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Eviction Motion No Longer Required

Stephen Lasser · Wednesday, July 13th, 2022

On June 30, 2022, Judge Carolyn Walker-Diallo, a New York City administrative judge, issued Directives and Procedures (“DRP”) 223, which lifts a pandemic-related directive requiring commercial and residential landlords to file a default motion to obtain a warrant of eviction in non-payment actions.

If a tenant fails to respond to the initial court papers, a landlord can now request that the clerk enter a default judgment without notice to the tenant just as was done before March 2020. This will enable city marshals to obtain and serve a warrant of eviction on an accelerated timeline.

However, in nonpayment cases commenced before January 15, 2022 where the tenant is unrepresented by an attorney, no judgment or warrant will issue on default; DRP-223 still requires landlords to file motions for to obtain such default judgments.

DRP-223 also rescinds DRP-217 and DRP-221, two pandemic-era directives, that imposed filing, service, and conference requirements in eviction actions.

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