

Legal Alert: Governor Cuomo Signs CEEFPA Into Law

December 29, 2020

Last night, Governor Cuomo signed the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020. For specific information on what this act entails, please see our detailed alert sent to you yesterday.

Since the Act has now been signed into law, the 60-day stay on all pending proceedings, other than nuisance holdovers, and all those commenced within 30 days of the effective date of the Act, began as of December 28, 2020, as did the Landlord's obligation to serve a "Declaration of Hardship" on any tenant a proceeding is commenced against. We are currently awaiting guidance from the Office of Court Administration regarding the specific Declaration of Hardship form that must be used, and will update you once we have more information.

As an alternative to pursuing rent arrears through a traditional non-payment proceeding, we suggest exploring the option of commencing a proceeding for a monetary judgment in the Civil or Supreme Courts. The newly passed Act does not prohibit us from commencing such breach of contract actions against the tenant in these other forums, wherein we would be entitled to monetary judgments for unpaid arrears, but not possessory judgments where we would be able to evict. Feel free to contact any of our attorneys who can walk you through this process and advise how we can commence such actions for you.