



NEW YORK STATE SENATOR

Brian Kavanagh

Kavanagh, Hoylman, Colleagues Urge Emergency Suspension of Filing & Service of Legal Actions, Including Evictions

BRIAN KAVANAGH March 19, 2020

| ISSUE: **LEGAL SERVICES, COVID-19, COURTS**

| COMMITTEE: **HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT**



On March 19, Senator Kavanagh joined Senator Hoylman and 18 of their Senate colleagues to urge Governor Andrew Cuomo to take emergency action to toll the civil and criminal statutes of limitations for the duration of the COVID-19 crisis, so that New Yorkers do not have to choose between placing themselves at risk of exposure to COVID-19 and pursuing civil and criminal justice. Tolling statutes of limitations is necessary to give full effect to decisions by the Office of Court Administration to suspend legal proceedings, including eviction proceedings, which the Senators called for on March 12, and the courts have now announced. The text of the Senators'

letter is below; the original may be viewed via the link above.

March 19, 2020

The Honorable Andrew M. Cuomo
Governor
New York State Capitol
Albany, NY 12224

Dear Governor Cuomo:

We write to request that you invoke your statutory power to temporarily suspend laws pursuant to Executive Law Sec. 29-a to toll all statutes, local laws, ordinances, orders, and rules or regulations that establish limitations of time for the filing or service of any legal action, notice or other process or proceeding for the duration of the COVID-19 disaster emergency.

As you are aware, the Office of Court Administration has taken drastic, but necessary steps to stop the spread of COVID-19 in court proceedings and facilities, including temporarily halting the commencement of new civil or criminal trials, pausing the empaneling of new grand juries, and postponing all non-essential functions of the courts, including eviction proceedings.

While the general public and the judicial branch of New York's state government are taking life-altering measures to limit exposure to COVID-19, the clock continues ticking on the time during which civil claims may be initiated and criminal charges filed. Prosecutors, litigants, and attorneys should not have to choose between placing themselves at risk of exposure to COVID-19 and pursuing civil and criminal justice.

Tolling the civil and criminal statutes of limitations for the duration of the COVID-19 disaster emergency will give New Yorkers the time they need to prepare their claims, consult with their attorneys, and report crimes at a time when we are encouraging unnecessary travel and in-person gatherings, and the court system has shut down for all but the most essential purposes.

Thank you for your consideration of our request.

Sincerely,

Senator Brad Hoylman, Chair, Senate Judiciary Committee

Senator Jamaal Bailey, Chair, Senate Codes Committee

Senator Luis Sepulveda, Chair, Senate Crime Victims, Crime, & Corrections Committee

Senator Alessandra Biaggi

Senator Leroy Comrie

Senator Andrew Gounardes

Senator Todd Kaminsky

Senator Brian Kavanagh

Senator Tim Kennedy

Senator Liz Krueger

Senator Shelley Mayer

Senator Zellnor Myrie

Senator Kevin Parker

Senator Roxanne Persaud

Senator Jessica Ramos

Senator Gustavo Rivera

Senator Julia Salazar

Senator Toby Stavisky

Senator Kevin Thomas