

Real Estate Law Alert: New York OCA Extends Moratorium on Residential Evictions to October 1, 2020

In the face of the ongoing COVID-19 pandemic, Honorable Lawrence J. Marks, Chief Administrative Judge of the Courts of New York State, issued a [Memorandum](#) on August 12, 2020 which, among other key provisions, extended the moratorium on all residential evictions to October 1, 2020. The extended moratorium marks a sweeping victory for residential tenants and their advocates who have for weeks urged the State to expand pandemic-related relief to protect tens of thousands of residential tenants from the threat of being evicted as the pandemic continues. On the other hand, the extended moratorium provides further frustration for landlords of residential properties, with one attorney commenting that the extended moratorium “continues to demonstrate that landlords are stymied at every turn.”

Within the Memorandum, Judge Marks sets forth revised procedures for eviction cases, both residential and commercial, that were commenced *prior to* March 17, 2020, indicating that such cases may be resumed with certain caveats, including mandatory court conferences prior to the issuance of any residential eviction order and remote court proceedings for any residential or commercial eviction case “whenever the court deems it appropriate for the health, safety and convenience of participants.” Such court conferences, which are not required in commercial eviction cases, were designed to address a range of subjects related to individual cases as well as case-specific concerns brought on by the COVID-19 pandemic, including whether a tenant qualifies for relief under the recently issued [Tenant Safe Harbor Act](#). That Act provides that “[n]o 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 pandemic as a result of the tenant’s nonpayment of rent that accrued or became due during the pandemic period.

For eviction cases commenced *after* March 17, 2020, the Memorandum explicitly states that such cases “shall continue to be suspended” regardless of the specific ground on which they were based, (*i.e.*, nonpayment of rent or holdover). For residential evictions specifically, however, the Memorandum notes that regardless of whether a case was commenced prior to or after March 17, “[n]o residential eviction may take place prior to October 1, 2020 or – in the event of a future state or federal moratorium on evictions – such later date or dates set forth in law.” The extended moratorium marks the first time in months that tenants and landlords alike have obtained some clarity about the status—and future—of eviction proceedings across the state.

A spokesperson for the Chief Administrative Judge’s office would not say whether residential evictions will definitely start up in October, stating simply that “October 1 is a world away going by how the past five months have gone” and that “[w]e will see.”

Our [real property](#) attorneys stand ready to provide legal advice and guidance throughout these unprecedented—and uncertain—times.

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