

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Management of Commercial Eviction Proceedings
in the New York City Civil Court

Class: DRP- 214
Category: LT-10
Eff. Date: August 19, 2020

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BACKGROUND:

In response to the Coronavirus emergency declared in Executive Order 202, Governor Cuomo imposed several temporary suspensions and modifications of laws, most pertinently here Executive Order 202.28, as amended by Executive Orders 202.38, 202.48, and 202.55. One of the restrictions contained therein stayed commencement and enforcement of commercial eviction matters against tenants facing financial hardship due to COVID-19. According to the time limitations set forth in Executive Order 202.28, many of those restrictions, including the stay of commencement and enforcement of commercial eviction proceedings against tenants facing financial hardship due to COVID-19, are set to expire on August 19, 2020.

In advance of the expiration of those restrictions, the Chief Administrative Judge issued Administrative Order 160A/20 which, among other things, discontinued the affidavit requirement contained in Administrative Order 127/20, and lifted the stay of proceedings imposed on eviction cases commenced before March 17, 2020. However, Administrative Order 160A/20 continued the automatic stay of all eviction cases commenced after March 16, 2020.

Accordingly, the following directives shall apply.

DIRECTIVE:

New Filings: Pursuant to Administrative Order 160A/20 commercial eviction cases commenced after March 17, 2020 have been, and shall continue to be, stayed upon filing and/or upon the date an answer is filed. Further, pursuant to Administrative Order 160A/20, beginning August 20, 2020, the Court will accept new filings in commercial eviction cases without an affidavit that tenant is not facing financial hardship due to COVID-19, as that affidavit requirement is no longer in effect. DRP 209, which included a similar affidavit requirement, has already been rescinded.

Filing of newly commenced eviction proceedings shall be in accordance with the requirements of Administrative Order 121/20, which superseded Administrative Order 115/20. In counties where NYSCEF is available, represented parties must commence new matters by electronic filing through NYSCEF. In counties where NYSCEF is unavailable, represented parties must commence new matters by mail. Unrepresented parties may file either by mail or in person.

Conferences: Conferences are available for commercial eviction cases. All conferences will be held remotely unless specifically ordered otherwise by the Court. The requirement in Administrative Order 160A/20 that a conference take place before proceedings may continue does not apply to commercial cases. Any party seeking a remote or in-person conference should contact the Court in the county where the case is pending.

Motions: Civil Court is accepting both procedural and dispositive motions in commercial eviction cases. The procedure for filing new motions shall be in accordance with the requirements of Administrative Order 121/20, which superseded Administrative Order 115/20. In counties where NYSCEF is available, represented parties must file new motions or other papers in pending eviction cases by e-filing. If the case was not originally e-filed, parties shall either stipulate to have the matter converted to e-file prior to motion practice or, if no stipulation can be reached, the party seeking to make a motion must first apply to the Court to have the matter converted to e-file. In counties where NYSCEF is not available, represented parties must file new motions or other papers in pending eviction cases through the Unified Court System's Electronic Document Delivery System (EDDS) or by mail, and must serve papers by electronic means or by mail. For further specification of the rules governing motion practice in EDDS, see DRP 208A. Unrepresented parties must file, serve and be served by non-electronic means unless they provide written notification to the Court and all parties that they wish to file, serve and be served electronically.

Trials: Beginning on August 20, 2020, the Civil Court will conduct trials of commercial landlord-tenant matters in Part 52. Virtual trial is strongly encouraged whenever possible. The Court will schedule in-person trials of commercial landlord-tenant matters on a limited basis, and only in those counties/courtrooms that have been approved by the Administrative Judge for conducting in-person proceedings.

Warrants: Beginning August 20, 2020, the Clerk will begin accepting new warrant requisitions in any commercial eviction cases in which a judgment of possession has been granted, and the Clerk will be authorized to issue warrants of eviction in these cases. The warrant application requirements of DRPs 210 and 211 are rescinded by this Directive. Moreover, the motion requirement contained in DRP 213 does not apply to commercial eviction cases.

Evictions: The Marshal may execute on any valid warrant of eviction issued in a commercial proceeding, as permitted by relevant statutory provisions and executive order, provided however that no commercial eviction shall occur before September 4, 2020.

Date: August 19, 2020

/S/
Hon. Anthony Cannataro
Administrative Judge
Civil Court of the City of New York