



[No. 5AO2020-86]

**EIGHTH AMENDED OPERATIONAL ADMINISTRATIVE ORDER  
FIFTH JUDICIAL DISTRICT**

Pursuant to the authority vested in me, and in accordance with the recent operational protocols issued by the Chief Administrative Judge for the trial courts of the Unified Court System, I hereby order that, effective immediately, the following rules be put into effect in the Fifth Judicial District until rescinded.

By way of background, the Courts of the Fifth Judicial District commenced Phase I of the Resume In-Person Court Operations ("RIPCO") Plan on or about May 18, 2020, Phase II of the RIPCO Plan on June 3, 2020, Phase III of the RIPCO Plan on June 17, 2020, Phase IV of the RIPCO Plan on July 1, 2020, and Phase IV.1 of the RIPCO Plan on August 10, 2020 (Summary Attached). The provisions in each Phase listed above remain in effect unless specifically modified herein.

As hereinafter used, "Assigned Judge" shall refer to the judge assigned to hear the case on and before March 16, 2020.

**A. General matters and matters applicable to more than one case type**

1. Until further Administrative Order or Executive Order, eviction matters may proceed pursuant to the newly issued Administrative Order AO/160/20 from Chief Administrative Judge Lawrence Marks dated August 12, 2020, and the accompanying Memorandum from Judge Marks, copies of which are attached. Administrative Order AO/127/20 is superseded. Among other restrictions, AO/160/20 provides that no residential eviction "shall be scheduled or re-scheduled to take place [before] October 1, 2020." Further reference is made to the Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020, Executive Order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed

by the Governor on August 5, 2020, suspending “any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as described by the procedural laws of the state.”

2. Until further Administrative Order or Executive Order, no default judgments shall be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant’s notice pursuant to CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given. Notwithstanding the above, a judgment adverse to the party seeking relief (plaintiff, petitioner, moving party, etc.) may be granted in the event that party fails to proceed with the action or appear in court.
3. All Family Court and all County Court Judges are cross assigned to the County and Family Courts in all counties of the District.
4. The Resume In-Person Court Operations Plan (“RIPCO”) (Phase I) implemented on May 18, 2020, the RIPCO (Phase II) implemented on June 3, 2020 and any RIPCO plans for any subsequent phase are incorporated herein and all provisions of this Administrative Order shall be read in conjunction with the RIPCO.
5. The Virtual Courtroom Protocol enacted by Fifth Judicial District Administrative Order No. No. 5A02020-53 signed on April 9, 2020, to the extent not inconsistent with the RIPCO Plan, remains in full force and effect and all provisions of this Sixth Amended Administrative Order shall be read in conjunction with the Virtual Courtroom Protocol and any subsequent amendments thereto.
6. Occupancy of ALL courtrooms and meeting rooms in Court Facilities and other rooms where court functions occur shall be limited to the lesser of 25 people or ½ the posted room occupancy per code unless the necessary parties in an action require that more than 25 people be in a courtroom. Notwithstanding the above in all instances the maximum occupancy of any space in the courthouse shall be limited to ½ the posted room occupancy. To the greatest extent possible, all room occupants shall remain six feet apart.
7. Naturalization Ceremonies, wherever they occur, shall comply with the room occupancy limits stated herein.
8. All Staff shall report to the courthouse as determined by his/her supervisor. All Judges and Chambers’ staff should report to the courthouse. Any requests for exemptions must be approved by the Administrative Judge.
9. All Temporary Orders of Protection issued in any criminal or civil matter that has expired or is due to expire on or after March 19, 2020 “shall be extended under the same terms and conditions until the date the matter is re-calendared, unless the order is sooner terminated or modified by a judge or justice of the court that issued the order” pursuant to Administrative Order AO/73/20 signed by the Chief Administrative Judge of the Courts on March 19, 2020.
10. The Fifth Judicial District Administrative Order signed on March 20, 2020, regarding vouchers is rescinded and all vouchers submitted on or after August 17, 2020 must be individually approved by the Assigned Judge. The current practice of allowing an interim voucher is continued.
11. All filings shall be pursuant to the Administrative Orders signed by the Chief Administrative Judge of the Courts (AO/111/2020, AO/114/20, AO/115/20, AO/149/20 and any amendments thereto).

