

STATE OF NEW YORK

3468--A

2019-2020 Regular Sessions

IN SENATE

February 7, 2019

Introduced by Sens. HOYLMAN, KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform city court act, the uniform district court act, the uniform justice court act and the New York city civil court act, in relation to obtaining jurisdiction over certain defendants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1801 of the uniform city court act, as amended by
2 chapter 65 of the laws of 2010, is amended to read as follows:
3 § 1801. Small claims defined.

4 The term "small claim" or "small claims" as used in this act shall
5 mean and include any cause of action for money only not in excess of
6 five thousand dollars exclusive of interest and costs, or any action
7 commenced by a party aggrieved by an arbitration award rendered pursuant
8 to part 137 of the rules of the chief administrator of the courts (22
9 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000,
10 provided that the defendant either resides, or has an office for the
11 transaction of business or a regular employment^[7] within the county, or
12 where the claimant is or was a tenant or lessee of real property owned
13 by the defendant and the claim relates to such tenancy or lease, and
14 such real property is situated within the county.

15 § 2. Subdivision (a) of section 1803 of the uniform city court act, as
16 amended by chapter 309 of the laws of 1996, the opening paragraph as
17 amended by section 1 of part B of chapter 686 of the laws of 2003, is
18 amended to read as follows:

19 (a) Small claims shall be commenced upon the payment by the claimant
20 of a filing fee of fifteen dollars for claims in the amount of one thou-
21 sand dollars or less and twenty dollars for claims in the amount of more
22 than one thousand dollars, without the service of a summons and, except
23 by special order of the court, without the service of any pleading other
24 than a statement of his cause of action by the claimant or someone in
25 his behalf to the clerk, who shall reduce the same to a concise, written

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 form and record it in a docket kept especially for such purpose. Such
2 procedure shall provide for the sending of notice of such claim by ordi-
3 nary first class mail and certified mail with return receipt requested
4 to the party complained against (1) at his residence, if he resides
5 within the county, and his residence is known to the claimant, [~~or~~] (2)
6 at his office or place of regular employment within the county if he
7 does not reside therein or his residence within the county is not known
8 to the claimant, or (3) where the claimant is or was a tenant or lessee
9 of real property owned by the defendant and the claim relates to such
10 tenancy or lease and the notice of claim cannot be sent under paragraph
11 one or two of this subdivision, at any place where claimant may mail or
12 otherwise deliver rent and at such real property. If, after the expira-
13 tion of twenty-one days, such ordinary first class mailing has not been
14 returned as undeliverable, the party complained against shall be
15 presumed to have received notice of such claim. Such notice shall
16 include a clear description of the procedure for filing a counterclaim,
17 pursuant to subdivision (c) of this section.

18 Such procedure shall further provide for an early hearing upon and
19 determination of such claim. No filing fee, however, shall be demanded
20 or received on small claims of employees who shall comply with § 1912 of
21 this act which is hereby made applicable, except that necessary mailing
22 costs shall be paid.

23 § 3. Section 1801 of the uniform district court act, as amended by
24 chapter 65 of the laws of 2010, is amended to read as follows:

25 § 1801. Small claims defined.

26 The term "small claim" or "small claims" as used in this act shall
27 mean and include any cause of action for money only not in excess of
28 five thousand dollars exclusive of interest and costs, or any action
29 commenced by a party aggrieved by an arbitration award rendered pursuant
30 to part one hundred thirty-seven of the rules of the chief administrator
31 of the courts (22 NYCRR Part 137) in which the amount in dispute does
32 not exceed five thousand dollars, provided that the defendant either
33 resides, or has an office for the transaction of business or a regular
34 employment[~~r~~] within a district of the court in the county, or where the
35 claimant is or was a tenant or lessee of real property owned by the
36 defendant and the claim relates to such tenancy or lease, and such real
37 property is situated within a district of the court in the county.

38 § 4. Subdivision (a) of section 1803 of the uniform district court
39 act, as amended by section 31 of part J of chapter 62 of the laws of
40 2003, is amended to read as follows:

41 (a) Small claims shall be commenced upon the payment by the claimant
42 of a filing fee of fifteen dollars for claims in the amount of one thou-
43 sand dollars or less and twenty dollars for claims in the amount of more
44 than one thousand dollars, without the service of a summons and, except
45 by special order of the court, without the service of any pleading other
46 than a statement of his cause of action by the claimant or someone in
47 his behalf to the clerk, who shall reduce the same to a concise, written
48 form and record it in a docket kept especially for such purpose. Such
49 procedure shall provide for the sending of notice of such claim by ordi-
50 nary first class mail and certified mail with return receipt requested
51 to the party complained against (1) at his residence, if he resides
52 within a district of the court in the county, and his residence is known
53 to the claimant, [~~or~~] (2) at his office or place of regular employment
54 within such a district if he does not reside therein or his residence
55 within such a district is not known to the claimant, or (3) where claim-
56 ant is or was a tenant or lessee of real property owned by the defendant

1 and the claim relates to such tenancy or lease and the notice of claim
2 cannot be sent under paragraph one or two of this subdivision, at any
3 place where claimant may mail or otherwise deliver rent and at such real
4 property. If, after the expiration of twenty-one days, such ordinary

5 first class mailing has not been returned as undeliverable, the party
6 complained against shall be presumed to have received notice of such
7 claim. Such notice shall include a clear description of the procedure
8 for filing a counterclaim, pursuant to subdivision (c) of this section.

9 Such procedure shall further provide for an early hearing upon and
10 determination of such claim. No filing fee, however, shall be demanded
11 or received on small claims of employees who shall comply with § 1912
12 (a) of this act which is hereby made applicable, except that necessary
13 mailing costs shall be paid.

