

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

PROCEDURES FOR PAYMENT AND
CURE OF PRE-PETITION JUDGMENT
OF POSSESSION INVOLVING
RESIDENTIAL PROPERTY

Administrative Order No. 644
Amending Administrative Order No. 541

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WHEREAS, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, as codified in 11 U.S.C. § 362(b)(22) and 362(l), creates certain rights and obligations with respect to the cure of a monetary default giving rise to a pre-petition judgment for possession regarding residential property in which the debtor resides as a tenant under a lease or rental agreement, it is hereby

ORDERED, that a debtor shall be deemed to have complied with 11 U.S.C. § 362(l)(1) by:

1. Making the required certification by selecting the “Yes” box, listed in the voluntary petition under section 11 entitled, “Do you rent your residence?” and completing the *Initial Statement About an Eviction Judgment Against You* (Form 101A) and filing it with the bankruptcy petition, and
2. Delivering to the Clerk of Court (“Clerk”), together with the petition (or within one day of the filing, if the petition is filed electronically), a certified or cashier’s check or money order, made payable to the lessor, in the amount of any rent that would become due during the 30-day period after the filing of the petition (“Rent Check”); and it is further

ORDERED, that if a debtor complies with the preceding paragraph, the Clerk shall, within two days, send notice of the debtor’s compliance (“Notice of Compliance”) to the lessor which notice shall also request that the lessor inform the Clerk whether it consents or declines to receive the Rent Check. If a lessor consents to receive the Rent Check, the notice will further request that the lessor provide the Clerk with an address to which the Rent Check should be sent; and it is further

ORDERED, that if a lessor fails, within 14 days of the date of the Notice of Compliance, to notify the Clerk whether it consents to or declines receipt of the Rent Check the lessor shall be deemed to have consented to receive the Rent Check and the Clerk shall send the Rent Check to the lessor at the address set forth in the debtor’s certification; and it is further

ORDERED, that a lessor's consent to receive the Rent Check shall not preclude the lessor from objecting to a debtor's certification pursuant to 11 U.S.C. §§ 362(1)(1) and/or (2).

Dated: Brooklyn, New York
December 10, 2015

s/Carla E. Craig
Honorable Carla E. Craig,
Chief United States Bankruptcy Judge