## **B. Supreme Civil**

1. All Mental Hygiene Law proceedings in which a party is confined to a hospital or other facility shall be conducted with appearances by means of remote audiovisual technology or telephone pursuant to Administrative Order AO/72/20 signed by the Chief Administrative Judge of the Courts on March 22, 2020.
2. Until further Administrative Order or Executive Order, Foreclosure matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and pursuant to Administrative Order AO/157/20 dated July 23, 2020. Further reference is made to Administrative Order AO/68/20 signed by the Chief Administrative Judge of the Courts on March 16, 2020; Executive Order 202.8 signed by the Governor on March 20, 2020, Executive Order 202.14 signed by the Governor on April 7, 2020 and Executive Order 202.28 signed by the Governor on May 7, 2020, Executive Order 202.48 signed by the Governor on July 6, 2020; and Executive Order 202.55 signed by the Governor on August 5, 2020.

## **C. Superior Court Criminal Cases**

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 30 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter greater than 30 days.
2. Grand Juries shall be impaneled in each County pursuant to Administrative Order 130a/2020 signed on June 30, 2020.
3. The Accessible Magistrate procedure (for Adolescent Offenders) currently in place shall continue.

## **D. Treatment Courts/OSP**

1. Treatment courts and Opioid Stabilization Parts will be handled by the Assigned Judge upon the submission of a written Plan by the Assigned Judge to the Administrative Judge and its approval.
2. Virtual conferences are encouraged (reference is made to Administrative Order AO/87/20 of Chief Administrative Judge Lawrence Marks dated May 1, 2020, "Problem-solving courts may conduct virtual court conferences with counsel, court staff, service providers, and, where practicable, clients").

## **E. Family Court**

1. All matters shall be addressed by the Assigned Judge and appropriately scheduled. Virtual calendars are encouraged.
2. Judges should ensure that all Permanency Planning Hearings are timely scheduled and heard pursuant to existing Federal or State Law. Difficulties in scheduling the hearings should immediately be brought to the attention of the Supervising Judge.
3. All cases involving a youth that is currently in detention shall be reviewed by the Assigned Judge, at a minimum, at least once every fourteen days.
4. No new S (PINS), F (Support), P (Paternity), or U (UIFSA) warrants may be issued unless approved by the supervising judge. Only D (Juvenile Delinquent) warrants may be issued in the discretion of the Assigned Judge.

## **F. Surrogate's Court**

All matters shall be calendared consistent with all Administrative Orders and Executive Orders at the discretion of the Presiding Surrogate. Virtual calendars are encouraged.

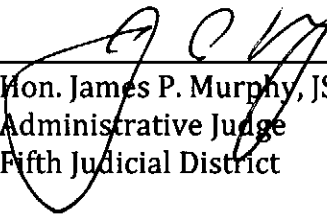
## **G. City Court**

1. All pending criminal cases shall be addressed by the Assigned Judge and appropriately scheduled consistent with applicable Executive Orders and Administrative Orders. The issuance of the new return date shall occur on or before the currently scheduled adjourned date or within 30 days of the signing of this order, whichever is later. For Defendants not in custody, there shall be no adjournment of a matter that is greater than 60 days. For defendants in custody, there shall be no adjournment of a matter greater than 30 days.

## **H. Town and Village Courts**

1. All matters shall be addressed by the Assigned Town or Village Judge and appropriately calendared.
2. After hours arraignments shall be heard by the CAP judge in counties with a CAP court according to the approved CAP Plan.
3. In a County without a CAP Part or if the CAP Part becomes unavailable for any reason, after hours arraignments shall be conducted in the authorized Town or Village Court. The Town or Village Judge shall attempt to obtain defense counsel and make a record thereof. If no defense counsel is available, then the judge shall conclude the arraignment. All other proceedings shall be handled as they were prior to the pandemic.

