

6011--A

Cal. No. 418

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, HOOPER,  
V. LOPEZ, MAYERSOHN, McENENY, PHEFFER, RUSSELL, SCARBOROUGH -- read  
once and referred to the Committee on Judiciary -- passed by Assembly  
and delivered to the Senate, recalled from the Senate, vote reconsid-  
ered, bill amended, ordered reprinted, retaining its place on the  
special order of third reading

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 OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND  
10 THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS  
11 SITUATED within the county.  
12 S 2. Section 1801 of the uniform city court act, as amended by chapter  
13 65 of the laws of 2010, is amended to read as follows:  
14 S 1801. Small claims defined.  
15 The term "small claim" or "small claims" as used in this act shall  
16 mean and include any cause of action for money only not in excess of  
17 five thousand dollars exclusive of interest and costs, or any action  
18 commenced by a party aggrieved by an arbitration award rendered pursuant  
19 to part 137 of the rules of the chief administrator of the courts (22

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

LBD00790-02-0

1 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000,  
2 provided that the defendant either resides, or has an office for the  
3 transaction of business or a regular employment[,] WITHIN THE COUNTY, OR  
4 WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED  
5 BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND  
6 SUCH REAL PROPERTY IS SITUATED within the county.

7 S 3. Subdivision (a) of section 1803 of the uniform city court act, as  
8 amended by chapter 309 of the laws of 1996, the opening paragraph as  
9 amended by section 1 of part B of chapter 686 of the laws of 2003, is  
10 amended to read as follows:

11 (a) Small claims shall be commenced upon the payment by the claimant  
12 of a filing fee of fifteen dollars for claims in the amount of one thou-  
13 sand dollars or less and twenty dollars for claims in the amount of more  
14 than one thousand dollars, without the service of a summons and, except  
15 by special order of the court, without the service of any pleading other  
16 than a statement of his cause of action by the claimant or someone in  
17 his behalf to the clerk, who shall reduce the same to a concise, written  
18 form and record it in a docket kept especially for such purpose. Such  
19 procedure shall provide for the sending of notice of such claim by ordi-  
20 nary first class mail and certified mail with return receipt requested  
21 to the party complained against (1) at his residence, if he resides  
22 within the county, and his residence is known to the claimant, or (2) at  
23 his office or place of regular employment within the county if he does  
24 not reside therein or his residence within the county is not known to  
25 the claimant, OR (3) WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF  
26 REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH  
27 TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE SENT UNDER PARAGRAPH  
28 ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE COUNTY OR AN ADJOIN-  
29 ING COUNTY WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH  
30 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-  
31 nary first class mailing has not been returned as undeliverable, the  
32 party complained against shall be presumed to have received notice of  
33 such claim. Such notice shall include a clear description of the proce-  
34 dure for filing a counterclaim, pursuant to subdivision (c) of this  
35 section.

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

41 S 4. Section 1801 of the uniform district court act, as amended by  
42 chapter 601 of the laws of 2003, is amended to read as follows:

43 S 1801. Small claims defined.

44 The term "small claim" or "small claims" as used in this act shall  
45 mean and include any cause of action for money only not in excess of  
46 five thousand dollars exclusive of interest and costs, provided that the  
47 defendant either resides, or has an office for the transaction of busi-  
48 ness or a regular employment[,] WITHIN A DISTRICT OF THE COURT IN THE  
49 COUNTY, OR WHERE THE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROP-  
50 erty OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR  
51 LEASE, AND SUCH REAL PROPERTY IS SITUATED within a district of the court  
52 in the county.

53 S 5. Section 1801 of the uniform district court act, as amended by  
54 chapter 65 of the laws of 2010, is amended to read as follows:

55 S 1801. Small claims defined.

1 The term "small claim" or "small claims" as used in this act shall  
2 mean and include any cause of action for money only not in excess of  
3 five thousand dollars exclusive of interest and costs, or any action  
4 commenced by a party aggrieved by an arbitration award rendered pursuant  
5 to part one hundred thirty-seven of the rules of the chief administrator  
6 of the courts (22 NYCRR Part 137) in which the amount in dispute does  
7 not exceed five thousand dollars, provided that the defendant either  
8 resides, or has an office for the transaction of business or a regular  
9 employment[,] WITHIN A DISTRICT OF THE COURT IN THE COUNTY, OR WHERE THE  
10 CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE  
11 DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL  
12 PROPERTY IS SITUATED within a district of the court in the county.

