

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Obtaining a Default Judgment During Coronavirus
Pandemic

Class: DRP-210
Category: LT-20
Eff. Date: May 22, 2020

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BACKGROUND:

On May 7, 2020, in response to the ongoing public health crisis, Governor Andrew Cuomo signed Executive Order 202.28, which limits the commencement of summary proceedings for nonpayment of rent and enforcement of eviction orders in those proceedings for 60 days commencing June 20, 2020. The pertinent provision of the Executive Order provides as follows:

There shall be no initiation of a proceeding or enforcement of either an eviction of any residential or commercial tenant, for nonpayment of rent or a foreclosure of any residential or commercial mortgage, for nonpayment of such mortgage, owned or rented by someone that is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic for a period of sixty days beginning on June 20, 2020.

In light of the foregoing, the following requirements shall take effect beginning June 20, 2020:

DIRECTIVE:

Any petitioner applying for a default judgment based upon respondent's failure to answer in a summary proceeding for nonpayment of rent shall submit, as part of such application, an affidavit by a person with knowledge of the facts, stating that the petitioner has conducted an investigation to ascertain whether the respondent(s) is a person eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic, and that the respondent(s) is not such a person. This affidavit shall state the facts upon which the individual bases this conclusion.

This directive shall apply to residential and commercial nonpayment proceedings.

This directive shall remain in effect until rescinded.

Date: May 22, 2020

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