Dated: August 13, 2020  
Syracuse, New York



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Hon. James P. Murphy, JSC  
Administrative Judge  
Fifth Judicial District

Distribution:  
HON. VITO CARUSO

## Attachment A

### 5<sup>th</sup> DISTRICT PHASE IV.1 SUMMARY

#### Phase 4.1 Return to In-Person Court Operations Plan ("RIPCO") commences August 10, 2020

- All measures contained in the Amended RIPCO Plan dated May 14, 2020 will continue and be enhanced during Phase 4.1. All measures contained in the Memoranda of John McConnell and Nancy Barry dated February 28, 2020, March 6, 2020, May 15, 2020, May 29, 2020, June 8, 2020, and June 17, 2020 are incorporated herein. Screening for court visitors and Judges/Court employees shall be conducted pursuant to the June 30, 2020 and July 10, 2020 protocols.
- Phase 4.1, like Phases II, III & IV, operates with certain presumptions
  - A. Incarcerated Individuals - Notwithstanding any other provision herein, where an in- person proceeding involves an incarcerated individual, that individual shall appear virtually utilizing electronic means unless the presiding judge orders otherwise.
  - B. **Notwithstanding the presumptions as stated below, virtual appearances shall be utilized to the greatest extent possible where a virtual appearance is legally permissible and logistically possible.**
  - C. **Matters that shall presumptively be heard in-person** - a Judge may deviate from the presumptions that a matter be heard in-person **on their own initiative** or based upon a request from a party or attorney.
    1. Superior Civil
      - a. Trials
      - b. Evidentiary hearings and inquests
      - c. All appearances and conferences where at least one party is self-represented
    2. Superior Criminal (Incarcerated Defendants shall appear virtually, unless otherwise ordered)
      - a. Trials
      - b. Evidentiary hearings
      - c. Non-custodial arraignments
      - d. Waivers of Indictment, Pleas and Sentences for defendants at liberty
      - e. Motion argument
      - f. Treatment court and Judicial Diversion where the Judge determines that an appearance is necessary to protect the health and safety of a defendant
      - g. Instances where the defendant cannot be located or communicated with
      - h. Grand Jury proceedings
    3. Family Court
      - a. All evidentiary hearings (priority given to matters filed first)
      - b. Child Support proceedings
      - c. Permanency Hearings
      - d. Article 10 Consents, Admissions and Surrenders
    4. Surrogates' Court
      - a. Citations and Show Cause orders
      - b. Bench trials
      - c. Evidentiary hearings
      - d. All appearances and conferences where at least one party is self-represented
    5. City Court Civil
      - a. Bench trials
      - b. Evidentiary hearings
      - c. Small claims matters, including the small claims arbitration program, for matters
    6. City Court Criminal
      - a. Bench trials
      - b. Preliminary Hearings

