

**Legal Alert: New Requirements for the Commencement of Eviction Proceedings**

**June 19, 2020**

As expected, on June 18, 2020, the Chief Administrative Judge of the State of New York issued an Administrative Order regarding new procedures for residential and commercial eviction proceedings due to the COVID-19 Pandemic. This Order is in addition to the Directives and Procedures issued by the Chief Administrative Judge of the Civil Court on June 17, 2020.

Pursuant to this new Administrative Order, we will be required to attach an attorney's affirmation to all petitions (both nonpayment and holdover) in commercial and residential summary proceedings stating that we have reviewed the state and federal restrictions and qualifications on eviction proceedings and believe, in good faith, that the proceeding we are commencing is consistent with those restrictions and qualifications.

In addition, we will need to provide a notice, in both English and Spanish, informing the tenants that they may be eligible for an extension of time to answer any such petition in light of legal directives related to the COVID-19 Pandemic, and directing them to a telephone number and/or website link for further information.

Until such time as the Governor's Executive Orders suspending statutory time frames for the prosecution of legal matters expires, our interpretation of the Administrative Order is that no petitions may be served and filed until after July 6, 2020.

Unfortunately, the Order does not give direction as to when cases filed after March 16, 2020, regardless of whether or not an answer was filed in response to the petition, will be heard by the court. The exception to this Order is those proceedings which were commenced on or before March 16, 2020. That is, those cases wherein all parties are represented by counsel, will be eligible for virtual settlement conferences with the court. As we previously advised, our office is working on getting any case that meets these criteria scheduled for a conference.

As our prior alert stated, starting Monday, June 22, 2020, we will be ready to prepare the rent delinquency letters, and rent demands thereafter, at your request.

We will continue to keep you informed as these procedures evolve. If you have any questions, do not hesitate to contact us.