

CIVIL COURT OF THE CITY OF NEW YORK

DIRECTIVES AND PROCEDURES

Subject: Management of Motions for Default Judgments
Residential and Commercial Eviction Matters in the
New York City Civil Court

Class: DRP-223
Category: LT-10
LT-20
LT-30
Eff. Date: June 30, 2022

BACKGROUND:

The COVID-19 Emergency Eviction and Foreclosure Prevention Act (“CEEFFPA” or the “Act”) expired on January 15, 2022. To ensure adequate notice was given to parties who may have been unclear about the status of their case, the Court had previously directed requirements for motion practice to obtain default judgments. Given the passage of time and the changing course of the pandemic, this DRP hereby directs as set forth below:

DIRECTIVE:

- I. Eviction matters commenced before January 15, 2022
In eviction matters commenced before January 15, 2022, where a respondent is unrepresented by counsel, no judgment or warrant will be issued on default or on the respondent’s prior failure to appear without a motion by petitioner for such relief. If a co-respondent of a respondent represented by counsel on a case commenced before January 15, 2022 does not appear, individual judges retain the discretion to require or not require a motion as against the non-appearing party. Otherwise, this requirement does not apply to respondents who appear by counsel.
- II. Eviction matters commenced on or after January 15, 2022
This requirement does not apply to eviction matters commenced on or after January 15, 2022.
- III. Location of Filing Default Motions
 - A. In the Housing Part, motions for default judgments must be made returnable in the HMP Part unless the case has already been assigned to a Resolution Part. If respondent fails to appear in the HMP Part after notice from the Court, the motion will be assigned to a Resolution Part for determination. If the respondent appears, the respondent will be referred for counsel and the case will be transferred to the Resolution Part for all purposes.
 - B. In the Commercial Landlord Tenant Part, motions shall be made returnable to Part 52.
- IV. Warrant Section: If the motion is granted, a Marshal’s Requisition for a default warrant may be submitted to the Warrant Section. The Requisition must be supported by an affidavit of a nonmilitary investigation. No nonmilitary affidavit or testimony about military status need be submitted earlier in the motion process,

since such affidavits and evidence are good for only 30 days (See LSM 152A and LSM 152B). After review, the Warrant Section shall refer the case to the judge who decided the motion for review and signature.

- V. This Directive supersedes DRP-217, DRP-221, and DRP-222, which are hereby rescinded.

Date: June 30, 2022

/s/
Hon. Carolyn Walker-Diallo
Administrative Judge

RESCINDED