- c. Evidentiary hearings
  - d. Appearance Ticket arraignments for Appearance
  - e. Vehicle & Traffic Appearances
  - f. Pleas and Sentences for defendants at liberty
  - g. Motion arguments
  - h. Arraignments of defendants accused of a violation of any provision of Article 31 of the Vehicle and Traffic Law (VTL 1190 et seq.)
  - i. Treatment court where the Judge determines that an appearance is necessary to protect the health and safety of a defendant.
- D. **Matters that shall presumptively be heard virtually** - a Judge may deviate from the presumptions that a matter be heard virtually for compelling reasons **on their own initiative** or based upon a request from a party or attorney. If a request to appear in-person is granted, the Administrative Judge shall be notified.
1. Superior Civil
    - a. All conferences, including foreclosures, where all parties are represented by counsel
    - b. Motion arguments where all parties are represented by counsel
    - c. Mental Hygiene Law Proceedings pertaining to a hospitalized adult (NOTE: Chief Administrative Judge Lawrence Marks' Administrative Order AO/72/20 requires that Mental Hygiene Law proceedings in which a petitioner or other necessary party is confined to a hospital be conducted with appearances by means of remote audiovisual technology or by telephone and therefore a request to deviate from the presumption should not be entertained).
    - d. All other proceedings not listed in (C)(1) above
  2. Superior Criminal
    - a. Conferences
    - b. Waivers of Indictment, pleas and sentences where the defendant is incarcerated
  3. Family Court
    - a. Conferences
    - b. Juvenile Delinquency Proceedings
    - c. Person In Need of Supervision Proceedings
    - d. Adoptions
    - e. Appearances calendars
    - f. All other proceedings not listed in (C)(3) above
  4. Surrogates' Court
    - a. Conferences where all parties are represented by counsel
    - b. Motion Arguments where all parties are represented by counsel
    - c. Adoptions
    - d. All other proceedings not listed in (C)(4) above
  5. City Court Civil
    - a. Conferences
    - b. Motion arguments
    - c. All other proceedings not listed in (C)(5) above
  6. City Court Criminal
    - a. Conferences
    - b. Pleas and sentences where the defendant is incarcerated
    - c. All other proceedings not listed in in (C)(6) above

- **Courts should note the following:**

- All virtual matters shall be held via Skype for Business. Included in the Skype invitation is a call-in number for lawyers and litigants that do not have access to Skype for Business video. In the event that a self-represented

litigant is unable to access Skype for Business, arrangements shall be made at the courthouse for the litigant to appear virtually.

- Housing matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated June 18, 2020 and pursuant to Administrative Order AO/127/20 (“Evictions matters in which all parties are represented by counsel shall be eligible for calendaring for virtual settlement conferences”), as amended by the Memorandum from Chief Administrative Judge Lawrence Marks dated July 7, 2020. Further guidance regarding eviction matters may be found in the Memorandum of Jessica Cherry, Assistant Deputy Counsel dated July 10, 2020.
- Foreclosure matters may proceed pursuant to the protocol established in the Memorandum from Chief Administrative Judge Lawrence Marks dated July 24, 2020 and pursuant to Administrative Order AO/157/20 dated July 23, 2020.
- Default judgments shall not be granted where, pursuant to CPLR 3215, the default occurred after March 16, 2020. Furthermore, no default judgment requiring the defendant’s notice pursuant to CPLR 3215(g) shall be granted, unless the application was heard prior to March 17, 2020 and proper notice was given (5th Judicial District’s Seventh Amended Administrative Order). Notwithstanding the above, a judgment adverse to the party seeking relief (plaintiff, petitioner, moving party, etc.) may be granted in the event that party fails to proceed with the action or appear in court.
- ADR shall be conducted virtually (Chief Administrative Judge Lawrence Marks’ AO/87/20).
- Arbitrations pursuant to the Part 137 Attorney-Client Fee Dispute Resolution Program will occur virtually.
- Small Claims Assessment Review proceedings shall be conducted virtually.
- Plans to conduct civil and criminal jury trials shall be developed and implemented as approved by the Deputy Chief Administrative Judge. Civil Jury Summonses shall be mailed in Term 10 and Criminal Jury Summonses shall be mailed in Term 11.



## Attachment B

### Town and Village Courts Phase 4.1

In the Town and Village Courts, as in the state paid courts, each phase has added additional matters which can be handled by the courts. The return to in person operations has been slow and deliberate, allowing for pull backs if the virus progresses. The following is a bullet point list of all matters that can be handled by Town and Village Courts beginning in Phase 4.1, provided your re-opening Plan has been approved by the Coordinating Judge. Matters which could be handled in Phases 1 - 4 are included so that this list is an exhaustive list of everything that can be handled.

- Phase 4.1 matters are in **bold** letters.
- If a matter is not included in this list, the Town and Village Courts may not handle it at this time.
- At all times, the capacity of the courtroom cannot exceed 25% of capacity.
- Proper PPE must be worn by all present.
- Social distancing must be followed.

