

**OFFICE OF THE CITY CLERK
CITY CLERK'S DIRECTIVE NO. 2021-1
CONCERNING THE EXERCISE OF THE POWERS OF COMMISSIONERS OF
DEEDS DURING THE COVID-19 CRISIS
February 17, 2021**

WHEREAS, on March 7, 2020, Mayor de Blasio issued Emergency Executive Order No. 98 declaring a State of Emergency in the City of New York resulting from the outbreak of novel coronavirus disease 2019 (“COVID-19”); and

WHEREAS, Emergency Executive Order No. 98 directs “all agency heads to take all appropriate and necessary steps to preserve public safety and the health of their employees, and to render all required and available assistance to protect the security, well-being and health of the residents of the City”; and

WHEREAS, Sections 140 and 142 of the Executive Law together authorize Commissioners of Deeds in the City of New York to administer oaths and take acknowledgments or proofs within the City of New York; and

WHEREAS, Section 2-06(b) of Title 51 of the Rules of the City of New York requires that for an oath or affirmation administered by a Commissioner of Deeds to be valid, the person swearing or affirming must be physically present before the Commissioner of Deeds; and

WHEREAS, Governor Cuomo’s Executive Order 202.7 (“E.O. 202.7”), as extended, establishes a process pursuant to which Notaries Public are authorized, during the State of Emergency, to use audio-video technology and specifies procedures to be followed for notarizing documents using such technology;

NOW, THEREFORE, the following actions are authorized by this Directive:

Section 1. Notwithstanding any provision of Section 2-06 of Title 51 of the Rules of the City of New York to the contrary, and consistent with the provisions of E.O. 202.7, as extended, Commissioners of Deeds appointed in the City of New York are authorized to administer oaths and affirmations, and to take acknowledgements and proofs, utilizing audio-video technology for the duration of the State of Emergency declared in the City of New York, provided that the following conditions are met:

- a. The person seeking the Commissioner of Deeds’ services, if not personally known to the Commissioner of Deeds, must present valid photo ID to the Commissioner of Deeds during the video conference, and not merely transmit it prior to or after;

- b. The video conference must allow for direct interaction between the person and the Commissioner of Deeds (e.g., no pre-recorded videos of the person signing);
- c. The person must affirmatively represent that he or she is physically situated within the City of New York;
- d. The person must transmit by fax or electronic means a legible copy of the signed document to be sworn to, acknowledged, or proved directly to the Commissioner of Deeds on the same date it was signed; and
- e. The Commissioner of Deeds may affix his or her signature, name, office title, official number, and the date when his or her term expires to the transmitted copy of the document and transmit the same back to the person. The signed document shall be considered sworn to, acknowledged, or proved before the Commissioner of Deeds when the Commissioner of Deeds affixes such information to the electronically transmitted copy and transmits it back to the person.

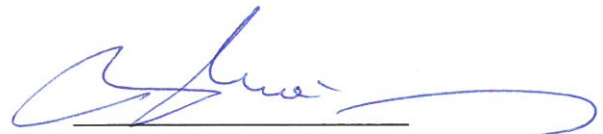
§ 2. The Commissioner of Deeds may repeat the process of affixing such information to the original signed document as of the date of execution, provided such Commissioner of Deeds receives such original signed document within thirty days after the date of execution. The affixing of such information to the original signed document shall not be deemed necessary for the document to be considered sworn to, acknowledged, or proved before the Commissioner of Deeds.

§ 3. Commissioners of Deeds using audio-video technology must continue to meet all applicable requirements in connection with administering oaths and affirmations, and in taking acknowledgements and proofs, unless expressly modified by this Directive.

§ 4. Commissioners of Deeds are encouraged, though not required, to indicate within a document that it was sworn to, acknowledged, or proved before such Commissioner of Deeds in accordance with the procedures set forth in this Directive, and to keep a log of all services such Commissioner of Deeds has performed remotely pursuant to this Directive.

§ 5. This City Clerk's Directive No. 2021-1 shall take effect immediately.

Dated: February 17, 2021



Michael McSweeney
City Clerk