

Insights: Alerts

Executive Order 202.70 Extends Moratorium on New York Commercial Evictions and Mortgage Foreclosures to January 2021

October 26, 2020

On October 20, 2020, New York Governor Andrew Cuomo issued Executive Order 202.70, which continued through January 1, 2021 the moratorium on initiating a proceeding or enforcement of (a) an eviction of any commercial tenant for nonpayment of rent or (b) a foreclosure of any commercial mortgage for nonpayment of such mortgage. This represents a continuation of the moratorium directed in Executive Order 202.64, which Governor Cuomo signed on September 18, 2020. Executive Order 202.64 had modified the directive contained in Executive Order 202.28, signed by Governor Cuomo on May 7, 2020, relating to the eviction of commercial tenants or foreclosure of commercial mortgages due to nonpayment. In remarks delivered the same day Executive 202.70 was signed, Governor Cuomo stated the purpose of this new order was to “extend the commercial eviction and foreclosure moratorium through January 1st” so that it will “align with our residential eviction moratorium [resulting from the passage of the Tenant Safe Harbor Act] so they are both extended to the same date.”

We will continue to provide updates as new Executive Orders and legislation are issued regarding the impact of the still ongoing COVID-19 pandemic on commercial tenants and mortgages.