

## **Impact of the May 7 Executive Order On: The Eviction Moratorium, Court Cases and Landlord Lawsuits**

*Last updated May 12; [Haz clic aquí para Español](#)*

**On May 7th Governor Cuomo announced that he was extending New York's eviction moratorium from June 20th to August 20th. But instead of continuing the eviction moratorium, the Governor's Executive Order ended it, by allowing landlords to file new eviction cases and permitting marshal's evictions from June 20th onwards.**

*Here's a breakdown of what the Governor's order means for the eviction moratorium, new eviction case filings, and the current court closure:*

### **EVICTIION MORATORIUM: Prohibiting Tenants from being Physically Evicted from their Homes**

#### **CURRENTLY:**

- The current moratorium is in effect for all tenants (commercial and residential) across NY until June 20. No evictions for any reason.
- Also, in NYC, the Department of Investigations (DOI) ordered the marshals not to evict people indefinitely.

#### **AFTER JUNE 20:**

- All the outstanding marshals Notices of Eviction have expired. On existing warrants, Marshals will have to serve Notices of Eviction again and, in NYC, the DOI would have to allow marshals to start evictions.
- Between 6/20 and 8/20, marshals can't evict tenants who have been financially impacted by COVID-19, for non-payment of rent. How would this be implemented? We don't know.
  - Certainly, if a tenant is facing an eviction warrant, they can file in court to stop execution of the warrant based on COVID-19 financial hardship. This means the tenant would have to prove they shouldn't be evicted because of the Governor's executive order.
  - Potentially, there could also be requirements placed on marshals/sheriffs to ensure that executing a warrant doesn't violate the Governors executive order. And in NYC, the Department of Investigation may also create some requirements for city marshals.
- Marshals/sheriffs will be able to evict tenants in holdover cases (cases for anything other than nonpayment of rent).

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### NEW LANDLORD LAWSUITS

#### CURRENTLY (until June 6):

- The governor issued an order extending the statute of limitations for new cases, so that landlords don't have to worry about losing their future right to sue. Based on this, the courts issued an administrative order, making it clear they are not accepting new eviction filings from landlords, until further notice.
- The new order extends the statute of limitations until June 6. We expect the courts will interpret that to mean landlords can't sue until then. But we're still waiting to hear.

#### AFTER JUNE 6:

- Between June 6 and June 20th, landlords can file cases as they want, if the courts decide to allow new case filings.
- Between June 20th-August 20th, landlords can't file non payment cases for anyone who has been financially impacted by COVID-19. How will this be enforced? Most likely, landlords will sue tenants who they shouldn't sue, and tenants will have to go to court and fight to get their case dismissed by proving they qualify under the Governor's order.
- After June 20, landlords will be able to file holdover cases against tenants.

### PHYSICAL OPENING OF THE COURTS AND COURT CASES

#### CURRENTLY:

- Courts are physically closed until May 15, based on the governor's stay-at-home order. If that's extended, the physical closure could be extended as well.
- Courts are accepting virtual cases for emergency repairs and harassment, illegal lockouts, etc.

#### FUTURE:

- Between May 15 and June 6, if the courts open before the moratorium lifts, they would be able to move current cases forward.
- Right now the courts are not accepting new case filings from landlords. We don't know when they will start to accept new cases.
- Once the courts decide to physically open it will be up to them to decide what case filings they will accept and what volume of cases they will move forward each day. Those decisions will be impacted by social distancing rules and regulations.



We are not accepting this! **We're calling on the Governor to issue a REAL extension of the eviction moratorium for ALL tenants for as long as the crisis lasts.** Call Cuomo and your state representatives TODAY. Learn more and get involved:  
[www.righttocounselnyc.org](http://www.righttocounselnyc.org) or [www.housingjusticeforall.org](http://www.housingjusticeforall.org)

