



The City of New York Department
of Investigation

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DOI Advisement to New York City Marshals

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Attention New York City Marshals:

New York State's eviction moratorium expired on January 15, 2022.

The Chief Administrative Judge of the New York State court system and the New York City Civil Court have issued orders and directives relating to eviction proceedings for residential and commercial evictions. These include Administrative Order (AO) 34/22, Directives and Procedures (DRP) 221, and DRP 222, all issued on January 16, 2022. AO/34/22 also references and includes exhibits of previously issued AOs and DRPs. In addition, on January 17, 2022, the Chief Administrative Judge issued a memorandum entitled "Corrected Copy: Residential and Commercial Eviction Proceedings Upon the Expiration of Chapter 417 of the Laws of 2021."

As a City Marshal, you are required to comply with the requirements set forth in these court orders, directives, and memorandum, and are strongly advised to carefully review them. Copies were forwarded to all City Marshals on January 19, 2022. Certain relevant provisions are described below, but you should review and comply with entirety of the orders and directives.

Eviction Proceedings Commenced Prior to March 17, 2020

The procedures for pre-pandemic eviction proceedings from before March 17, 2020 – as previously set forth in AO 245/21 and DRP 217 – remain in effect. This includes the requirement of a court conference prior to any further proceedings, including any execution of an eviction warrant. See AO 34/22(1) and DRP 221(I). In New York City, DRP 217 requires that a petitioner seeking a requisition for a warrant of eviction or to execute a warrant of eviction make a motion on notice to the respondent. Such a motion could have been made any time after the issuance of DRP 213 on August 12, 2020, and if made and granted, no new motion is needed. Marshals should review the order granting such a motion before executing a warrant of eviction in these cases.

Judgments against a tenant on the basis of intentional property damage, or unreasonable engagement in

objectionable or nuisance behavior, which were issued prior to September 2, 2021, are exempt from the motion requirement.

Eviction Proceedings Filed After March 16, 2020 through September 2, 2021

Enforcement of a warrant of eviction that was issued after March 16, 2020 through September 2, 2021, or application for a warrant requisition for judgments of possession issued between those dates, requires a motion on notice to the respondent so that the court can determine whether the warrant complies with the laws and procedures that were in effect at the time of issuance and may still apply and to further ensure that there are no current stays pending in the proceeding. Marshals should review the order granting such a motion before executing a warrant of eviction in these cases.

COVID-19 Emergency Rental Assistance Program (ERAP) Protections and Nuisance Judgments

Eviction protections provided by ERAP remain in full effect. Where there is a pending ERAP application, eviction proceedings, including execution of warrants, are stayed until a final determination of eligibility for rental assistance is issued by the Office of Temporary and Disability Assistance. This includes cases under appeal.

Judgments against a tenant on the basis of intentional property damage, or unreasonable engagement in objectionable or nuisance behavior, which were issued prior to September 2, 2021, in cases in which there is a pending ERAP application require an additional court hearing.

Specifically, AO/34/22(5)(a) provides in relevant part:

The protections provided by ERAP shall not apply if a tenant intentionally causes damage to the property or persistently and unreasonably engages in objectionable or nuisance behavior. If the court has awarded a judgment against such tenant prior to September 2, 2021, on the basis of such objectionable or nuisance behavior, the court shall hold a hearing to determine whether the tenant intentionally caused significant damage to the property or persistently and unreasonably engaged in such behavior. The hearing is to determine whether the tenant is continuing the nuisance behavior.

Thank you for your cooperation.



Caroline Tang-Alejandro
Director, Bureau of City Marshals