

**Legal Alert: Executive Order 202.48**

**July 7, 2020**

Last night, Governor Cuomo issued Executive Order 202.48 which rescinds the prohibition contained in Executive Order 202.28 against initiating non-payment proceedings against **residential** tenants who were financially impacted by the COVID-19 pandemic until August 20, 2020. Proceedings brought against residential tenants for the collection of rent are now covered by the recently enacted Tenant Safe Harbor Act, which we alerted you to last week, allowing for the commencement of non-payment proceedings against residential tenants as of July 6, 2020 and placing the burden on the tenant to raise financial hardship as an affirmative defense in such proceeding. Executive Order 202.28 still applies to commercial tenancies and, therefore, the landlord still has the obligation of making a "good faith" effort to determine if those tenants were financially impacted by the pandemic and, if so, no proceeding for the collection of rent shall be commenced until August 20, 2020.

Additionally, this recent Executive Order does not alter those requirements, imposed by the Chief Administrative Judge, for the commencement of eviction proceedings, which was the subject of our June 19, 2020 Alert. We do, however, expect some modifications to those requirements in the upcoming days.

We will continue to keep you apprised of any new developments. You may contact any of our attorneys if you wish to further discuss this new information.