13 S 6. Subdivision (a) of section 1803 of the uniform district court  
14 act, as amended by section 31 of part J of chapter 62 of the laws of  
15 2003, is 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  
23 form and record it in a docket kept especially for such purpose. Such  
24 procedure shall provide for the sending of notice of such claim by ordi-  
25 nary first class mail and certified mail with return receipt requested  
26 to the party complained against (1) at his residence, if he resides  
27 within a district of the court in the county, and his residence is known  
28 to the claimant, or (2) at his office or place of regular employment  
29 within such a district if he does not reside therein or his residence  
30 within such a district is not known to the claimant, OR (3) WHERE CLAIM-  
31 ANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT  
32 AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM  
33 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY  
34 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND  
35 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,  
36 such ordinary first class mailing has not been returned as undelivera-  
37 ble, the party complained against shall be presumed to have received  
38 notice of such claim. Such notice shall include a clear description of  
39 the procedure for filing a counterclaim, pursuant to subdivision (c) of  
40 this section.

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

46 S 7. Section 1801 of the uniform justice court act, as amended by  
47 chapter 76 of the laws of 1994, is amended to read as follows:  
48 S 1801. Small claims defined.

49 The term "small claim" or "small claims" as used in this act shall  
50 mean and include any cause of action for money only not in excess of  
51 three thousand dollars exclusive of interest and costs, provided that  
52 the defendant either resides, or has an office for the transaction of  
53 business or a regular employment[,] WITHIN THE MUNICIPALITY WHERE THE  
54 COURT IS LOCATED, OR WHERE CLAIMANT IS OR WAS A TENANT OR LESSEE OF REAL  
55 PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM RELATES TO SUCH TENANCY OR  
56 LEASE, AND SUCH REAL PROPERTY IS SITUATED within the municipality where

1 the court is located. However, where a judge of the county court, pursu-  
2 ant to subdivision (g) of section three hundred twenty-five of the civil  
3 practice law and rules, transfers a small claim from the town or village  
4 court having jurisdiction over the matter to another town or village  
5 court within the same county, the court to which it is transferred shall  
6 have jurisdiction to determine the claim.

7 S 8. Subdivision (a) of section 1803 of the uniform justice court act,  
8 as amended by chapter 309 of the laws of 1996, is amended to read as  
9 follows:

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

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

40 S 9. Section 1801 of the New York city civil court act, as amended by  
41 chapter 601 of the laws of 2003, is amended to read as follows:

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

50 S 10. Section 1801 of the New York city civil court act, as amended by  
51 chapter 65 of the laws of 2010, is amended to read as follows:

52 S 1801. Small claims defined. The term "small claim" or "small claims"  
53 as used in this act shall mean and include any cause of action for money  
54 only not in excess of five thousand dollars exclusive of interest and  
55 costs, or any action commenced by a party aggrieved by an arbitration  
56 award rendered pursuant to part 137 of the rules of the chief adminis-

1 trator of the courts (22 NYCRR Part 137) in which the amount in dispute  
2 does not exceed five thousand dollars, provided that the defendant  
3 either resides, or has an office for the transaction of business or a  
4 regular employment[,] WITHIN THE CITY OF NEW YORK, OR WHERE CLAIMANT IS  
5 A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM  
6 RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED  
7 within the city of New York.

8 S 11. Subdivision (a) of section 1803 of the New York city civil court  
9 act, as amended by section 34 of part J of chapter 62 of the laws of  
10 2003, is amended to read as follows:

11 (a) Small claims shall be commenced upon the payment by the claimant  
12 of a filing fee of fifteen dollars for claims in the amount of one thou-  
13 sand dollars or less and twenty dollars for claims in the amount of more  
14 than one thousand dollars, without the service of a summons and, except  
15 by special order of the court, without the service of any pleading other  
16 than a statement of his cause of action by the claimant or someone in  
17 his behalf to the clerk, who shall reduce the same to a concise, written  
18 form and record it in a docket kept especially for such purpose. Such  
19 procedure shall provide for the sending of notice of such claim by ordi-  
20 nary first class mail and certified mail with return receipt requested  
21 to the party complained against (1) at his residence, if he resides  
22 within the city of New York, and his residence is known to the claimant,  
23 or (2) at his office or place of regular employment within the city of  
24 New York if he does not reside therein or his residence within the city  
25 of New York is not known to the claimant, OR (3) WHERE CLAIMANT IS OR  
26 WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE  
27 CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM CANNOT BE  
28 SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY PLACE IN THE  
29 STATE WHERE PLAINTIFF MAY MAIL OR OTHERWISE DELIVER RENT AND AT SUCH  
30 REAL PROPERTY. If, after the expiration of twenty-one days, such ordi-  
31 nary first class mailing has not been returned as undeliverable, the  
32 party complained against shall be presumed to have received notice of  
33 such claim. Such notice shall include a clear description of the proce-  
34 dure for filing a counterclaim, pursuant to subdivision (c) of this  
35 section.

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

41 S 12. This act shall take effect on the first of September next  
42 succeeding the date on which it shall have become a law; provided that  
43 sections two, five and ten of this act shall take effect on the same  
44 date and in the same manner as chapter 65 of the laws of 2010 takes  
45 effect.