

**ADMINISTRATIVE ORDER OF THE CHIEF JUDGE**  
**OF THE NYC OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS (OATH)**

Pursuant to sections 2, 3, 4, and 5 of the Mayor’s Emergency Executive Order no. 177 (January 27, 2021) and section 3 of Emergency Executive Order no. 179 (February 1, 2021),<sup>1</sup> and any subsequent emergency executive order extending such sections or suspending or modifying other provisions of Chapter 45-A of the New York City Charter or Title 48 of the Rules of the City of New York, and the authority vested in me by New York City Charter §1049(1)(a), and due to the emergency circumstances caused by the continuing COVID-19 outbreak in the City of New York, I direct that, effective as of January 1, 2022:

1. Offices. All OATH offices will be open to the public on all business days, subject to the rules and procedures provided herein.

2. Hearings.

a. All appearances before the OATH Hearings Division will be by telephone, except where a party requests and is approved for an in-person appearance.

Such request must be submitted at least five business days before the scheduled hearing date by emailing [livehearings@oath.nyc.gov](mailto:livehearings@oath.nyc.gov). An in-person appearance request will be approved if the OATH Hearings Division determines that the in-person appearance can be held with no undue prejudice

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<sup>1</sup> Mayor Bill de Blasio, Emergency Executive Order no. 177 (January 27, 2021), available at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-177.pdf> (annexed hereto as Appendix A); Mayor Bill de Blasio, Emergency Executive Order no. 179 (February 1, 2021), available at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-179.pdf> (annexed hereto as Appendix B).

or undue burden to the parties or to the tribunal and the in-person appearance can be held while ensuring sufficient public health protections to comply with state and local government public health guidelines.

- b. The OATH Hearings Division may accommodate requests to adjourn and requests to reschedule, in addition to the request to reschedule permitted pursuant to 48 RCNY § 6-05, in instances where a party indicates an inability to participate by telephone due to the COVID-19 emergency.
- c. The deadline for filing a motion to vacate a default under 48 RCNY § 6-21(b) will be 75 days from the date of the default decision.
- d. All parties appearing by telephone are expected to conduct themselves in the same manner as they would in an OATH courtroom.

### 3. Trials.

- a. In-person appearances will be permitted only when the presiding Administrative Law Judge makes a determination that an in-person appearance can be held with no undue prejudice or undue burden to the parties or to the tribunal, and can be held while ensuring sufficient public health protections to comply with state and local government public health guidelines.
- b. An in-person appearance may be requested by sending an email, at least ten business days in advance, to the presiding Administrative Law Judge or the OATH Trials Division Calendar Unit at [OATHCalUnit@OATH.nyc.gov](mailto:OATHCalUnit@OATH.nyc.gov), and properly serving the request on the opposing party. The opposing party may

submit a response to the request within five business days. The presiding Administrative Law Judge will make a ruling and notify the parties. A party without access to email may make or oppose a request by calling the OATH Trials Division Calendar Unit at 212-933-3097.

c. Public access to trials may be in person or by remote means, in the discretion of the presiding Administrative Law Judge.

d. Video appearances:

i. All video appearances before the OATH Trials Division will be conducted by Cisco Webex (or a similar system approved by the OATH Trials Division), which is widely available at no additional cost.

ii. An OATH employee will be available during the trial for any party that needs assistance.

iii. Attorneys and their clients may participate from one location or from separate locations.

iv. All parties appearing via videoconference are expected to conduct themselves in the same manner as they would in an OATH courtroom.

e. In order to ensure that conferences and trials are scheduled and conducted promptly during the continuing COVID-19 outbreak and are conducted consistently with any obligations of the City by law, regulation, or court order, all attorneys must appear at conferences and trials that are scheduled ex parte by the docketing party in compliance with 48 RCNY 1-26(d) (“The party docketing a case may do so ex parte. If the case is placed on the conference

calendar or the trial calendar rather than on open status, the party may at the time of docketing also select a trial date and/or conference date ex parte.

