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We provide free legal aid to people with civil legal problems in western New York.

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Important Information About Evictions During the COVID-19 Public Health Crisis

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EVICTIONS DURING THE COVID-19 PUBLIC HEALTH

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ALL EVICTIONS IN NEW YORK STATE ARE CURRENTLY STOPPED BY ORDERS OF THE GOVERNOR AND CHIEF JUDGE

*****If you have any questions about how this information applies to your situation, please call our office. We will see if you are eligible for our services and help you if we can. Please note that the situation is changing rapidly, and we are trying to keep this information as up-to-date as possible.*****

New York and the rest of the world is currently experiencing a pandemic due to an outbreak of coronavirus (COVID-19 or novel coronavirus), a deadly upper respiratory illness. See the Center for Disease Control (CDC)'s website for more information.

As a result of this public health crisis, the New York State Governor and the New York State courts have taken steps to fight the coronavirus, including closing schools and businesses and postponing court dates. Up to date information on the Governor's orders can be found [here](https://www.governor.ny.gov/keywords/executive-order): (<https://www.governor.ny.gov/keywords/executive-order>).

What Does This Mean for Evictions?

New York State has taken steps to make sure that nobody is evicted during the emergency. Beginning March 16, 2020, all eviction proceedings and orders of eviction (warrants of eviction) were put on pause, by order of the Chief Judge of the New York State Court System. Moreover, beginning on March 20, 2020 at 8 pm, all evictions statewide are to be halted for 90 days. These pauses in evictions are called an "eviction moratorium". This means that nobody should be evicted until further order from the Chief Judge and expiration of the governor's 90 day pause, on June 18, 2020. Further, beginning on March 22, 2020, no new evictions can be filed until further order from the courts.

However, tenants still may seek help from the courts to address problems with their housing. The courts are still open to hear these emergency eviction-related essential matters:

- Applications addressing landlord lockouts (including reductions in essential services);
- Applications addressing serious code violations;
- Applications addressing serious repair orders;
- Applications for post-eviction relief; and
- Any other matter that the court deems essential.

These emergency requests must be made through the limited courts that have been designated to remain open during the emergency. Please contact our office or another lawyer if you need help with something on this list.

Because of the eviction moratorium and the court's limited availability to hear cases, New York

courts will not be hearing new eviction cases, nor will they be hearing eviction cases which are currently on the court's calendar. Below is a Q&A regarding what the eviction moratorium is and what it means for those facing eviction.

What do I do if I have a pending eviction court case?

If you have a pending eviction case, your landlord has already filed papers with the court and you have likely been served the notice of petition and petition. It is likely you already have a court date scheduled, or you have had at least one court appearance before the eviction moratorium took effect. If you had a court date scheduled after March 16, 2020, that court date will be rescheduled. You do not need to do anything to get a new court date - you will be contacted by the court regarding a new court date once the moratorium is over. If you are not contacted by the court regarding a new date, you should contact your attorney or the court clerk to determine when the new court date is scheduled for.

What happens if I am expecting to be served or have been served a warrant of eviction after a court date by a law enforcement officer?

Because of the eviction moratorium, law enforcement agencies should not be serving or executing warrants of eviction. This means that you may continue living in the property until the moratorium is over. However, law enforcement will attempt to complete evictions after the moratorium. We believe that this should start with service of a new 14 day warrant by a law enforcement officer, even if you were already served before the moratorium. The warrant should explain when the law enforcement agent will be back to execute the warrant. If you are served with a warrant during this time, or the police or your landlord try to remove you or your belongings from your home, **contact our office or another attorney immediately.**

If you are being evicted for not paying the rent, you should be able to prevent the eviction by paying the rent. If you are able to pay the rent, and you need help getting the warrant cancelled, please call our office or another attorney. You should take these steps as soon as possible. Do not wait for the moratorium to be over.

What if my landlord files a new eviction case and I am served with a notice and petition during the eviction moratorium?

If your landlord attempts to file a notice of petition and a petition with the court to evict you during the moratorium, the court will not hear the case. The case will either be rejected by the courts or will be adjourned until April 30, 2020 or later.

What if my landlord is harassing me during the moratorium?

Landlords are prohibited from taking action to illegally evict tenants - these actions are criminal! A landlord cannot try to illegally evict you by:

- Locking or removing a tenant's door
- Shutting off the utilities
- Threatening to forcefully remove a tenant
- Taking the tenant's property out of the apartment

Note that this is not a complete list. If you believe your landlord is taking illegal action, you may wish to contact the police to file a police report. For more information regarding illegal evictions, please see our article [here](#) or copy and paste the following link into your web browser: <https://www.lawny.org/node/70/illegal-evictions>.

