ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and as required by L. 2021, c. 73 (the COVID-19 Protect Our Small Businesses Act of 2021 ["Act"; Exh. 1]), I hereby direct that, effective March 9, 2021, the following procedures and restrictions shall apply to the conduct of commercial foreclosure matters before the New York State courts:

1. Stay of Pending Commercial Foreclosure Proceedings: Any action to foreclose a mortgage relating to commercial real property as defined in the Act ("Action") pending on March 9, 2021, and any Action commenced on or before April 8, 2021, shall be stayed for at least 60 days (Act, Part B, Subpart A, §§1, 3).

2. Requirement of Additional Affidavits in Newly-Commenced Actions: No court shall accept for filing commencement papers in an Action unless those papers include affidavits as required by Part B, Subpart A, §6 of the Act.

3. Stay of Actions in Which the Mortgagor Provides a Hardship Declaration: In any Action in which a judgment of sale has not been issued and a commercial mortgagor as defined in the Act ("Mortgagor") submits a hardship declaration as defined in the Act ("Hardship Declaration") to the foreclosing party, the court, or an agent of the foreclosing party or the court, the Action shall be stayed until at least May 1, 2021 (Act, Part B, Subpart A, §§2, 7).

4. Stay of Actions in Which a Judgment of Sale Has Been Issued But Not Yet Executed: If a judgment of sale has been issued in any Action on or before March 9, 2021 but has not yet been executed, execution of the judgment shall be stayed until the court has held a status conference with the parties. If a Mortgagor submits a Hardship Declaration to the foreclosing party, an agent of the foreclosing party or the court prior to the execution of the judgment, the Action shall be stayed until at least May 1, 2021 (Act, Part B, Subpart A, §8).

5. Paragraphs 2, 3, and 4 of this order shall expire May 1, 2021.

6. All Actions shall be conducted as required by the further provisions of the Act.

Chief Administrative Judge of the Courts

Dated: March 15, 2021

AO/95/21