14 § 5. Section 1801 of the uniform justice court act, as amended by
15 chapter 76 of the laws of 1994, is amended to read as follows:

16 § 1801. Small claims defined.

17 The term "small claim" or "small claims" as used in this act shall
18 mean and include any cause of action for money only not in excess of
19 three thousand dollars exclusive of interest and costs, provided that
20 the defendant either resides, or has an office for the transaction of
21 business or a regular employment[7] within the municipality where the
22 court is located, or where claimant is or was a tenant or lessee of real
23 property owned by the defendant and the claim relates to such tenancy or
24 lease, and such real property is situated within the municipality where
25 the court is located. However, where a judge of the county court, pursu-
26 ant to subdivision (g) of section three hundred twenty-five of the civil
27 practice law and rules, transfers a small claim from the town or village
28 court having jurisdiction over the matter to another town or village
29 court within the same county, the court to which it is transferred shall
30 have jurisdiction to determine the claim.

31 § 6. Subdivision (a) of section 1803 of the uniform justice court act,
32 as amended by chapter 309 of the laws of 1996, is amended to read as
33 follows:

34 (a) Small claims shall be commenced upon the payment by the claimant
35 of a filing fee of ten dollars for claims in the amount of one thousand
36 dollars or less and fifteen dollars for claims in the amount of more
37 than one thousand dollars, without the service of a summons and, except
38 by special order of the court, without the service of any pleading other
39 than a statement of his cause of action by the claimant or someone in
40 his behalf to the clerk, who shall reduce the same to a concise, written
41 form and record it in a filing system maintained especially for such
42 purpose. Such procedure shall provide for the sending of notice of such
43 claim by ordinary first class mail and certified mail with return
44 receipt requested to the party complained against (1) at his residence,
45 if he resides within the county and his residence is known to the claim-
46 ant, [~~or~~] (2) at his office or place of regular employment within the
47 municipality if he does not reside within the county or his residence
48 within the county is not known to the claimant, or (3) where claimant is
49 or was a tenant or lessee of real property owned by the defendant and
50 the claim relates to such tenancy or lease and the notice of claim
51 cannot be sent under paragraph one or two of this subdivision, at any
52 place where claimant may mail or otherwise deliver rent and at such real
53 property. If, after the expiration of twenty-one days, such ordinary
54 first class mailing has not been returned as undeliverable, the party
55 complained against shall be presumed to have received notice of such

1 claim. Such notice shall include a clear description of the procedure
2 for filing a counterclaim, pursuant to subdivision (c) of this section.

3 Such procedure shall further provide for an early hearing upon and
4 determination of such claim. No filing fee, however, shall be demanded
5 or received on small claims of employees who shall comply with section
6 nineteen hundred twelve of this act which is hereby made applicable,
7 except that necessary mailing costs shall be paid.

8 § 7. Section 1801 of the New York city civil court act, as amended by
9 chapter 65 of the laws of 2010, is amended to read as follows:

10 § 1801. Small claims defined. The term "small claim" or "small claims"
11 as used in this act shall mean and include any cause of action for money
12 only not in excess of five thousand dollars exclusive of interest and
13 costs, or any action commenced by a party aggrieved by an arbitration
14 award rendered pursuant to part 137 of the rules of the chief adminis-
15 trator of the courts (22 NYCRR Part 137) in which the amount in dispute
16 does not exceed five thousand dollars, provided that the defendant
17 either resides, or has an office for the transaction of business or a
18 regular employment~~[7]~~ within the city of New York, or where claimant is
19 a tenant or lessee of real property owned by the defendant and the claim
20 relates to such tenancy or lease, and such real property is situated
21 within the city of New York.

22 § 8. Subdivision (a) of section 1803 of the New York city civil court
23 act, as amended by section 34 of part J of chapter 62 of the laws of
24 2003, is amended to read as follows:

25 (a) Small claims shall be commenced upon the payment by the claimant
26 of a filing fee of fifteen dollars for claims in the amount of one thou-
27 sand dollars or less and twenty dollars for claims in the amount of more
28 than one thousand dollars, without the service of a summons and, except
29 by special order of the court, without the service of any pleading other
30 than a statement of his cause of action by the claimant or someone in
31 his behalf to the clerk, who shall reduce the same to a concise, written
32 form and record it in a docket kept especially for such purpose. Such
33 procedure shall provide for the sending of notice of such claim by ordi-
34 nary first class mail and certified mail with return receipt requested
35 to the party complained against (1) at his residence, if he resides
36 within the city of New York, and his residence is known to the claimant,
37 ~~[ex]~~ (2) at his office or place of regular employment within the city of
38 New York if he does not reside therein or his residence within the city
39 of New York is not known to the claimant, or (3) where claimant is or
40 was a tenant or lessee of real property owned by the defendant and the
41 claim relates to such tenancy or lease and the notice of claim cannot be
42 sent under paragraph one or two of this subdivision, at any place where
43 plaintiff may mail or otherwise deliver rent and at such real property.
44 If, after the expiration of twenty-one days, such ordinary first class
45 mailing has not been returned as undeliverable, the party complained
46 against shall be presumed to have received notice of such claim. Such
47 notice shall include a clear description of the procedure for filing a
48 counterclaim, pursuant to subdivision (c) of this section.

49 Such procedure shall further provide for an early hearing upon and
50 determination of such claim. No filing fee, however, shall be demanded
51 or received on small claims of employees who shall comply with § 1912
52 (a) of this act which is hereby made applicable, except that necessary
53 mailing costs shall be paid.

54 § 9. This act shall take effect on the first of September next
55 succeeding the date on which it shall have become a law.