

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Obtaining a Default Judgment During Covid-19 Pandemic

Class: DRP- 210 Amended

Category: LT-20

Eff. Date: June 12, 2020

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BACKGROUND:

On May 7, 2020, in response to the ongoing public health crisis, Governor Andrew Cuomo issued Executive Order 202.28, which places limits on the commencement of summary proceedings for nonpayment of rent and enforcement of eviction orders in those proceedings for 60 days beginning on 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, effective June 20th:

DIRECTIVE:

Any petitioner applying for a default judgment based upon the 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 personal knowledge of the facts, stating that the petitioner has made a good faith effort to ascertain whether the respondent 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 is not such a person. The affidavit shall state the facts upon which the individual bases this conclusion.

This directive amends and supersedes DRP 210 and shall remain in effect until further notice.

Date: June 12, 2020

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