#### Criminal Matters:

- Off hour arraignments. In CAP counties, they will occur in person at the CAP. In VAP counties, they will continue virtually. In all other counties, they will occur in person at the town/village court.
- Preliminary hearings. Judges may conduct in-person preliminary hearings.
- Bench Trials and Hearings. Scheduled one at a time.
- In person arraignments on Appearance Tickets or Criminal Summons where counsel, either District Attorney or defense counsel, has requested arraignment.
- **IN PERSON ARRAIGNMENTS ON APPEARANCE TICKETS WRITTEN BEFORE AUGUST 1, 2020.**
- Judges may hold in-person pleas and sentences.
- In person appearances regarding appeals.
- In-person motion argument.
- Judges are encouraged to more robustly conference criminal matters virtually/telephonically and if acceptable dispositions are reached, plea affidavits (pleas on paper) are strongly encouraged. Please work with your ADA and defense counsel on procedure. This will not only limit the foot traffic in your courts, it will also give you an opportunity to address the backlog of cases.

#### Civil Matters:

- Bench Trials and Hearings. Scheduled one at a time.
- Small Claims matters
- Town Code Violations
- Landlord/Tenant and Eviction matters in accordance with Judge Marks' Administrative Order-127. **UPDATES REGARDING HOUSING MATTERS WILL BE FORTHCOMING IN THE NEAR FUTURE.**

#### Vehicle and Traffic Matters:

- **IN PERSON VTL TICKET RETURNS WHERE TICKET WRITTEN BEFORE AUGUST 1, 2020.**
- Within ethical guidelines, Judges are encouraged to cooperate with their local prosecutor and public defender/assigned counsel office/local Bar Association to establish a mail-in dispositional

process that would allow a defendant charged with a VTL infraction to elect to proceed without a personal appearance in order to mitigate the effects of the COVID-19 outbreak, and to control in-person traffic within the Courthouses.

State of New York  
Unified Court System



25 Beaver Street  
New York, N.Y. 10004  
(212) 428-2100

MEMORANDUM

Lawrence K. Marks  
Chief Administrative Judge

August 12, 2020

To: Hon. George J. Silver  
Hon. Vito C. Caruso

From: Lawrence K. Marks *LM*

Subject: Revised Procedure for Addressing Residential and Commercial  
Eviction Proceedings

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In light of recent revisions in statewide restrictions on the filing and prosecution of eviction matters in New York State arising during the course of the COVID-19 public health emergency, attached please find a copy of AO/160/20 (Attachment A), which amends the temporary protocol for handling of those proceedings in several significant respects. In brief: (1) eviction proceedings filed on or after March 17, 2020 continue to be suspended; (2) cases filed before March 17 may proceed; (3) residential eviction cases filed before March 17 – including cases where a warrant of eviction has already issued but not been executed – must be conferenced before a judge before any further action is taken, and no outstanding or new residential warrants of eviction may be executed prior to October 1, 2020; and (d) commercial evictions may proceed without a conference. The order is described in further detail below.

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1. Effective August 13, 2020, eviction matters commenced prior to March 17, 2020 may be resumed, with certain important caveats:
    - (a) Further proceedings in particular matters (both commercial and residential) may continue to be governed by the suspension of “any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as described by the procedural laws of the state,” set forth in Executive Orders 202.8, 202.14, 202.28, 202.38, 202.48, and 202.55.<sup>1</sup>
    - (b) Commercial Matters: A stay of commencement and enforcement of commercial eviction matters against certain tenants (including those “facing financial hardship due to the COVID-19 pandemic”), initiated by Governor

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<sup>1</sup> Executive Order 202.55 extended this suspension through September 4, 2020.

Cuomo's Executive Order 202.28, remains in effect through August 19, 2020. Commercial eviction matters may otherwise proceed in the normal course (subject to paragraph 1[a]).

