

Legal Alert: Recent Administrative Orders Impacting Housing Court

August 18, 2021

On August 13, 2021, the State's Chief Administrative Judge issued two new Administrative Orders, AO 244/21 and AO 245/21, pertaining to the operation of Housing Court moving forward. These Orders are effective immediately and summarized below.

Notice of Emergency Rental Relief Application to Be Submitted by Landlords

- All Petitioner-Landlords with pending housing court cases are required to inform the Court if:
 - (i) The Respondent-Tenant has applied for rental relief assistance pursuant to the Emergency Rental Assistance Program ("ERAP") currently being administered by New York State;
 - (ii) The Petitioner-Landlord has applied for ERAP assistance on behalf of the Respondent-Tenant and the application is pending; or
 - (iii) The Petitioner-Landlord has received rental assistance through ERAP on behalf of the Respondent-Tenant.
 - If Petitioner-Landlord has received ERAP assistance on behalf of the Respondent-Tenant, it must also disclose the amount received and the time period the monies received covered.
- A copy of the notice that Petitioner-Landlords must use to inform the Court of the above can be found [here](#). Once the form is completed, you can email it to one of the attorneys at our office and we will ensure it is filed with the appropriate Court personnel.

Resumption of Residential Eviction Matters

- All residential eviction proceedings may proceed in the ordinary course, subject to all applicable government limitations, tenant protections and the scheduling capacity of the Courts. At this point, we are still waiting for further directives from the Court pertaining to how quickly pending residential matters will proceed.

Pre-Pandemic Cases

- Cases commenced before March 17, 2020 must continue to have a settlement conference before moving forward.
- At the settlement conference, the Court is required to take into account what impact the COVID-19 pandemic, and any other applicable government regulations, including the Tenant Safe Harbor Act, may have on the proceeding. In addition, the Courts are directed to refer any unrepresented litigants to legal service providers so that they may seek legal representation.
- Moreover, in New York City, pursuant to DRP-217 (8/17/21), Petitioners are now required to make a motion to seek the requisition and execution of any warrant of eviction, even if the judgment was issued prior to March 17, 2020.

Cases Filed During the Pandemic

- Cases commenced after March 17, 2020 will continue to be filed electronically with remote appearances conducted via Microsoft Teams.

Should you have any questions about any of the information contained herein, please contact any of our attorneys at your convenience.