Moreover, note that if your landlord tries to illegally evict you, there are serious code violations or repair orders, or you are seeking relief post-eviction, the courts are still accepting emergency cases. If you have concerns about illegal evictions or conditions issues during this time period, you should contact the local agency responsible, our office, or another attorney.

What if my landlord gives me a rent demand during the moratorium?

The moratorium does not prohibit a landlord from giving you a proper rent demand notice. In fact, they may be legally required to do so, as the law requires them to give a notice if your rent is more than five days late. However, your landlord cannot move forward with an eviction proceeding at the end of the notice period, so you are protected by the eviction moratorium during this time period. You DO NOT have to move out at the end of the time listed in the notice.

What if my landlord tries to terminate my tenancy during the moratorium?

The moratorium does not prohibit a landlord from giving you a termination notice. However, during the moratorium your landlord cannot complete an eviction proceeding after the termination period expires. You DO NOT have to move out at the end of the termination period. For more information regarding terminations and evictions, please see our article [here](#) or copy and paste the following link into your web browser: <https://www.lawny.org/node/69/general-eviction-information-new-york>.

What should I do with my rent during the eviction moratorium?

At this time, rent payments have not been suspended (though it is possible that this could change). Many people will be having trouble paying their rent during this time period. If possible, you should continue to try to pay your ongoing rent during this time period to avoid getting behind. Even if your landlord has simply served you with a termination notice that is not because of unpaid rent, it may help you to offer to pay the rent during the moratorium, if you are able to do so. If that's not possible for you, you should communicate with your landlord and see if they are willing to work with you. If you reach an agreement, try to get it in writing. If you offer partial rent and your landlord will not accept it, you should save as much of your rent money as possible. You can also apply for assistance at the Department of Social Services online at MyBenefits.NY.gov or by calling your local DSS office to find out their process during this time. There may be other assistance available in your area. Please feel free to call our office about sources of rental assistance or other financial relief during the crisis.

Who Do I Call If I Have More Questions?

If you have specific questions about a case already in court, or you need to start a court case, **call the New York State Courts Coronavirus Telephone Hotline at 833-503-0447.**

If you have any other questions or concerns about the COVID-19 (Coronavirus) pandemic, click here: <https://www.lawhelpny.org/resource/coronavirus>

For more information regarding the court's operations and the eviction moratorium, please see the following links below.

To review Judge Marks March 15, 2020 Memorandum [click here](#) or copy and paste the following link: <https://www.nycourts.gov/whatsnew/pdf/Updated-Protocol-AttachmentA.pdf>.

For guidance from Chief Justice Lawrence Marks, regarding “essential matters” [click here](#) or copy and paste the following link into your web browser:

<http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/AO-78-2020.pdf>.

For the Administrative Order for Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, or Tompkins county, [click here](#) or copy and paste the following link into your web browser: <http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/DistrictwideOrder.pdf>.

For the Designated Court Locations for Emergency Proceedings in Broome, Chemung, Chenango, Cortland, Delaware, Madison, Otsego, Schuyler, Tioga, or Tompkins county, [click here](#) or copy and paste the following link into your web browser:

<http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/Consolidations.pdf>

For Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, or Yates county, click the following links.

- For Judge Doran’s Administrative Order, [click here](#) or copy and paste the following link into your web browser: <http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/7th%20JD%20AO%20Vouchers-%20Assigned%20Counsel%20%28002%29.pdf>.
- For Judge Doran’s Second Amended Administrative Order, [click here](#) or copy and paste the following link into your web browser: <http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/SECOND%20AMENDED%207th%20JD%20AdministrativeOrder.pdf>.
- For Attachment A to Judge Doran’s Second Amended Administrative Order, [click here](#) or copy and paste the following link into your web browser: http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/Attachment%20A_0.pdf.
- For Attachment B to Judge Doran’s Second Amended Administrative Order, [click here](#) or copy and paste the following link into your web browser: <http://ww2.nycourts.gov/sites/default/files/document/files/2020-03/Attachment%20B.pdf>.

For Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, or Wyoming county, [click here](#) or copy and paste the following link into your web browser:
<https://eriebar.org/wp-content/uploads/2020/03/Adjournments-and-Postponements-of-Court-Matters1.pdf>.

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<http://www.lawny.org/EvictionsDuringCovid19>

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