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,

David Nocenti

DN:11

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										
<u>-</u>										
)	<u>-</u>								
Petitioner)	NOTICE OF								
Address)	PETITION								

-against-			
-agamst-)	+	
-)	-	
Respondent)	-	
Address)		
)	-	
To the respondents abodescribed or claiming posse			possession of the premises hereinafter
of the City of, Di theday of, 19 awarding to the petitioner the the rooms on the f	strict, to be handle, at ame possession loor, Apartmant to the petiti	neld at, City /pm, which prays of premises des nent No,	ust appear will be held at the City Court of, County of, on s for a final judgment of eviction, ignated and described as follows:Street, City of in the County and further relief as is demanded in the
TAKE NOTICE also that derespondent, for the sum of \$			herein for judgment against you, the
TAKE NOTICE that your a against the petitioner.	nswer may s	et forth any defer	nse or counterclaim you may have
	ons of the po	etition, you may	interpose and establish any defense that be precluded from asserting such
	en it is based	in any other pro	ceeding of action.
	ailure to appe	ear and answer m	nay result in final judgment by default
TAKE NOTICE that your factor the petitioner in the amodated: County of, the_	nilure to appo unt demande	ear and answer med in the petition.	nay result in final judgment by default
for the petitioner in the amo	nilure to appount demande	ear and answer med in the petition.	nay result in final judgment by default

(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;
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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.
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THE COUNTY OF		
)	
Petitioner)	NOTICE OF
Address)	PETITION
-against-)	
Respondent)	+
Address)	-
Respondent	+	
Address)	
hereinafter described or claiming possessis PLEASE TAKE NOTICE that a hearing a Court of the County of, Town of, County of	at wh	ich you must appear will be held at the District District, Part, to be held at, on the day of, 19, at iction awarding to the petitioner the possession of
the rooms on the floor,	Apar _, an	tment No, Street, Town d further granting to the petitioner such other and
TAKE NOTICE also that demand is made respondent, for the sum of \$, with it		he petition herein for judgment against you, the st thereon from, 19
TAKE NOTICE that your answer may set against the petitioner.	t fort	h any defense or counterclaim you may have

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, th	e day of	, 19
	y(s) for Petitioner		
Office a	and Post-Office Address		
Telepho	one 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 [FNa1] 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.

[FNa1] 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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CITY COURT OF THE CI	TY OF	
		·
)	
Petitioner)	NOTICE OF
Address)	PETITION

-against-	+	_				
	}	-				
Respondent)	-				
Address)	-				
-)	+				
To the respondentsdescribed or claiming po			scribed, in p	possession of the	premises hereinafter	
PLEASE TAKE NOTIC of the City of, the day of, 19 awarding to the petitione the rooms on the of, and further gran- petition, which you must	District, to be, ata r the possessi floor, Apar ting to the pet	e held at m/pm, v on of pro tment N	, City vhich prays emises des o,	of, County s for a final judgi ignated and desc Street, City of	of, on ment of eviction, ribed as follows: in the County	
TAKE NOTICE also that respondent, for the sum of						
TAKE NOTICE that you against the petitioner.	ı r answer may	set fort	h any defei	nse or countercla	im you may have	
TAKE NOTICE also tha you may have to the alle defense or the claim on v	gations of the	petition	, you may	be precluded from	n asserting such	at
TAKE NOTICE that you for the petitioner in the a		-			judgment by default	
Dated: County of, t	heday o	f,	19			
Attorney(s) for Petitione Office and Post Office A Telephone Number						
	Claula	N. N. A. A. S.				
	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.
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DISTRICT COURT	OF	
DISTRICT COOK!	Oi	

THE COUNTY OF										
		-								
		_								
	+ + +	-								
Petitioner)	NOTICE OF								
Address)	PETITION	1							
-against-)	-								
Respondent	. +)	The state of the s								
Address)	_								
Respondent)	-								
Address)	_								
To the respondentsabove name thereinafter described or claiming possess PLEASE TAKE NOTICE that a hearing Court of the County of,	sion tl at wh	hereof: nich you must District,	st ar	pear	will Part	be h	eld a	t the I d at _	Distric	
Town of, County of am/pm, which prays for a final judgment premises designated and described as fol	of ev	iction award								
the rooms on the floor, of in the County of further relief as is demanded in the petition	<u>, an</u>	d further grad	antii	ng to	the p				other a	nc
TAKE NOTICE also that demand is mac respondent, for the sum of \$, with		그리 [6] (1) [6] 하면 사람이 하면						inst y	ou, the)
TAKE NOTICE that your answer may se against the petitioner.	et fort	h any defens	se o	r cou	nter	elain	i you	may l	have	

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TAKE	NOTICE	that your	failure to	appear a	and answ	er may	result	in fina	l judgm	ent by	-default
			nount dem								

24.04	County of	, the	<u> day of</u>	,
	ey(s) for Petitione			
Office	and Post-Office /	\ddress		
Teleph	one Number			
_				
	Clerk		District	

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Chief Administrative Judge of the Courts

Date: July 2, 2024

AO/205/24