

Legal Alert: Housing Court Update Governor Cuomo Executive Order 202.72

November 6, 2020

Governor Cuomo signed Executive Order 202.72 extending a residential tenant's right to apply their security deposit to rent as well as the prohibition against charging and collecting late fees through December 3, 2020.

The Executive Order also extends a tenant's time to file an answer in a non-payment proceeding which is pending on November 3, 2020 until January 2, 2021. This vague language has resulted in confusion as to which cases it will pertain to, i.e., those commenced prior to March 17, 2020 or those commenced on or after June 22, 2020, when we were permitted to recommence filing new petitions. Therefore, unless at some point the Executive Order is clarified by the Governor, it will be up to the individual judge to make that determination. We will continue to make motions seeking the issuance/execution of warrants and/or default judgments.

Additionally, the Governor makes note of the fact that in regard to **non-housing court proceedings**, the tolling of the time frames for the commencement, filing or service of any legal action, notice or motion as stated in the laws and/or statutes of the State of New York and/or any local laws, ordinances, orders, rules or regulations expired on November 3, 2020 and, therefore, is no longer in effect.

If you have any questions, do not hesitate to contact us. As always, we will continue to keep you apprised of any new developments.