

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and as required by L. 2020, c. 381 (the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 ["Residential Act"]) and L. 2021, c. 73 (the COVID-19 Emergency Protect Our Small Businesses Act of 2021 ["Commercial Act"]) as amended by L. 2021, c. 104 ("Amendment"; Exh. 1), I hereby direct that, effective immediately, the following procedures and restrictions shall apply to the conduct of foreclosure matters before the New York State courts:

1. **Filings**

- a. No court shall accept for filing commencement papers to foreclose a mortgage related to residential real property as defined by the Residential Act unless those papers include affidavits as required by Part B, Subpart A, §6 of the Residential Act.
- b. No court shall accept for filing commencement papers to foreclose a mortgage relating to commercial real property as defined by the Commercial Act unless those papers include affidavits as required by Part B, Subpart A, §6 of the Commercial Act.
- c. Filing and service of process in all foreclosure proceedings shall continue as set forth in Administrative Order 267/20.

2. **Stay of Actions in Which the Mortgagor Provides a Hardship Declaration:** In any covered action in which a judgment of sale has not been issued and a mortgagor or owner in a tax lien foreclosure as defined in either the Residential Act or Commercial Act ("Mortgagor" or "Owner") has already submitted or hereafter submits a hardship declaration as defined in either Act ("Hardship Declaration") to the foreclosing party, the court, or an agent of the foreclosing party or the court, the action shall be stayed (or commencement tolled) until at least August 31, 2021.
3. **Stay of Actions in Which a Judgment of Sale Has Been Issued But Not Yet Executed:** If a judgment of sale has been issued in any covered action on or before May 1, 2021 but has not yet been executed, execution of the judgment shall be stayed until the court has held a status conference with the parties. If a Mortgagor has submitted or hereafter submits a Hardship Declaration to the court, a foreclosing party, or an agent of the foreclosing party prior to the execution of the judgment, the action shall be stayed until at least August 31, 2021.
4. **Other Provisions** – All covered actions shall be conducted as otherwise required by the further provisions of the Residential Act or Commercial Act.
5. **Resumption of other Residential, Commercial, and Tax Lien Foreclosure Matters:** Any residential or commercial (including tax lien) foreclosure matter not covered by either the Residential Act or Commercial Act may resume in the normal course,

subject to federal or state emergency relief provisions governing the commencement and prosecution of such matters.

6. Auctions

- a. Notwithstanding the provisions of any judgment of foreclosure, all auctions shall be conducted in accordance with the auction plans developed by each judicial district. Such plans shall be revised as necessary and posted to the UCS website.
- b. All foreclosure auctions shall comply with the UCS' COVID-19 related protocols addressing social distancing, wearing of masks, and screening of attendees. If such compliance is not possible, the auction shall be relocated, and if necessary, postponed.

7. Paragraphs 1, 2, and 3 of this order shall expire on August 31, 2021.

This order supersedes the provisions of any other Administrative Order inconsistent with its terms.

Dated: May 24, 2021



Chief Administrative Judge of the Courts

AO/159/21