

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

Procedure for Individual Debtors to Follow under Section 362(b)(22) and (l)

PLEASE BE ADVISED: The following procedures apply where -- *prior to an individual debtor's filing of a bankruptcy case – the debtor's landlord obtained a judgment for possession of the debtor's rented residence.*

- A. If the debtor seeks to have the automatic stay apply to the rented residence for the *thirty days* following the date of case filing, the debtor must do the following:**
1. **Complete Section 11 on Petition:** When preparing the *Voluntary Petition for Individuals Filing for Bankruptcy* [Official Form 101] prior to filing, complete Section 11 [“*Do you rent your residence?*”] – located on the bottom portion of the petition's third page.
 2. **Complete Official Form 101A [“*Initial Statement About an Eviction Judgment Against You*”]:** You must provide the landlord's name and address on Official Form 101A and you must complete the section titled “*Certification About Applicable Law and Deposit of Rent.*”
NOTE: *Your submission of this certification is under penalty of perjury and is dependent on whether applicable state and/or local law would permit, under certain circumstances, a residential tenant –after the landlord had already obtained a judgment for possession – to pay the entire delinquent amount that gave rise to the judgment for possession.*
 3. **Give Copy of Petition to Landlord:** Provide a copy of the Official Form 101 [“*Voluntary Petition for Individuals Filing for Bankruptcy*”] and Official Form 101A [“*Initial Statement About an Eviction Judgment Against You*”] to the landlord at the time of filing.
 3. **Give Rent Check to Clerk:** Give the bankruptcy clerk a certified check, cashier's check or money order – *made payable to the landlord* – for any rent becoming due within thirty days of filing. Do not use a personal check or provide cash.
- B. If the debtor seeks to have the automatic stay apply beyond the thirty days for the duration of the case (or until such time as the automatic stay terminates), the debtor must take the following *additional* steps [these steps MUST be performed within the initial thirty-day period]:**
1. **Pay Landlord:** Pay the landlord, *within the 30-day period*, the entire amount owed to the landlord under the judgment for possession.
 2. **File within the 30-day period:** Official Form 101B [“*Statement About Payment of an Eviction Judgment Against You*”] indicating that you have paid the landlord the entire amount owed under the judgment.
NOTE: You are submitting this statement (certification) to the court under the penalty of perjury.
 3. **Provide Copy of Statement to Landlord:** Provide a copy of Official Form 101B [“*Statement About Payment of an Eviction Judgment Against You*”] to the landlord.

Hearing on Landlord's Objection: If your landlord objects to either your thirty-day possession or continuous possession under your lease, there will be a hearing. ***You must appear at the hearing if one is scheduled.*** The bankruptcy judge will decide if the automatic stay applies to your lease. After the bankruptcy judge has made a decision, the bankruptcy clerk's office will send a certified copy of the bankruptcy judge's order to you and the landlord.

Please Note: *Carefully follow the above steps. If you do not, the landlord may be able to proceed with obtaining possession of the rented premises without any further bankruptcy court involvement.* If the bankruptcy court has been made aware of the judgment for possession but you have failed to take all of the required steps (listed above), the bankruptcy clerk's office will send to you and the landlord a certified copy of the docket indicating that you did not follow the required steps as mandated by the Bankruptcy Code.*

* For more information, please see Local Rule 4001-1.1 and section 362(b)(22) and (l) of the Bankruptcy Code [11 U.S.C. § 362(b)(22) and (l)].