



New York State
Unified Court System

Office of Court Administration • Counsel's Office

Hon. Joseph A. Zayas
Chief Administrative Judge

Hon. Norman St. George
First Deputy Chief Administrative Judge

David Nocenti
Counsel

July 3, 2024

Hon. Robert J. Rodriguez
Secretary of State
Department of State
Division of Administrative Rules
One Commerce Plaza
99 Washington Avenue, Suite 650
Albany, New York 12231

Att: Christopher DeMarco

Dear Mr. DeMarco:

This is to certify that the attached is a true copy of an Administrative Order of the Chief Administrative Judge of the State of New York (AO/205/24), dated July 2, 2024: (1) rescinding, effective immediately, Administrative Order Number 165 of 2024 issued on May 7, 2024; (2) rescinding, effective September 3, 2024, Administrative Order Number 91 of 2022 issued on April 1, 2022, and Administrative Order 199 of 2022 issued on August 18, 2022; and (3) amending Section 210.42 of the Uniform Civil Rules for the City Courts Outside the City of New York, Section 212.42 of the Uniform Civil Rules for the District Courts, and Section 214.13 of the Uniform Civil Rules for the Justice Courts, effective September 3, 2024.

We request, pursuant to Part 9 of the Rules of the Chief Judge [22 NYCRR Part 9], that this order be published in the State Register.

Very truly yours,

A handwritten signature in blue ink, appearing to read "DNocenti".

David Nocenti

DN:ll

Attach.

cc: Lisa LeCours, Esq. (Via email)

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby: (1) rescind, effective immediately, Administrative Order Number 165 of 2024 issued on May 7, 2024; (2) rescind, effective September 3, 2024, Administrative Order Number 91 of 2022 issued on April 1, 2022, and Administrative Order 199 of 2022 issued on August 18, 2022; and (3) amend Section 210.42 of the Uniform Civil Rules for the City Courts Outside the City of New York, Section 212.42 of the Uniform Civil Rules for the District Courts, and Section 214.13 of the Uniform Civil Rules for the Justice Courts to read as follows, effective September 3, 2024 (deletions are ~~stricken~~ and additions are underlined).

Section 210.42. Proceedings under Article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the City Court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate and post on the Unified Court System website:

(1) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law brought on the ground that the respondent has defaulted in the payment of rent;

(2) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent); and

(3) a form notice of petition for use in nonresidential eviction proceedings under Article 7 of the Real Property Actions and Proceedings Law.

(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):

CITY COURT OF THE CITY OF	-	

_____	-	
-)	-
Petitioner)	NOTICE OF
Address)	PETITION

-against-)	-
-)	-
Respondent)	-
Address)	-
-)	-

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the City Court of the City of _____, _____ District, to be held at _____, City of _____, County of _____, on the _____ day of _____, 19_____, at _____ am/pm, which prays for a final judgment of eviction, awarding to the petitioner the possession of premises designated and described as follows: the _____ rooms on the _____ floor, Apartment No _____, _____ Street, City of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19_____

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the _____ day of _____, 19_____

 Attorney(s) for Petitioner
 Office and Post Office Address
 Telephone Number

 Clerk

(c) At the option of the petitioner, on condition that he or she serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner*, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

*If the petitioner appears in person, strike out the words "undersigned attorney for the."

(dc) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

(ed) Where a part exists to hear proceedings brought pursuant to this section, an action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

Section 212.42. Proceedings under Article 7 of the Real Property Actions and Proceedings Law.

(a) Such proceedings involving residential property shall be commenced in the district in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate and post on the Unified Court System website:

(1) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law brought on the ground that the respondent has defaulted in the payment of rent;

(2) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent); and

(3) a form notice of petition for use in nonresidential eviction proceedings under Article 7 of the Real Property Actions and Proceedings Law.

(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):

DISTRICT COURT OF _____

THE COUNTY OF _____

Petitioner

Address

~~against~~

Respondent

Address

Respondent

Address

)

)

)

)

)

)

)

)

NOTICE OF

PETITION

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the District Court of the County of _____, _____ District, _____ Part, to be held at _____, Town of _____, County of _____, on the _____ day of _____, 19_____, at _____ am/pm, which prays for a final judgment of eviction awarding to the petitioner the possession of premises designated and described as follows:

the _____ rooms on the _____ floor, Apartment No. _____, _____ Street, Town of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19_____.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the _____ day of _____, 19_____

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

Clerk	District

(c) At the option of the petitioner, on condition that he serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the [FN a1] petitioner, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.

[FN a1] If the petitioner appears in person, strike out the t the words "undersigned attorney for the."

(dc) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

(ed) An action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

Section 214.13. Proceedings Under Article 7 of the Real Property Actions and Proceedings Law

(a) Such proceedings involving residential property shall be commenced in the town or village court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate and post on the Unified Court System website:

(1) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law brought on the ground that the respondent has defaulted in the payment of rent;

(2) a form notice of petition for mandatory use in eviction proceedings involving residential property under Article 7 of the Real Property Actions and Proceedings Law (other than in proceedings brought on the ground that the respondent has defaulted in the payment of rent);

(3) a form notice of petition for use in nonresidential eviction proceedings under Article 7 of the Real Property Actions and Proceedings Law.

