



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

EMERGENCY EXECUTIVE ORDER NO. 177

January 27, 2021

EMERGENCY EXECUTIVE ORDER

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors; and

WHEREAS, Emergency Executive Order No. 98, issued March 12, 2020 and extended most recently by Emergency Executive Order No. 172, issued January 2, 2021, contains a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents, and such declaration remains in effect; and

WHEREAS, this Order is given because of the propensity of the virus to spread person-to-person and also because the actions taken to prevent such spread have led to property loss and damage; and

WHEREAS, measures taken to combat the spread of COVID-19 may prevent individuals, businesses and other entities from meeting legally imposed deadlines for the filing of certain documents or for the completion of other required actions; and

WHEREAS, this Order is given in order to ensure that the Governor's orders are enforced;

NOW, THEREFORE, pursuant to the powers vested in me by the laws of the State of New York and the City of New York, including but not limited to the New York Executive Law, the New York City Charter and the Administrative Code of the City of New York, and the common law authority to protect the public in the event of an emergency:

Section 1. I hereby direct that sections 1, 2, 3, and 4 of Emergency Executive Order No. 176, dated January 22, 2021, are extended for five (5) days.

§ 2. In order to maintain public safety and health while allowing the Office of Administrative Trials and Hearings ("OATH") to continue to hold administrative trials, hearings, and related conferences, and notwithstanding any contrary provision of Chapter 45-A of the New

York City Charter or Title 48 of the Rules of the City of New York (“RCNY”), I hereby direct OATH to facilitate hearings, trials and related procedures held by remote means, and ratify actions already taken in furtherance of such hearings and trials.

§ 3. I hereby suspend the following provisions of Title 48 of the RCNY to the extent such provisions would require the physical in-person presence at OATH for an appearance or attendance at an OATH procedure, in order to provide for the implementation, administration, and operation of remote hearings, trials and related procedures at OATH:

- (a) RCNY Title 48, Chapter 1, Section 1-11, relating to parties’ appearance in person;
- (b) RCNY Title 48, Chapter 1, Section 1-14, relating to ex-parte communications;
- (c) RCNY Title 48, Chapter 1, Section 1-28, relating to notice of conference or trial;
- (d) RCNY Title 48, Chapter 1, Section 1-30, relating to attendance at and conduct of conferences;
- (e) RCNY Title 48, Chapter 1, Section 1-31, relating to settlement conferences;
- (f) RCNY Title 48, Chapter 1, Section 1-45, relating to failure of parties to appear at OATH for trial;
- (g) RCNY Title 48, Chapter 1, Section 1-49, relating to public access to OATH proceedings;
- (h) RCNY Title 48, Chapter 5, Section 5-02, relating to taxi adjudications;
- (i) RCNY Title 48, Chapter 6, Section 6-01, relating to the definition of “appearance” as applicable to OATH’s Hearings Division; and
- (j) RCNY Title 48, Chapter 6, Section 6-09, relating to parties’ appearances at hearings.

§ 4. Notwithstanding any contrary provision of Title 48 of the RCNY, I hereby direct that OATH may accept electronic methods of filing for all filings, pleadings, and documents as part of its administration of a program facilitating remote hearings, trials and related procedures.

§ 5. To the extent necessary to permit the OATH Hearings Division to accommodate parties’ scheduling needs by allowing additional requests to adjourn and reschedule remote hearings upon an appropriate showing of necessity, and allowing additional time to file motions to vacate default judgments, I hereby suspend RCNY Title 48, Chapter 6, Sections 6-05 and 6-21(b), and authorize the Chief Administrative Law Judge or her designee to extend as appropriate the deadlines for such requests and motions.

§ 6. This Order incorporates any and all relevant provisions of Governor Executive Order No. 202 and subsequent orders issued by the Governor of New York State to address the State of Emergency declared in that Order pursuant to his powers under section 29-a of the Executive Law.

§ 7. I hereby direct the Fire Department of the City of New York, the New York City Police Department, the Department of Buildings, the Sheriff, and other agencies as needed to immediately enforce the directives set forth in this Order in accordance with their lawful enforcement authorities, including but not limited to Administrative Code sections 15-227(a), 28-105.10.1, and 28-201.1, and section 107.6 of the New York City Fire Code. Violations of the directives set forth in this Order may be issued as if they were violations under the New York City Health Code, title 24 Rules of the City of New York sections 3.07 and 3.11, and may be

enforced as such by the Department of Health and Mental Hygiene or any other agency named in this section.

§ 8. This Emergency Executive Order shall take effect immediately, and shall remain in effect for five (5) days unless it is terminated or modified at an earlier date.



Bill de Blasio,
MAYOR