

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Service of Eviction Notices

Class: DRP-153a

Category: LT-40

Eff. Date: April 14, 2000

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BACKGROUND:

The issue of how a Notice of Eviction is to be re-served has been visited several times. Because there is still some confusion on this matter, I am directing the following in conjunction with the Department of Investigation.

DIRECTIVE:

Where a Court Order stays an eviction after service of a Notice of Eviction, and the stay later expires or is vacated, there are two options:

1. The Court can *specifically waive* the requirement of an additional Notice of Eviction. The Warrant is then executed forthwith.

2. If the Court **does not** *specifically waive*, then the service of the Notice of Eviction is to be based upon the following:

- a) wherever any form of the verb “*serve*” is used, the Marshal will follow RPAPL § 735 rules.
- b) where the Court either does not specify how service is to be made, or when specifying the Court uses any form of the verb “*mail*,” the mailing of the Notice of Eviction to the Respondent by the Marshal shall be sufficient.

Again, when directing re-service of a Notice of Eviction, the Court must be clear in how it intends such service to be made.

Dated: April 14, 2000

Fern Fisher-Brandveen
Administrative Judge