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 restrictions shall apply to the conduct of commercial eviction matters before the New York State courts:

1. Stay of Commercial Eviction Proceedings: Any commercial eviction proceeding pending on March 9, 2021, and any commercial eviction proceeding commenced on or before April 8, 2021, shall be stayed for 60 days (Act, Part A, §3). Notwithstanding the foregoing, a pending or newly-filed proceeding in which a petitioner has alleged that a tenant is persistently and unreasonably engaging in behavior that substantially infringes upon the use and enjoyment of other tenants or occupants, or causes a substantial safety hazard to others, may continue to be heard in accordance with the Act (Act, Part A, §§9, 9[5]).

2. Requirement of Additional Affidavits in Newly-Commenced Proceedings: No court shall accept for filing any petition or other commencement papers in an eviction proceeding unless those papers include affidavits as required by Part A, §6 of the Act.

3. Stay of Execution of Warrants in Commercial Eviction Proceedings: In any commercial eviction proceeding in which a warrant of eviction has been issued but has not yet been executed as of March 9, 2021, execution of the warrant shall be stayed until the court has held a status conference with the parties (Act, Part A, §8[a][i]).

4. Prior Judgments Based on Objectionable or Nuisance Behavior: If the court has awarded judgment against a respondent on or prior to March 9, 2021 on the basis of objectionable or nuisance behavior, the court shall hold a hearing to determine whether the tenant is continuing to persist in engaging in unreasonable behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes substantial safety hazard to others (Act, Part A, §9[2]).

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

6. All commercial eviction proceedings shall be conducted as required by the further provisions of the Act.

Chief Administrative Judge of the Courts

Dated: March 15, 2021

AO/96/21