

6011

2009-2010 Regular Sessions

I N A S S E M B L Y

February 24, 2009

Introduced by M. of A. GOTTFRIED, JACOBS, DINOWITZ, WRIGHT, COLTON --
Multi-Sponsored by -- M. of A. BRENNAN, CLARK, GLICK, GREENE, HOOPER,
V. LOPEZ, MAYERSOHN, McENENY, PHEFFER, RUSSELL, SCARBOROUGH -- read
once and referred to the Committee on Judiciary

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1801 of the uniform city court act, as amended by
2 chapter 601 of the laws of 2003, is amended to read as follows:
3 S 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, provided that the
7 defendant either resides, or has an office for the transaction of busi-
8 ness or a regular employment[,] WITHIN THE COUNTY, OR WHERE THE CLAIMANT
9 IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE
10 CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITU-
11 ATED within the county.
12 S 2. Subdivision (a) of section 1803 of the uniform city court act, as
13 amended by chapter 309 of the laws of 1996, the opening paragraph as
14 amended by section 1 of part B of chapter 686 of the laws of 2003, is
15 amended to read as follows:
16 (a) Small claims shall be commenced upon the payment by the claimant
17 of a filing fee of fifteen dollars for claims in the amount of one thou-
18 sand dollars or less and twenty dollars for claims in the amount of more
19 than one thousand dollars, without the service of a summons and, except
20 by special order of the court, without the service of any pleading other
21 than a statement of his cause of action by the claimant or someone in
22 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) at
6 his office or place of regular employment within the county if he does
7 not reside therein or his residence within the county is not known to
8 the claimant, OR (3) WHERE THE CLAIMANT IS A TENANT OR LESSEE OF REAL
9 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR
10 LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO
11 OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOINING COUNTY
12 WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH REAL PROP-
13 erty. If, after the expiration of twenty-one days, such ordinary first
14 class mailing has not been returned as undeliverable, the party
15 complained against shall be presumed to have received notice of such
16 claim. Such notice shall include a clear description of the procedure
17 for filing a counterclaim, 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 S 1912 of
21 this act which is hereby made applicable, except that necessary mailing
22 costs shall be paid.

23 S 3. Section 1801 of the uniform district court act, as amended by
24 chapter 601 of the laws of 2003, is amended to read as follows:
25 S 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, provided that the
29 defendant either resides, or has an office for the transaction of busi-
30 ness or a regular employment[,] WITHIN A DISTRICT OF THE COURT IN THE
31 COUNTY, OR WHERE THE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY
32 OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE,
33 AND SUCH REAL PROPERTY IS SITUATED within a district of the court in the
34 county.

35 S 4. Subdivision (a) of section 1803 of the uniform district court
36 act, as amended by section 31 of part J of chapter 62 of the laws of
37 2003, is amended to read as follows:

38 (a) Small claims shall be commenced upon the payment by the claimant
39 of a filing fee of fifteen dollars for claims in the amount of one thou-
40 sand dollars or less and twenty dollars for claims in the amount of more
41 than one thousand dollars, without the service of a summons and, except
42 by special order of the court, without the service of any pleading other
43 than a statement of his cause of action by the claimant or someone in
44 his behalf to the clerk, who shall reduce the same to a concise, written
45 form and record it in a docket kept especially for such purpose. Such
46 procedure shall provide for the sending of notice of such claim by ordi-
47 nary first class mail and certified mail with return receipt requested
48 to the party complained against (1) at his residence, if he resides
49 within a district of the court in the county, and his residence is known
50 to the claimant, or (2) at his office or place of regular employment
51 within such a district if he does not reside therein or his residence
52 within such a district is not known to the claimant, OR (3) WHERE CLAIM-
53 ANT IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND
54 THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM
55 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY
56 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND

AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

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

S 5. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, is amended to read as follows:
S 1801. Small claims defined.

The term "small claim" or "small claims" as used in this act shall mean and include any cause of action for money only not in excess of three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE COURT IS LOCATED, OR WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED within the municipality where the court is located. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from the town or village court having jurisdiction over the matter to another town or village court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

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

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of ten dollars for claims in the amount of one thousand dollars or less and fifteen dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a filing system maintained especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the county and his residence is known to the claimant, or (2) at his office or place of regular employment within the municipality if he does not reside within the county or his residence within the county is not known to the claimant, OR (3) WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOINING COUNTY WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

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

6 S 7. Section 1801 of the New York city civil court act, as amended by
7 chapter 601 of the laws of 2003, is amended to read as follows:

8 S 1801. Small claims defined. The term "small claim" or "small claims"
9 as used in this act shall mean and include any cause of action for money
10 only not in excess of five thousand dollars exclusive of interest and
11 costs, provided that the defendant either resides, or has an office for
12 the transaction of business or a regular employment[,] WITHIN THE CITY
13 OF NEW YORK, OR WHERE CLAIMANT IS A TENANT OR LESSEE OF REAL PROPERTY
14 OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE,
15 AND SUCH REAL PROPERTY IS SITUATED within the city of New York.

16 S 8. Subdivision (a) of section 1803 of the New York city civil court
17 act, as amended by section 34 of part J of chapter 62 of the laws of
18 2003, is 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
26 form and record it in a docket kept especially for such purpose. Such
27 procedure shall provide for the sending of notice of such claim by ordi-
28 nary first class mail and certified mail with return receipt requested
29 to the party complained against (1) at his residence, if he resides
30 within the city of New York, and his residence is known to the claimant,
31 or (2) at his office or place of regular employment within the city of
32 New York if he does not reside therein or his residence within the city
33 of New York is not known to the claimant, OR (3) WHERE CLAIMANT IS A
34 TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM
35 RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT
36 UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE
37 STATE WHERE PLAINTIFF MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH
38 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-
39 nary first class mailing has not been returned as undeliverable, the
40 party complained against shall be presumed to have received notice of
41 such claim. Such notice shall include a clear description of the proce-
42 dure for filing a counterclaim, pursuant to subdivision (c) of this
43 section.

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

49 S 9. This act shall take effect on the first of September next
50 succeeding the date on which it shall have become a law.