(c) Residential Matters: Prior to any further proceedings in any residential eviction matter commenced prior to March 17 – including matters in which judgments and warrants of eviction have issued and been delivered to enforcement agents (but not yet executed) – the court must hold a status or settlement conference to address a range of subjects related to the case and COVID-19 concerns, including the availability of relief under the New York Tenant Safe Harbor Act (L. 2020, c. 127) and other state or federal edicts.

- After holding such a conference, the court may take whatever further steps it deems appropriate, including deciding any pending motion, entertaining other applications, or allowing the matter to move forward in the normal course (subject to paragraph 1[a]).
  - No 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.
2. Eviction proceedings commenced on or after March 17 – whether residential or commercial, nonpayment or holdover– shall continue to be suspended.
  3. Filing and service of documents in eviction proceedings continue to be governed by AO/121/20. Consequently, initiating documents by represented petitioners must be filed through NYSCEF or mail only at this time. (Unrepresented parties may file papers in person.)
  4. Eviction proceedings should be conducted remotely whenever the court deems it appropriate for the health, safety and convenience of participants.
  5. Commencement papers in commercial and residential eviction proceedings must continue to include the form notice indicating that respondent-tenants may be eligible for an extension of time to respond to the complaint.
  6. Eviction matters within the City of New York shall be governed by AO/160/20 and the procedures set forth in New York City Civil Court DRP 213.
  7. Administrative Order AO/127/20 is superseded.

Please distribute this memorandum and attachments to judges and non-judicial staff as you deem appropriate.

Attachment

cc: Hon. Anthony Cannataro

## **Attachment A**

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

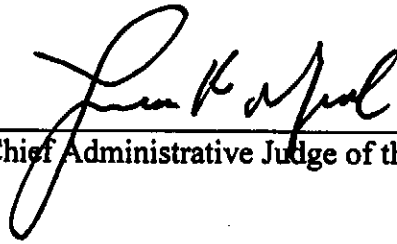
Pursuant to the authority vested in me, at the direction of the Chief Judge, and consistent with the Governor's determination approving the easing of restrictions on commerce imposed due to the COVID-19 health emergency, I hereby direct that, effective August 13, 2020, notwithstanding the terms of any prior administrative order, the following procedures and protocols shall apply to the conduct of residential and commercial eviction matters before the New York State courts:

1. **Commercial Eviction Matters Commenced Prior to March 17, 2020:** Commercial foreclosure matters commenced prior to March 17, 2020 may proceed in the normal course, subject to the following:
  - a. Consistent with Executive Order 202.28, as modified by Executive Order 202.48, "[t]here shall be no initiation of a proceeding or enforcement of ... an eviction of any ... commercial tenant, for nonpayment of rent ... rented by someone that is eligible for unemployment insurance or benefits under state or federal law or otherwise facing financial hardship due to the COVID-19 pandemic" for a period of sixty days beginning on June 20, 2020.
  - b. Further proceedings in commercial eviction matters may be governed by the suspension of "any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as described by the procedural laws of the state," set forth in Executive Orders 202.8, 202.14, 202.28, 202.38, 202.48, and 202.55.
2. **Residential Eviction Matters Commenced Prior to March 17, 2020:** Effective August 13, 2020, residential foreclosure matters commenced prior to March 17, 2020 may proceed as follows:
  - a. Prior to conducting any further proceedings in any pending residential eviction matter filed prior to March 17, 2020, the court must initiate a status or settlement conference. 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.
  - b. 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 New York Tenant Safe Harbor Act (L. 2020, c. 127); 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.

