

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Management of Residential and Commercial
Eviction Matters Commenced After March 16, 2020
in the New York City Civil Court

Class: DRP-221
Category: LT-10
 LT-30
Eff. Date: January 16, 2022

BACKGROUND:

At its height, the Coronavirus pandemic caused a near-total cessation of operations in the New York City Civil Court. Despite the challenges of the pandemic, the New York City Civil Court has been working diligently to adjudicate eviction proceedings filed before March 17, 2020 as well as eviction proceedings filed after this date. As The COVID-19 Emergency Eviction and Foreclosure Prevention Act (“CEEFPFA” or the “Act”) expires, the Court institutes the following requirements concerning eviction proceedings in residential and commercial eviction proceedings filed after March 16, 2020 to ensure effective management of caseloads in a manner consistent with health and safety concerns arising from the Coronavirus pandemic.

DIRECTIVE:

I. Residential Eviction Proceedings Filed Prior to March 17, 2020

The procedures concerning the Management of Pre-Pandemic Eviction Proceedings in the New York City Civil Court, Housing Part, are set forth in DRP 217, which are subject to the conference requirements of AO 245/21.

II. Residential and Commercial Eviction Proceedings Filed After March 16, 2020

A. Warrant Requisitions Issued After March 16, 2020 through September 2, 2021

All warrant requisitions based on judgments of possession that were issued after March 16, 2020 but prior to September 2, 2021, must be presented by motion on notice to respondent to ensure that the warrant complies with the laws and procedures that were in effect at the time of issuance and may still apply and to further ensure that there are no current stays pending in the proceeding. Such motion shall comply with the requirements set forth in Section 1 of AO 34/22.

- (i) In the Housing Part, the motion shall be made returnable in the assigned resolution part if the respondent has counsel, and in the HMP Part if the respondent does not have counsel.
- (ii) In the Commercial Landlord Tenant Part, the motion shall be made returnable in Part 52.

B. Execution of Warrants Issued After March 16, 2020 through September 2, 2021

A petitioner seeking to enforce a warrant of eviction that was issued after March 16, 2020 must seek leave of court by motion on notice to respondent to ensure that the warrant complies with the laws and procedures that were in effect at the time of issuance and may still apply and to further ensure that there are no current stays pending in the proceeding. Such motion shall comply with the requirements set forth in Section 1 of AO 34/22.

- (i) In the Housing Part, the motion shall be made returnable in the assigned resolution part if the respondent has counsel, and in the HMP Part if the respondent does not have counsel.
- (ii) In the Commercial Landlord Tenant Part, the motion shall be made returnable in Part 52.

III. Warrants Issued After September 2, 2021

Warrants issued on or after September 2, 2021 may be considered presumptively valid and may be executed.

IV. Warrants Issued In Residential And Commercial Nuisance Cases

The directives set forth above shall not apply in proceedings where the Petitioner has alleged that the Respondent:

- (i) Intentionally caused significant damage to the property; or
- (ii) unreasonably engaged in behavior that infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others.

V. Language of Warrants Before Execution

Warrants containing language required by CEEFPA or any subsequent Act, that were issued prior to the expiration of the Acts, are valid as the warrants were issued pursuant to the law in existence at the time, subject to the motion requirements in this DRP. Warrants issued after the expiration of CEEFPA or any subsequent Act, do not need to include language required by CEEFPA or any subsequent Act as they are no longer in effect.

Date: January 16, 2022

_____/s/_____
Hon. Carolyn Walker-Diallo
Administrative Judge