

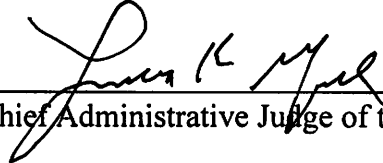
ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and as required by L. 2020, c. 381 (the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 [“Act”; Exh. 1]), I hereby direct that the following restrictions shall apply to the conduct of residential eviction matters before the New York State courts:

1. Stay of Pending Residential Eviction Proceedings: Any residential eviction proceeding pending on December 28, 2020, including eviction proceedings filed on or before March 7, 2020, and any residential eviction proceeding commenced on or before January 27, 2021, shall be stayed for sixty days (Act, Part A, §2). Notwithstanding the foregoing, a pending or newly-filed proceeding in which a petitioner has alleged that a tenant is persistently and unreasonably engaging in behavior that substantially infringes upon the use and enjoyment of other tenants or occupants, or causes a substantial safety hazard to others, may continue to be heard in accordance with the Act (Act, Part A, §§9, 9[5]).
2. Requirement of Additional Affidavits in Newly-Commenced Proceedings: No court shall accept for filing any petition or other commencement papers in an eviction proceeding unless those papers include affidavits as required by Part A, §5 of the Act.
3. Bar on Issuance or Enforcement of Default Judgments: Prior to May 1, 2021, no court shall issue a default judgment authorizing an eviction in a residential eviction matter, or authorize the enforcement of an eviction pursuant to a default judgment, without first holding a hearing upon motion of the petitioner (Act, Part A, §7).
4. Stay of Execution of Warrants in Residential Eviction Proceedings: In any residential eviction proceeding in which a warrant of eviction has been issued but has not yet been executed as of December 28, 2020, execution of the warrant shall be stayed until the court has held a status conference with the parties (Act, Part A, §8[a][i]).
5. Prior Judgments Based on Objectionable or Nuisance Behavior: If the court has awarded judgment against a respondent on or prior to December 28, 2020 on the basis of objectionable or nuisance behavior, the court shall hold a hearing to determine whether the tenant is continuing to persist in engaging in unreasonable behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes substantial safety hazard to others (Act, Part A, §9[2]).

All residential eviction proceedings shall be conducted as required by the further provisions of the Act.

This order shall take effect immediately and shall remain in effect through May 1, 2021.



Chief Administrative Judge of the Courts

Dated: December 30, 2020

AO/340/20