- c. Following the conference, the court may take such further steps as it deems appropriate, including allowing the matter to proceed. If the court directs an eviction to proceed following the conference, the eviction shall be scheduled or rescheduled to take place no sooner than October 1, 2020.
  - d. Further proceedings in residential eviction matters may be governed by the suspension of “any specific time limit for the commencement, filing, or service of any legal action, notice, motion, or other process or proceeding, as described by the procedural laws of the state,” set forth in Executive Orders 202.8, 202.14, 202.28, 202.38, 202.48, and 202.55.
  - e. In ordering relief in any residential eviction matter, the court should remain particularly mindful of additional prohibitions on evictions that may be commanded by executive order, state statute, or federal law.
3. **Continued Suspension of Eviction Matters Commenced After March 16, 2020:** Eviction proceedings commenced after March 16, 2020 shall, upon the filing of a petition (if no answer is filed thereafter) or the filing of an answer, be suspended until further order. Notwithstanding the foregoing, eviction matters in which all parties are represented by counsel shall be eligible for calendaring for virtual settlement conferences.
  4. **Filing and Service:** Filing and service of process in eviction proceedings shall continue as set forth in Administrative Order AO/121/20.
  5. **Notice to Respondent Tenant:** Petitions in eviction proceedings pursuant to Article 7 of the Real Property Actions and Proceedings Law shall continue to include a Notice to Respondent Tenant in the form attached as Exh. 1a (if filing within the City of New York) or Exh. 1b (if filing outside the City of New York).
  6. **Remote Proceedings:** Eviction proceedings should be conducted remotely whenever appropriate.
  7. **Essential Matters:** This order shall not affect procedures for the filing and service of essential matters.
  8. **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 213 of the Civil Court of the City of New York.

9. This order supersedes Administrative Order AO/127/20, and further supersedes the provisions of any other Administrative Order inconsistent with its terms.



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Chief Administrative Judge of the Courts

Dated: August 12, 2020

AO/160/20



**NOTICE TO RESPONDENT TENANT**

**DURING THE CORONAVIRUS EMERGENCY, YOU  
MIGHT BE ENTITLED BY LAW TO TAKE ADDITIONAL  
DAYS OR WEEKS TO FILE AN ANSWER TO THIS  
PETITION.**

**PLEASE CONTACT YOUR ATTORNEY FOR MORE  
INFORMATION.**

**IF YOU DON'T HAVE AN ATTORNEY, PLEASE CALL**

**718-557-1379**

**OR VISIT**

**[www.nycourts.gov/evictions/nyc/](http://www.nycourts.gov/evictions/nyc/)**

**AVISO A INQUILINO DEMANDADO**

**DURANTE LA EMERGENCIA DEL CORONAVIRUS,  
ES POSIBLE QUE USTED TENGA DERECHO POR LEY  
A TOMAR DÍAS O SEMANAS ADICIONALES  
PARA PRESENTAR UNA RESPUESTA  
A ESTA PETICIÓN**

**POR FAVOR CONTACTE A SU ABOGADO PARA MAS  
INFORMACIÓN.**

**SI USTED NO TIENE UN ABOGADO, LLAME AL**

**718-557-1379**

**O VISITE**

**[www.nycourts.gov/evictions/nyc/](http://www.nycourts.gov/evictions/nyc/)**

**NOTICE TO RESPONDENT TENANT**

**DURING THE CORONAVIRUS EMERGENCY, YOU  
MIGHT BE ENTITLED BY LAW TO TAKE ADDITIONAL  
DAYS OR WEEKS TO FILE AN ANSWER TO THIS  
PETITION.**

**PLEASE CONTACT YOUR ATTORNEY FOR MORE  
INFORMATION.**

**IF YOU DON'T HAVE AN ATTORNEY, PLEASE  
VISIT**

**[www.nycourts.gov/evictions/outside-nyc/](http://www.nycourts.gov/evictions/outside-nyc/)**

**FOR MORE INFORMATION.**

**AVISO A INQUILINO DEMANDADO**

**DURANTE LA EMERGENCIA DEL CORONAVIRUS,  
ES POSIBLE QUE USTED TENGA DERECHO POR LEY  
A TOMAR DÍAS O SEMANAS ADICIONALES  
PARA PRESENTAR UNA RESPUESTA  
A ESTA PETICIÓN**

**POR FAVOR CONTACTE A SU ABOGADO PARA MAS  
INFORMACIÓN.**

**SI USTED NO TIENE UN ABOGADO, VISITE  
[www.nycourts.gov/evictions/outside-nyc/](http://www.nycourts.gov/evictions/outside-nyc/)**