


ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, I hereby order and direct that petitions in eviction proceedings involving property pursuant to Article 7 of the Real Property Actions and Proceedings Law (RPAPL) and in foreclosure proceedings shall no longer require an accompanying attorney affirmation or petitioner's affidavit, as previously required pursuant to Administrative Orders AO/127/20 and AO/131/20. AO/127/20 and AO/131/20 are modified to this extent only, and shall otherwise continue in full force and effect, including but not limited to the continued requirement of service of a Notice to Respondent Tenant or Notice to Respondent as described in those orders.

This order shall take effect immediately, and shall remain in effect until further order.



Chief Administrative Judge of the Courts

Dated: July 7, 2020

AO/143/20

LAWS OF NEW YORK, 2020

CHAPTER 127

AN ACT in relation to prohibiting the eviction of residential tenants who have suffered financial hardship during the COVID-19 covered period

Became a law June 30, 2020, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. For the purposes of this act, "COVID-19 covered period" means March 7, 2020 until the date on which none of the provisions that closed or otherwise restricted public or private businesses or places of public accommodation, or required postponement or cancellation of all non-essential gatherings of individuals of any size for any reason in Executive Orders 202.3, 202.4, 202.5, 202.6, 202.7, 202.8, 202.10, 202.11, 202.13 or 202.14, as extended by Executive Orders 202.28 and 202.31 and as further extended by any future Executive Order, issued in response to the COVID-19 pandemic continue to apply in the county of the tenant's or lawful occupant's residence.

§ 2. Notwithstanding any provision of law to the contrary:

1. No court shall issue a warrant of eviction or judgment of possession against a residential tenant or other lawful occupant that has suffered a financial hardship during the COVID-19 covered period for the non-payment of rent that accrues or becomes due during the COVID-19 covered period.

2. (a) A tenant or lawful occupant may raise financial hardship during the COVID-19 covered period as a defense in a summary proceeding under article 7 of the real property actions and proceedings law.

(b) In determining whether a tenant or lawful occupant suffered a financial hardship during the COVID-19 covered period, the court shall consider, among other relevant factors:

(i) the tenant's or lawful occupant's income prior to the COVID-19 covered period;

(ii) the tenant's or lawful occupant's income during the COVID-19 covered period;

(iii) the tenant's or lawful occupant's liquid assets; and

(iv) the tenant's or lawful occupant's eligibility for and receipt of cash assistance, supplemental nutrition assistance program, supplemental security income, the New York State disability program, the home energy assistance program, or unemployment insurance or benefits under state or federal law.

3. This act shall not prohibit any court from awarding a judgment for the rent due and owing to a successful petitioner in a summary proceeding under article 7 of the real property actions and proceedings law.

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in italics is new; matter in brackets [] is old law to be omitted.

CHAP. 127

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The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

ANDREA STEWART-COUSINS

Temporary President of the Senate

CARL E. HEASTIE

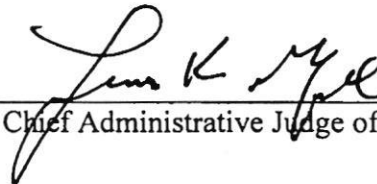
Speaker of the Assembly

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, I hereby order and direct that, effective June 24, 2020, commencement papers in foreclosure proceedings involving residential or commercial property shall require the inclusion of (1) an attorney affirmation in the form attached as Exh. 1 and (2) a Notice to Respondent, in English and Spanish, in the form attached as Exhs. 2 and 3.

Consistent with prior and current gubernatorial Executive Orders (EO/202.8, EO/202.14, EO/202.28, EO/202.38) and Administrative Order AO/68/20, foreclosure matters commenced on or before March 16, 2020 shall continue to be suspended until further order; foreclosure proceedings filed after March 16, 2020 shall, upon the filing of a complaint (if no answer is filed thereafter) or the filing of an answer, be suspended until further order; initial mandatory settlement conferences in residential foreclosures pursuant to CPLR 3408 shall not be scheduled; and foreclosure auctions shall continue to be suspended until further order. Notwithstanding the foregoing, foreclosure matters in which all parties are represented by counsel shall be eligible for calendaring for both initial and follow-up virtual settlement conferences; lenders may move for a judgment of foreclosure and sale on the ground that a property is vacant and abandoned; and lenders may move to discontinue a pending case.

This order shall take effect on June 24, 2020, and shall remain in effect for such time as state and federal emergency measures addressing the COVID-19 pandemic amend or suspend statutory provisions governing foreclosure proceedings, or until further order.



Chief Administrative Judge of the Courts

Dated: June 23, 2020

AO/131/20