

**Legal Alert: Housing Court Update Relating to Commercial Proceedings**

**August 21, 2020**

Governor Cuomo signed an Executive Order yesterday that extends the moratorium on COVID-related commercial evictions, as well as on the restriction for charging late fees to residential tenants, until September 20, 2020. However, based upon a directive issued by the Administrative Judge of the Civil Court, we have now been given guidance on how commercial eviction proceedings may move forward after the expiration of this most recent moratorium.

After September 20, 2020 the following guidelines will pertain to commercial eviction proceedings:

1. When commencing a commercial eviction proceeding, we will no longer be required to submit an affidavit attesting to the fact that a good faith effort was made to determine if a commercial tenant was financially impacted by the COVID-19 pandemic.
2. We will be allowed to request warrants on any case in which a judgment of possession has been granted. As was noted in our prior alert, unlike in residential matters, permission from the Court to request a warrant or execute on a warrant will not be required.
3. City Marshal's will be allowed to execute on any valid warrant.

Effective immediately, we may request conferences on any pending commercial proceedings and motion practice on such cases may resume. Additionally, the Court will begin to schedule trials. In-person trials will be scheduled on a limited basis in those counties which have been approved to conduct in-person proceedings, however, the Court is encouraging virtual trials at this time.

We will continue to keep you apprised of any new developments regarding commercial proceedings once they become available.