



The City of New York
Department of Investigation

MARGARET GARNETT
COMMISSIONER

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TO: New York City Marshals

FROM: Caroline Tang-Alejandro, Director of Bureau of City Marshals

DATE: September 30, 2019

SUBJECT: Civil Court Direction - Earliest Execution Date

We have received clarification from the Civil Court relating to the protocols the Court is utilizing when determining the Earliest Execution Date in Landlord/Tenant proceedings.

The Housing Stability and Tenant Protection (HSTP) Act of 2019 effected many changes to the landlord/tenant practice in New York City. One of these changes amended RPAPL §749 to require that the Court indicate on every judgment of possession, "the earliest date upon which execution may occur...." As such, on August 22, 2019, by Administrative Order, Civil Court Administrative Judge Anthony Cannataro directed Civil and Housing Court judges in New York City not to take into account the 14-day notice provision of RPAPL §749(2)(a) when determining an earliest date of execution. The Court's direction is based upon the belief that "execution" of a warrant of eviction is not solely the act of returning possession of property, but that "execution" is a process that includes the service of the statutorily required notice.

Although the term "execution" has been used synonymously with "eviction" for many years, you are advised that the Court's position is that the Earliest Execution Date will be understood to be the earliest day upon which marshals may serve a notice of eviction. The Earliest Execution Date is not the date of eviction.

Please ensure that all notices are served in compliance with the Civil Court's directions.

Please confirm receipt by printing your name, signing, dating and returning a copy of this writing back to the Department of Investigation, Bureau of City Marshals.

(Marshal's Name)

(Marshal's Signature)

_____/2019
(Date of Receipt)

NO STAMPS OR SURROGATES