

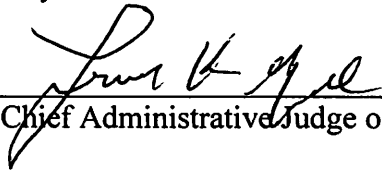
**ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, and consistent with the easing of restrictions imposed due to the COVID-19 health emergency, I hereby direct that, effective immediately:

1. **Resumption of Residential and Commercial Eviction Matters:** All residential and commercial eviction matters, both nonpayment and holdover, may continue to proceed in the normal course. All residential eviction matters shall remain subject to the conference and notice requirements as set forth herein.
  - a. **Residential Eviction Matters Commenced Prior to March 17, 2020:** The conference requirement applicable to residential eviction matters commenced prior to March 17, 2020 shall continue as follows:
    - i. Prior to conducting any further proceedings in any residential eviction matter filed prior to March 17, 2020, the court must initiate a status or settlement conference if a conference has not yet been held. This requirement shall apply in all matters at any stage of the eviction process, including any matter where a warrant of eviction has issued and been delivered to an enforcement agent, but has not been executed.
    - ii. At the conference, the court shall review the procedural history of the matter; confirm compliance with notice requirements; inquire into the effects, if any, that the COVID-19 pandemic has had upon the parties; review any special relief under state or federal law to which the parties may be entitled in light of the pandemic, including the Tenant Safe Harbor Act (TSHA) or any pending Emergency Rental Assistance (ERAP) applications; refer unrepresented parties to local civil legal service providers and housing counseling agencies; assess any pending and anticipated motions; approve briefing schedules proposed by stipulation of the parties; and use best efforts (including referral to alternative dispute resolution) to resolve any outstanding issues.
    - iii. Following the conference, the court may take such further steps as it deems appropriate, including allowing the matter to proceed.
    - iv. In ordering relief in any residential eviction matter, the court should always remain particularly mindful of additional prohibitions on evictions that may be directed by order, state statute, or federal law.
  - b. **Default Judgments in Residential Eviction Matters:** In residential eviction matters commenced prior to January 15, 2022, where a respondent is unrepresented by counsel, no judgment or warrant shall be issued on a prior failure to answer or on default without a motion to the court by the petitioner.

This motion requirement does not apply to any eviction matters commenced on or after January 15, 2022.

2. **Filing and Service:** Filing and service of process in eviction proceedings shall continue as set forth in Administrative Order AO/267/20 [Exh 1].
3. **Remote Proceedings:** Eviction proceedings should continue to be conducted remotely or in person as appropriate.
4. **Alternative Dispute Resolution:** Mediation and other forms of alternative dispute resolution are encouraged, particularly in matters where (1) all parties are represented by counsel, or (2) all parties are unrepresented by counsel.
5. **COVID-19 Emergency Rental Assistance Program Protections:** Eviction protections provided by the COVID-19 Emergency Rental Assistance Program (ERAP) under Part BB, Subpart A, §8 of Chapter 56 of the Laws of 2021, as modified by L. 2021, c. 417, remain fully in effect. Eviction matters where there is a pending ERAP application shall continue to be stayed until a final determination of eligibility for rental assistance is issued by the Office of Temporary and Disability Assistance (OTDA), including appeals. Landlords shall continue to submit notice of a known ERAP application to the court where the eviction proceeding is pending in accordance with Administrative Order AO/244/21 [Exh. 2].
  - a. **ERAP Does Not Apply in Nuisance Behavior or Property Damage Proceedings:** The protections provided by ERAP shall not apply if a tenant intentionally causes damage to the property or persistently and unreasonably engages in objectionable or nuisance behavior. If the court has awarded a judgment against such tenant prior to September 2, 2021, on the basis of such objectionable or nuisance behavior, the court shall hold a hearing to determine whether the tenant intentionally caused significant damage to the property or persistently and unreasonably engaged in such behavior. The hearing is to determine whether the tenant is continuing the nuisance behavior. (Act, Part A §6).
6. **New York City:** In addition to the applicable provisions of this Administrative Order, eviction matters before the New York City Housing Court shall also be governed by DRP 223 [Exh. 3].
7. This order supersedes AO/245/21 and AO/34/22, which shall have no further force or effect. This order shall take effect immediately.

  
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Chief Administrative Judge of the Courts

Dated: June 29, 2022

AO/158/22