



THE CITY OF NEW YORK
OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

For Immediate Release: June 10, 2020

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**THE NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (“OATH”)
ANNOUNCES EXPANDED REMOTE HEARINGS FOR THE REMAINDER OF THE
2020 CALENDAR YEAR**

OATH’s remote hearing options allow New Yorkers to stay safe and healthy by reducing the public’s need to travel, use public transportation and visit public waiting rooms and offices.

New York, NY – The City of New York’s Office of Administrative Trials and Hearings (OATH) today announced that it is expanding its efforts to allow New Yorkers to contest summonses remotely. OATH has successfully continued its operations in full throughout the COVID-19 outbreak and the subsequent “stay-at-home” ordered period. Since mid-March, OATH has efficiently and capably conducted remote hearings, trials, settlement conferences, Help Center sessions, mediations and outreach events; this includes conducting more than 2,600 remote help sessions with self-represented respondents prior to their hearing and issuing more than 8,000 decisions in cases that were held remotely.

“As the City’s central independent administrative law court, OATH’s top priority has always been to make it as easy as possible for those who have been issued summonses from City enforcement agencies to have their day in court,” said **OATH Commissioner and Chief Administrative Law Judge Joni Kletter**. “Ensuring due process during a pandemic must include not only providing access to fair and timely hearings and decisions but also providing safe, effective ways for the public to invoke their right to defend themselves. A respondent should never have to choose between their health and safety and being able to respond to legal charges issued against them.”

“I want to strongly commend Commissioner Kletter and the terrific public servants at OATH for the ingenuity, resolve and resourcefulness they have exhibited during this unprecedented time,” said **Kapil Longani, Counsel to the Mayor**. “OATH kept its doors open by adjusting to the unprecedented health challenges the coronavirus presented by rapidly establishing robust remote operations so that New Yorkers could resolve summonses from the safety of their homes. This is what true ‘access to justice’ looks like.”

In mid-March, OATH began conducting telephonic hearings for all case types with all parties appearing by phone, allowing evidence to be submitted to the OATH Hearing Officer during the hearing by email. From March 23, 2020 through June 3, 2020 OATH conducted nearly 7,000 telephonic hearings. Additionally, cases that normally can be fought by sending OATH a defense by mail or by using OATH’s Online Hearing form, have continued to be adjudicated during this time and OATH has issued more than 1,150 decisions in these cases.

Typically, respondents are required to respond to the summons on or before the hearing date otherwise they will be found in violation by default and the legally mandated default penalty amount is imposed in the case. However, starting on March 19, 2020 OATH proactively rescheduled all cases where the respondent did not appear so that respondents were not penalized if they failed to appear by phone or send in a written defense. OATH will continue this practice until July 1, 2020, and will continue to permit parties to request to reschedule hearings if they are unable to participate due to COVID-19.

OATH recognizes the public health and safety risks that can be incurred if a respondent were required to respond to their summons in person. As the City's independent administrative law court, it is OATH's mission to provide the public with the ability to fight summonses that they receive from City agencies in a forum that is neutral, fair and impartial.

Due to the overwhelming success of OATH's remote operations, when OATH offices reopen all hearings will continue to be held remotely and OATH will only allow certain pre-approved cases to be scheduled for in-person appearances at an OATH office. OATH plans to continue these remote operations through the end of the year.

The continuation of hearings by phone and written defenses submitted online and by mail is part of OATH's effort to ensure that New Yorkers who receive City-issued summonses will be able to properly respond to summonses while staying safe and healthy. OATH employees will also be less vulnerable since OATH will be limiting the number of people who have to visit OATH in person and interact with OATH staff. To alert respondents that, with few exceptions, OATH is only going to conduct hearings remotely, the City's enforcement agencies have agreed to place labels created by OATH on their summonses to alert respondents that they should not travel to the OATH Hearing Center, but rather participate in their hearing using one of OATH's remote hearing options.

RULES AND POLICIES FOR RESIDENTS AND SMALL BUSINESSES WHO RECEIVE CIVIL SUMMONSES FROM CITY ENFORCEMENT AGENCIES WHEN OATH OFFICE LOCATIONS RE-OPEN TO THE PUBLIC

Appearances: All hearings on summonses will be conducted by telephone or in eligible cases by submitting to OATH a written defense online or by mail prior to the hearing date. Cases eligible for online and mail written defense submissions are those cases where the enforcement agency does not appear, and include most summonses issued by the Departments of Sanitation, Health and Mental Hygiene, Parks and Recreation, and the New York Police Department.

OATH will conduct in-person hearings and trial proceedings that are scheduled in advance, if a request for an in-person hearing or trial was submitted to and approved by OATH prior to the scheduled hearing or trial date.

In summons cases, the respondent and/or the enforcement agency may request an in-person hearing by emailing livehearings@oath.nyc.gov and indicating the reason why it is not possible to participate by telephone.

Reschedules: Starting on July 1, 2020, the respondent and the enforcement agency will each be allowed one reschedule. The request must be received by OATH before the scheduled hearing date.

OATH has the discretion to accommodate more than one reschedule request by a respondent in a case where the respondent indicates an inability to participate in the scheduled hearing due to the COVID-19 emergency.

Defaults: Starting July 1, 2020, a case will fall into default status if a respondent fails to reschedule their hearing date, fails to contact OATH to schedule their telephonic hearing on or by the hearing date or fails to submit a written defense to OATH on or before the hearing date. Recently issued defaulted summonses can be easily granted a new hearing date if it is the first time the respondent is making a request for a new hearing for the defaulted summons and the request is received by OATH within 60 days of the missed hearing.

Appeals: The deadline for either party to file an appeal of an OATH Hearings Division-issued decision or file a response to an appeal served on or after February 19, 2020, is increased from 35 days to 65 days.

Trials Division Cases: Parties appearing before OATH's Trials Division should contact OATHCalunit@OATH.NYC.Gov

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