



New York Legal Services Coalition
One Helen Keller Way, 5th Floor
Hempstead, New York 11550

June 2, 2020

EVICITION MORATORIUM LIMITATIONS

Dear Judge Marks,

In light of Governor Cuomo's Executive Order 202.28, the statewide New York Legal Services Coalition writes to renew our request that the Office of Court Administration delay restoration of any eviction proceedings without limitation at least through the expiration of this new moratorium on August 20. If, instead, any eviction proceedings are restored or initiated before August 20, local Courts and Sheriffs' offices will face the daunting task of determining which proceedings are permitted and which tenants are protected under the Governor's current order which fails to establish a bright line standard. This task is made even more difficult due to the CARES Act which imposes a moratorium until late July but only applies to particular properties. As NYS has not yet issued an affirmative pleading standard this amplifies the burden on local Courts in determining which proceedings should go forward. This can only result in inconsistency between courts, confusion for landlords, and unfavorable outcomes for a large number of unrepresented and low-income tenants.

Just as importantly, we ask that the court system implement procedural safeguards to prevent an unnecessary and dangerous wave of evictions when summary proceedings resume. These procedures should also consider the difficulties in reopening the courts including the differences between the courts throughout the state and the particular difficulties faced by low-income and rural litigants. The public health and welfare implications of a wave of completed evictions would be severe for the community at large and are currently a source of widespread trepidation.

An important subgroup of tenants that are particularly at risk of sudden homelessness when the moratorium is lifted are those in cases where the warrant of eviction was served upon them, but not executed before the moratorium was put in place. Marshals appearing immediately after the lifting of the moratorium to put all of these families out on the street will in itself create a public health and safety crisis. Please require that all warrants of

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eviction that have been served but not yet executed be re-served after the end of the eviction moratorium with the full notice period before being executed.

Please help us prevent these outcomes by clarifying the scope of the moratorium and implementing the protections set out in our previous letter of April 23, 2020. We also offer again to participate in any meetings about the process for restoring eviction proceedings in a manner that ensures vital procedural safeguards and offers tenants a meaningful opportunity to stay in their homes.

A handwritten signature in blue ink, appearing to read "Maha Syed", is positioned above the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Maha Syed

Executive Director



Member Organizations

The Bronx Defenders
Brooklyn Defender Services
Brooklyn Legal Services Corporation A
Brooklyn Bar Association Volunteer Lawyers Project
CAMBA, Inc.
Catholic Charities, NY
Catholic Migration Services
Center for Elder Law & Justice
City Bar Justice Center
Community Legal Advocates of New York
Empire Justice Center
Erie County Bar Association Volunteer Lawyers Project
The Family Center
Goddard Riverside Community Center
Her Justice
Hiscock Legal Aid Society
Housing Conservation Coordinators, Inc.
Hudson Valley Justice Center
Jewish Association Serving the Aging
Journey's End
Legal Aid Bureau of Buffalo
The Legal Project
The Legal Aid Society
Legal Aid Society of Mid New York
Legal Aid Society of Northeastern New York
Legal Aid Society of Rochester
Legal Assistance of Western New York
Legal Services of Central New York
Legal Services of NYC
Legal Services of the Hudson Valley
Lenox Hill Neighborhood House
Long Island Advocacy Center
Make the Road NY
Mobilization for Justice
Nassau Suffolk Law Services
Neighborhood Defender Service of Harlem
Neighborhood Legal Services
New York County Lawyers Association
New York Lawyers for the Public Interest
New York Legal Assistance Group
Northern Manhattan Improvement Corporation
Pro Bono Net
Queens Volunteer Lawyers Project
Rural Law Center of New York
Urban Justice Center
Volunteer Lawyers Project of Onondaga County
Volunteer Legal Services Project of Monroe County
Volunteers of Legal Service
Western New York Law Center

Association of New York State Legal Services Organizations, Inc. is the 501(c)3 registered nonprofit organization.

The Association has filed a DBA certificate for the use of the name New York Legal Services Coalition.

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