amendment and the Petition Clause of the New York State Constitution; and

Gives the New York Chief Administrative Judge an "unchecked power to unilaterally extend the eviction moratorium statewide," which violates the state government's authority to delegate its power under the New York Constitution.

As of March 4, 2021, New York State had not filed an answer to the complaint and the court had not yet addressed the plaintiffs' accompanying request for a temporary restraining order and preliminary injunction.

We will continue to monitor this case and related developments, including a recent decision coming out of the Eastern District of Texas in a similar lawsuit brought by small property owners in September 2020.

Their complaint alleged that the U.S. Centers for Disease Control and Prevention (CDC) issued a nationwide eviction moratorium order (the "Order") that unconstitutionally deprived the plaintiffs of their property rights.

Michael Machado, a Law Clerk in our Mondaq New York office, contributed to the writing of this alert.



MONTHLY MEMBER MEETING

PLEASE JOIN US!

VIRTUAL MEMBER MEETING

Speaker: Connor Gillis Government Affairs
Field Representative at New York State
Association of REALTORS, Inc ([NYSAR](#))

Topic: Good Cause Eviction Update

March 11th zoom Meeting link and Dial in
info:

Topic: CDARPO March Zoom Meeting

Time: Mar 11, 2021 07:00 PM Eastern Time
(US and Canada)

Join Zoom Meeting

<https://zoom.us/j/99610209589?pwd=ckh1LzQ3QlloQ1Zlc243aU01dWxnZz09>

Meeting ID: 996 1020 9589

Passcode: 220387

**GENERAL MEETINGS TAKE PLACE ON
THE 2ND THURSDAY OF EACH MONTH,
SEPTEMBER–JUNE. HEAR
PROFESSIONAL SPEAKERS AND MEET
WITH MEMBERS WHO HAVE YEARS OF
LANDLORDING EXPERIENCE.**

STAY CONNECTED

Yahoo Groups is going away!

Current members should also join our new forum discussion area on Google groups. This will be the Email-based forum replacing Yahoo groups for exchanging ideas and interacting with fellow landlords that may have experiences to share. Send an email requesting access to cdarpo-talk+subscribe@googlegroups.com or contact Marshall Miller at marshall@bluehattery.com for more assistance.

Find us online at CDARPO.org and on [Facebook](#). Sign up for our newsletter on the [contact page](#) of our website.

Attention:

CDARPO Mailing address is:
PO Box 8, Latham, NY 12110

CDARPO is a member of Under One Roof, a coalition of landlords and landlord organizations, formed to represent landlord interests with issues arising from legislation passed and proposed in favor of tenant interests.

One can sign up to receive e-mail meeting invites with the zoom links via this site: www.BoylanCode.com/rert.

Under One Roof's future meetings are generally every Wednesday at 2:00 p.m. The 1st and 3rd Meetings of each month will be on advocacy The 2nd and 4th meetings will have guest speakers. In addition, some resources for landlords have graciously been made available on the site.

CDARPO

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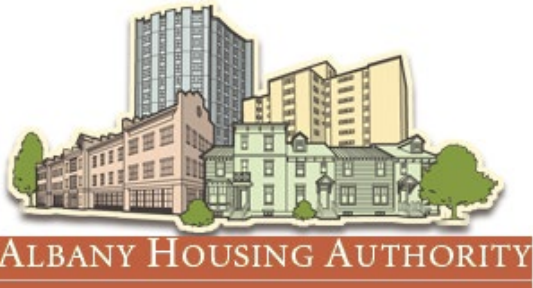
MEMBERSHIP

Regular Membership dues are \$75/year and include a 10-issue monthly newsletter, a landlord help line, education classes, free advertising at meetings & more.

Send membership inquiries to:

Membership@cdarpo.org Commercial Membership dues will vary based on desired advertisement formats - please visit our [website](#) for more details.

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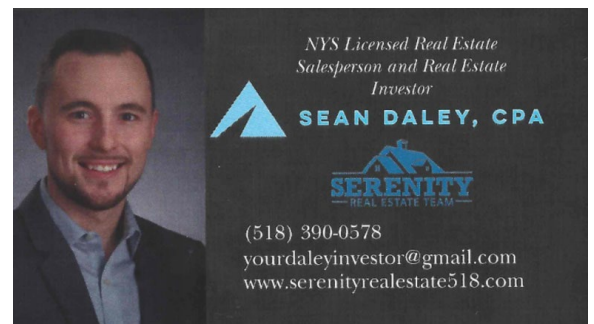
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