

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, at the direction of the Chief Judge, upon the expiration of L. 2021, c. 417, which relates in part to residential and commercial foreclosures ["Act"], I hereby direct that, effective immediately:

1. Resumption of Residential and Commercial Mortgage Foreclosure Matters: All residential and commercial mortgage foreclosure matters may resume in the normal course.
2. Resumption of Tax Foreclosure Matters: All tax lien foreclosure matters may resume in the normal course, subject to the conferencing requirements set forth in Administrative Order 262/21.
3. Filing and Service – Filing and service of process in foreclosure proceedings shall continue as set forth in Administrative Order 267/20.
4. Auctions: Auctions should continue in a manner consistent with district/county auctions plans and in accordance with the Unified Court System's COVID-19 protocols.
5. This order supersedes Administrative Order 262/21 except as set forth herein. This order further supersedes the provisions of any other Administrative Order inconsistent with its terms and provisions.



Chief Administrative Judge of the Courts

Dated: January 16, 2022

AO/35/22



Lawrence K. Marks
Chief Administrative Judge

25 Beaver Street
New York, N.Y. 10004
(212) 428-2100

MEMORANDUM

January 16, 2022

To: Hon. Norman St. George
Hon. Deborah Kaplan

From: Lawrence K. Marks *LM*

Subject: Foreclosures

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On January 15, 2022, the key provisions of Chapter 417 of the Laws of 2021, which governed foreclosure and eviction proceedings, expired. Guidance regarding the conduct of foreclosure proceedings moving forward is set forth in Administrative Order 35/22 (Exh. A) and as follows:

1. Stayed Cases – All cases that had been stayed due to the filing of a Hardship Declaration should be immediately restored to active conference and motion calendars.
2. Court Practice Upon Commencement of a New Proceeding: The court is no longer prohibited from accepting new filings absent proof of service of a Hardship Declaration.
3. Tax Lien Foreclosures: Tax Lien foreclosures shall continue to be conferenced as set forth in Administrative Order 262/21.
4. Homeowner Assistance Fund: The Homeowner Assistance Fund (nyhomeownerfund.org) began accepting applications on January 3, 2022. Courts are encouraged to refer qualified homeowners to this resource. Where the court determines that a successful Homeowner Assistance Fund application may lead to a settlement, the court should continue to actively conference the matter and give adjournments as appropriate, but in no event should such case be stayed.

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Please distribute this memorandum and Administrative Order to judges and non-judicial staff as appropriate. Questions on the subject may be addressed to Steven Helfont of the Office for Justice Initiatives – Division of Policy & Planning, at shelfont@nycourts.gov.

cc: Hon. Edwina G. Mendelson
Michelle Smith, Esq.
Steven Helfont, Esq.