

CIVIL COURT OF THE CITY OF NEW YORK

ADVISORY NOTICE

Subject: Warrant Requirements Under the EEFPA

Class: AN-25

Category: LT-10

Eff. Date: March 22, 2021

BACKGROUND:

In response to the ongoing coronavirus pandemic and its impact on landlords and tenants throughout New York, Governor Andrew Cuomo signed the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 (“EEFPA”).

As relevant here, sections 7 and 8 of this Act create a procedural framework for the issuance and execution of warrants where respondent has defaulted in appearing, where a judgment of possession and/or an unexecuted warrant of eviction existed prior to the effective date of the Act, and where a warrant is issued in a pending eviction proceeding and no hardship declaration is filed. This advisory details the statutory requirements as to the form of warrants issued during the pendency of the EEFPA, most provisions of which expire on May 1, 2021.

ADVISORY:

In accordance with the EEFPA, in any eviction proceeding in which a warrant has been issued, including eviction proceedings filed on or before March 7, 2020, as well as any proceeding in which a warrant is directed to be issued during the pendency of the Act, such warrant shall not be effective as against the occupants, unless, in addition to the requirements under RPAPL § 749, such warrant provides:

- (i) (1) That the tenant has not submitted a hardship declaration; (2) that the tenant was properly served with a copy of the hardship declaration; and (3) a list of the dates the tenant was served with the hardship declaration by the petitioner and the court; or
- (ii) The tenant is ineligible for a stay under the EEFPA because the court has found that the tenant is persistently and unreasonably engaging in behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others, with a specific description of the behavior.

All jurists directing issuance of a warrant of eviction are therefore asked to be mindful of the statutory requirements regarding information that must be contained in warrants and to draft their judgments of possession accordingly.

Date: March 22, 2021

_____/S/_____
Hon. Anthony Cannataro
Administrative Judge
Civil Court of the City of New York