However, OATH encourages selection of trial and conference dates by all parties jointly. In the event that a party selects a trial date or a conference date ex parte, that party must serve the notice of conference or trial required by 48 RCNY § 1-28, within one business day of selecting that date. Whenever practicable, such notice must be served by personal delivery or electronic means.”).

- f. The OATH Trials Division will, in its discretion, accommodate requests to adjourn where a party demonstrates good cause for not being able to proceed on the scheduled date either in-person or remotely.

- 4. Upon the expiration of sections 2, 3, 4, and 5 of the Mayor’s Emergency Executive Order no. 177 (January 27, 2021) and section 3 of Emergency Executive Order no. 179 (February 1, 2021) or of any subsequent emergency executive order suspending or modifying provisions of Chapter 45-A of the New York City Charter or Title 48 of the Rules of the City of New York, with the exception of subdivisions b and c of section 2, this Administrative Order of the Chief Judge will remain in force. Subdivision a of section 2 and section 3 will remain in force as a matter of the Chief Judge’s authority pursuant to paragraph a of subdivision 1 of section 1049 of the New York City Charter.

This order shall remain in effect until modified or rescinded. This order replaces the previously issued orders related to COVID-19.



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Hon. Joni Kletter

Chief Administrative Law Judge, OATH

Dated: December 31, 2021

## Appendix A



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

### EMERGENCY EXECUTIVE ORDER NO. 177

January 27, 2021

#### EMERGENCY EXECUTIVE ORDER

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, Emergency Executive Order No. 98, issued March 12, 2020 and extended most recently by Emergency Executive Order No. 172, issued January 2, 2021, contains a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, this Order is given because of the propensity of the virus to spread person-to-person and also because the actions taken to prevent such spread have led to property loss and damage; and

WHEREAS, measures taken to combat the spread of COVID-19 may prevent individuals, businesses and other entities from meeting legally imposed deadlines for the filing of certain documents or for the completion of other required actions; and

WHEREAS, this Order is given in order to ensure that the Governor's orders are enforced;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that sections 1, 2, 3, and 4 of Emergency Executive Order No. 176, dated January 22, 2021, are extended for five (5) days.

§ 2. In order to maintain public safety and health while allowing the Office of Administrative Trials and Hearings ("OATH") to continue to hold administrative trials, hearings, and related conferences, and notwithstanding any contrary provision of Chapter 45-A of the New

York City Charter or Title 48 of the Rules of the City of New York ("RCNY"), I hereby direct OATH to facilitate hearings, trials and related procedures held by remote means, and ratify actions already taken in furtherance of such hearings and trials.

§ 3. I hereby suspend the following provisions of Title 48 of the RCNY to the extent such provisions would require the physical in-person presence at OATH for an appearance or attendance at an OATH procedure, in order to provide for the implementation, administration, and operation of remote hearings, trials and related procedures at OATH:

- (a) RCNY Title 48, Chapter 1, Section 1-11, relating to parties' appearance in person;
- (b) RCNY Title 48, Chapter 1, Section 1-14, relating to ex-parte communications;
- (c) RCNY Title 48, Chapter 1, Section 1-28, relating to notice of conference or trial;
- (d) RCNY Title 48, Chapter 1, Section 1-30, relating to attendance at and conduct of conferences;
- (e) RCNY Title 48, Chapter 1, Section 1-31, relating to settlement conferences;
- (f) RCNY Title 48, Chapter 1, Section 1-45, relating to failure of parties to appear at OATH for trial;
- (g) RCNY Title 48, Chapter 1, Section 1-49, relating to public access to OATH proceedings;
- (h) RCNY Title 48, Chapter 5, Section 5-02, relating to taxi adjudications;
- (i) RCNY Title 48, Chapter 6, Section 6-01, relating to the definition of "appearance" as applicable to OATH's Hearings Division; and
- (j) RCNY Title 48, Chapter 6, Section 6-09, relating to parties' appearances at hearings.

§ 4. Notwithstanding any contrary provision of Title 48 of the RCNY, I hereby direct that OATH may accept electronic methods of filing for all filings, pleadings, and documents as part of its administration of a program facilitating remote hearings, trials and related procedures.

