

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Obtaining a Default Judgment During Covid-19 Pandemic

Class: DRP- 210B

Category: LT-20

Eff. Date: July 8, 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 placed 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.

Thereafter, DRP 210 (as amended on June 12, 2020) imposed a requirement on petitioners seeking default judgment in residential and commercial landlord tenant proceedings to state by affidavit that they had 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.

In Executive Order 202.48 issued on July 6, 2020, the relevant directives of Executive Order 202.28 were made applicable only to commercial nonpayment proceedings.

In light of the foregoing, it is ordered that:

DIRECTIVE:

Any petitioner applying for a default judgment in a commercial landlord tenant proceeding 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 or business 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 or business. The affidavit shall state the facts upon which the individual bases this conclusion.

This directive amends and supersedes DRP 210A, dated June 12, 2020, and shall remain in effect until further notice.

Date: July 8, 2020

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