



The City of New York
Department of Investigation

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Attention New York City Marshals:

On December 29, 2020, DOI issued guidance on the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, S9114/A.11181 (the "Act"). DOI is now providing additional guidance, following consultation with the Court.

It remains DOI's understanding that the Act prohibits enforcement of a warrant issued on or before December 28, 2020, absent the Court's review subsequent to December 28, 2020, to ensure that the warrant complies with the requirements of the Act.

In its prior guidance, DOI noted specific provisions of the Act and does so again here, as the requirements continue to be in effect. It is your responsibility to be familiar with and comply with all relevant provisions of the Act. Nothing contained herein is intended to conflict with the Act, or any applicable Executive Orders or Court Administrative Orders.

In relevant part, the Act establishes limitations on residential evictions (whether for holdover or non-payment), including in proceedings where a warrant has already been issued. Specifically:

Part A, Section 2 of the Act provides: "Any eviction proceeding pending on the effective date of this act, including eviction proceedings filed on or before March 7, 2020, or commenced within thirty days of the effective date of this act shall be stayed for at least sixty days..."

Part A, Section 8(a)(i) of the Act provides, "In any eviction proceeding in which an eviction warrant has been issued prior to the effective date of this act, but has not yet been executed as of the effective date of this act, including eviction proceedings filed on or before March 7, 2020, the court shall stay the execution of the warrant at least until the court has held a status conference with the parties."

Part A, Section 8(d) of the Act provides, “No officer to whom the warrant is directed shall execute a warrant for eviction issued that does not comply with the requirements of this section.”

The Act contains an exception that would permit residential evictions to proceed prior to May 1, 2021, in cases where a Court has found that the tenants are “persistently and unreasonably engaging in behavior that substantially infringes on the use and enjoyment of other tenants or occupants or causes a substantial safety hazard to others.”

Please also be aware that there is legislative activity to amend the Act. Information on the proposed legislation can be found here: <https://www.nysenate.gov/legislation/bills/2021/s6362>.

Thank you for your cooperation.

Caroline Tang-Alejandro
Director, Bureau of City Marshals