§ 5. To the extent necessary to permit the OATH Hearings Division to accommodate parties' scheduling needs by allowing additional requests to adjourn and reschedule remote hearings upon an appropriate showing of necessity, and allowing additional time to file motions to vacate default judgments, I hereby suspend RCNY Title 48, Chapter 6, Sections 6-05 and 6-21(b), and authorize the Chief Administrative Law Judge or her designee to extend as appropriate the deadlines for such requests and motions.

§ 6. This Order incorporates any and all relevant provisions of Governor Executive Order No. 202 and subsequent orders issued by the Governor of New York State to address the State of Emergency declared in that Order pursuant to his powers under section 29-a of the Executive Law.

§ 7. I hereby direct the Fire Department of the City of New York, the New York City Police Department, the Department of Buildings, the Sheriff, and other agencies as needed to immediately enforce the directives set forth in this Order in accordance with their lawful enforcement authorities, including but not limited to Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the New York City Fire Code. Violations of the directives set forth in this Order may be issued as if they were violations under the New York City Health Code, title 24 Rules of the City of New York sections 3.07 and 3.11, and may be

enforced as such by the Department of Health and Mental Hygiene or any other agency named in this section.

§ 8. This Emergency Executive Order shall take effect immediately, and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



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Bill de Blasio,  
MAYOR



## Appendix B



THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
New York, NY 10007

### EMERGENCY EXECUTIVE ORDER NO. 179

#### DECLARATION EXTENDING LOCAL STATE OF EMERGENCY

February 1, 2021

#### EMERGENCY EXECUTIVE ORDER

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, Emergency Executive Order No. 98, issued March 12, 2020 and extended most recently by Emergency Executive Order No. 172, issued January 2, 2021, contains a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, this Order is given because of the propensity of the virus to spread person-to-person and also because the actions taken to prevent such spread have led to property loss and damage; and

WHEREAS, measures taken to combat the spread of COVID-19 may prevent individuals, businesses and other entities from meeting legally imposed deadlines for the filing of certain documents or for the completion of other required actions; and

WHEREAS, this Order is given in order to ensure that the Governor's orders are enforced;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that the State of Emergency declared in Emergency Executive Order No. 98, dated March 12, 2020, and extended by subsequent orders, is extended for thirty (30) days.

§ 2. I hereby direct that sections 1, 2, 3, 4 and 5 of Emergency Executive Order No. 177, dated January 27, 2021, are extended for five (5) days.

§ 3. I hereby amend Emergency Executive Order No. 177 to add a new section 4-a to read as follows:

§ 4-a. I hereby suspend RCNY Title 48, Chapter 6, Section 6-10, relating to remote adjudications, to the extent necessary to enable OATH to require remote hearings, trials and related procedures, provided that a party may request an in-person appearance where, subject to the approval of the Chief Administrative Law Judge, circumstances would make a remote hearing, trial or procedure impracticable.

§ 4. This Order incorporates any and all relevant provisions of Governor Executive Order No. 202 and subsequent orders issued by the Governor of New York State to address the State of Emergency declared in that Order pursuant to his powers under section 29-a of the Executive Law.

§ 5. I hereby direct the Fire Department of the City of New York, the New York City Police Department, the Department of Buildings, the Sheriff, and other agencies as needed to immediately enforce the directives set forth in this Order in accordance with their lawful enforcement authorities, including but not limited to Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the New York City Fire Code. Violations of the directives set forth in this Order may be issued as if they were violations under the New York City Health Code, title 24 Rules of the City of New York sections 3.07 and 3.11, and may be enforced as such by the Department of Health and Mental Hygiene or any other agency named in this section.

§ 6. This Emergency Executive Order shall take effect immediately. The State of Emergency shall remain in effect for a period not to exceed thirty (30) days or until rescinded, whichever occurs first. Additional declarations to extend the State of Emergency for additional periods not to exceed thirty (30) days shall be issued if needed. The remainder of this Order shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



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Bill de Blasio,  
MAYOR