Chief Administrative Judge of the Courts

Date: July 2, 2024

AO/205/24

ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby: (1) rescind, effective immediately, Administrative Order Number 165 of 2024 issued on May 7, 2024; (2) rescind, effective September 3, 2024, Administrative Order Number 91 of 2022 issued on April 1, 2022, and Administrative Order 199 of 2022 issued on August 18, 2022; and (3) amend Section 210.42 of the Uniform Civil Rules for the City Courts Outside the City of New York, Section 212.42 of the Uniform Civil Rules for the District Courts, and Section 214.13 of the Uniform Civil Rules for the Justice Courts to read as follows, effective September 3, 2024 (deletions are ~~stricken~~ and additions are underlined).

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(a) Such proceedings involving residential property shall be commenced in the City Court in which the real property or portion thereof is located. No default shall be noted until at least one hour after the hour when the proceeding is called.

(b) The chief administrator of the courts shall promulgate and post on the Unified Court System website:

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~~(b) The following form is set forth as an example of the notice of petition (the provisions relating to the demand for a money judgment should be omitted unless the petition so demands):~~

CITY COURT OF THE CITY OF	-	
_____	-	
-	-	
-)	-
Petitioner)	NOTICE OF
Address)	PETITION

against)	-
-)	-
Respondent)	-
Address)	-
-)	-

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the City Court of the City of _____, _____ District, to be held at _____, City of _____, County of _____, on the _____ day of _____, 19_____, at _____ am/pm, which prays for a final judgment of eviction, awarding to the petitioner the possession of premises designated and described as follows: the _____ rooms on the _____ floor, Apartment No _____, _____ Street, City of _____ in the County of _____, and further granting to the petitioner such other and further relief as is demanded in the petition, which you must answer.

TAKE NOTICE also that demand is made in the petition herein for judgment against you, the respondent, for the sum of \$ _____, with interest thereon from _____, 19____.

TAKE NOTICE that your answer may set forth any defense or counterclaim you may have against the petitioner.

TAKE NOTICE also that if you shall fail at such time to interpose and establish any defense that you may have to the allegations of the petition, you may be precluded from asserting such defense or the claim on which it is based in any other proceeding or action.

TAKE NOTICE that your failure to appear and answer may result in final judgment by default for the petitioner in the amount demanded in the petition.

Dated: County of _____, the _____ day of _____, 19_____

 Attorney(s) for Petitioner
 Office and Post Office Address
 Telephone Number

 Clerk

(c) At the option of the petitioner, on condition that he or she serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

~~TAKE NOTICE also that your answer may be made at the time of hearing specified above unless this Notice of Petition is served upon you on or before the..... day of, 19....., in which event you must answer at least three (3) days before the petition is noticed to be heard, either orally before the clerk of the court at his or her office or in writing by serving a copy thereof upon the undersigned attorney for the petitioner*, and by filing the original of such written answer with proof of service thereof in the office of the clerk at least three (3) days before the time the petition is noticed to be heard; in addition thereto, you must appear before the court at the time and place hereinabove set forth for the hearing.~~

~~*If the petitioner appears in person, strike out the words "undersigned attorney for the."~~

(dc) At the time of the issuance of a notice of petition by a judge or the clerk, or an order to show cause by the judge, in a summary proceeding to recover possession of real property, a copy of such order to show cause or notice of petition shall be filed with the clerk. The original papers with proof of service thereof shall be filed with the clerk within the time specified by statute.

(ed) Where a part exists to hear proceedings brought pursuant to this section, an action noticed to be heard on a day when a judge is not assigned to the part shall not be accepted for filing. The papers shall be returned to the attorney with a notification as to the days on which a judge is assigned.

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DISTRICT COURT OF _____

THE COUNTY OF _____	-	
_____	-	
	-	
)	
Petitioner)	NOTICE
)	OF
Address)	PETITION
-against-)	
Respondent)	
Address)	
Respondent)	
Address)	
_____	-	
_____	-	

To the respondents _____ above named and described, in possession of the premises hereinafter described or claiming possession thereof:

PLEASE TAKE NOTICE that a hearing at which you must appear will be held at the District Court of the County of _____, _____ District, _____ Part, to be held at _____, Town of _____, County of _____, on the _____ day of _____, 19____, at _____ am/pm, which prays for a final judgment of eviction awarding to the petitioner the possession of premises designated and described as follows:

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Dated: County of _____, the _____ day of _____, 19 _____

Attorney(s) for Petitioner
Office and Post Office Address
Telephone Number

_____	_____
Clerk	District

(c) At the option of the petitioner, on condition that he serve the notice of petition at least eight days prior to the return day, the following paragraph may be inserted in the foregoing notice of petition immediately after the paragraph which sets forth the amount of money for which demand is made in the petition:

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(3) a form notice of petition for use in nonresidential eviction proceedings under Article 7 of the Real Property Actions and Proceedings Law.



Chief Administrative Judge of the Courts

Date: July 2, 2024

AO/205/24