



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

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December 29, 2020

Attention New York City Marshals:

On December 28, 2020, Governor Cuomo signed the COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020, S9114/A.11181 (the "Act"). The Act, which is effective immediately, is attached for your review.

For your convenience, certain provisions of the Act are described below. 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 new 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 Law 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 Law 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 Law 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 Law contains an exception that would permit residential evictions to proceed 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.”

Given the foregoing, it is DOI’s understanding that the Law prohibits enforcement of a warrant issued on or before December 28, 2020, absent a Court’s review subsequent to December 28, 2020, to ensure that the warrant complies with the requirements of the Law.

Thank you for your cooperation.

A handwritten signature in blue ink, appearing to read "Leslie Dubeck", with a long horizontal flourish extending to the right.

Leslie Dubeck
General Counsel, Executive