



NYS Evictions and Courts COVID-19 Timeline



Are Courts Open?	Kind of.	As of June 22, Landlords can sue, but mostly only by mail. Tenants can sue for repairs and illegal lockouts, electronically or in person.
Can Evictions Start?	NO	Thanks to the courts, not Cuomo, the eviction moratorium is STILL in effect. It's in effect <i>indefinitely</i> but at least until August 6.
Will I have a Court Date?	Most likely, no.	There are no in person courts dates now, at least until August 6. apart from a small number of trials in Brooklyn Housing Court starting July 27. It's possible you could have a virtual court date.

****The courts have made it clear the above is true until August 6. Before then, they will issue a new guidance.***

When will evictions start?

As per the State Court's directives (March 16 & June 18 & July 8): **there are no evictions for any tenant for any reason, across NY State, until further notice.** But once evictions are permitted to go forward, per a court directive, here's a tentative timeline:

	<u>Tenants with pre-existing warrants</u>	Evictions from new cases
<u>Earliest Evictions</u>	14 days after the court's moratorium lifts	Months from now

When can landlords start suing tenants for eviction?

	<u>Nonpayment Case</u>	Holdover Cases
<u>Earliest Date for Landlord Lawsuits</u>	June 22	June 22



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Once an eviction proceeding begins, when/where will the court dates be?

	<u>First Court Date</u>	<u>Second Court Date</u>	<u>In person court dates</u>
<u>Earliest Court Date</u>	-Not before <u>August 6</u> . -This court date will be <u>virtual</u> (phone, skype, etc.) -Tenant is <u>screened for/matched with an attorney</u> . *NYC only	-The adjournment before this second date will be long. -Could have a virtual hearing.	-There are no in person court dates for now. We aren't sure when they'll start again.

***NOTE:** due to the Federal CARES act, if a landlord receives federal funding or if his mortgage received help from Freddie Mac and Fannie May, then they can't serve rent demands, sue or evict before **August 25**. This moratorium is broader than many people know so please look up your building. To find out if your building is covered, go here: <https://nlihc.org/federal-moratoriums>

Impact of the Tenant Debt Collection Act (aka Safe Harbor Act)

- This Act will only impact tenants after the courts start moving eviction cases forward (at the earliest, on August 6).
- When that happens, tenants who are sued for rent owed between March 7 until we enter stage 4 of the reopening (will vary county by county and some counties are already in stage 4), can raise COVID-19 financial hardship as a defense. If the court decides the tenant proved their financial hardship, the landlord would not be able to evict but can win a money judgement.
- Marshals/sheriffs will still be able to evict tenants in holdover cases and in non-payment cases where the tenant can't show COVID-19 financial hardship.
- Tenants who had eviction warrants pre-COVID will not be protected from eviction by this law.
- Tenants who owe rent from before March 7 or after Phase 4 begins will not be protected from eviction by this law.