

5351

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 25, 2013

---

Introduced by M. of A. GOTTFRIED, JACOBS, DINOWITZ, WRIGHT, COLTON, CAHILL -- Multi-Sponsored by -- M. of A. BRENNAN, CLARK, GLICK, HOOPER, V. LOPEZ, 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 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     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, 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[, ] 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     S 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

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

LBD01254-01-3

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

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

27 S 3. Section 1801 of the uniform district court act, as amended by  
28 chapter 65 of the laws of 2010, is amended to read as follows:  
29 S 1801. Small claims defined.

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

42 S 4. Subdivision (a) of section 1803 of the uniform district court  
43 act, as amended by section 31 of part J of chapter 62 of the laws of  
44 2003, is amended to read as follows:

45 (a) Small claims shall be commenced upon the payment by the claimant  
46 of a filing fee of fifteen dollars for claims in the amount of one thou-  
47 sand dollars or less and twenty dollars for claims in the amount of more  
48 than one thousand dollars, without the service of a summons and, except  
49 by special order of the court, without the service of any pleading other  
50 than a statement of his cause of action by the claimant or someone in  
51 his behalf to the clerk, who shall reduce the same to a concise, written  
52 form and record it in a docket kept especially for such purpose. Such  
53 procedure shall provide for the sending of notice of such claim by ordi-  
54 nary first class mail and certified mail with return receipt requested  
55 to the party complained against (1) at his residence, if he resides  
56 within a district of the court in the county, and his residence is known

1 to the claimant, or (2) at his office or place of regular employment  
2 within such a district if he does not reside therein or his residence  
3 within such a district is not known to the claimant, OR (3) WHERE CLAIM-  
4 ANT IS OR WAS A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT  
5 AND THE CLAIM RELATES TO SUCH TENANCY OR LEASE AND THE NOTICE OF CLAIM  
6 CANNOT BE SENT UNDER PARAGRAPH ONE OR TWO OF THIS SUBDIVISION, AT ANY  
7 PLACE IN THE STATE WHERE CLAIMANT MAY MAIL OR OTHERWISE DELIVER RENT AND  
8 AT SUCH REAL PROPERTY. If, after the expiration of twenty-one days,  
9 such ordinary first class mailing has not been returned as undelivera-  
10 ble, the party complained against shall be presumed to have received  
11 notice of such claim. Such notice shall include a clear description of  
12 the procedure for filing a counterclaim, pursuant to subdivision (c) of  
13 this section.

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

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

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

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

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

1 PLACE IN THE COUNTY OR AN ADJOINING COUNTY WHERE CLAIMANT MAY MAIL OR  
2 OTHERWISE DELIVER RENT AND AT SUCH REAL PROPERTY. If, after the expira-  
3 tion of twenty-one days, such ordinary first class mailing has not been  
4 returned as undeliverable, the party complained against shall be  
5 presumed to have received notice of such claim. Such notice shall  
6 include a clear description of the procedure for filing a counterclaim,  
7 pursuant to subdivision (c) of this section.

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

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

15 S 1801. Small claims defined. The term "small claim" or "small claims"  
16 as used in this act shall mean and include any cause of action for money  
17 only not in excess of five thousand dollars exclusive of interest and  
18 costs, or any action commenced by a party aggrieved by an arbitration  
19 award rendered pursuant to part 137 of the rules of the chief adminis-  
20 trator of the courts (22 NYCRR Part 137) in which the amount in dispute  
21 does not exceed five thousand dollars, provided that the defendant  
22 either resides, or has an office for the transaction of business or a  
23 regular employment[,] WITHIN THE CITY OF NEW YORK, OR WHERE CLAIMANT IS  
24 A TENANT OR LESSEE OF REAL PROPERTY OWNED BY THE DEFENDANT AND THE CLAIM  
25 RELATES TO SUCH TENANCY OR LEASE, AND SUCH REAL PROPERTY IS SITUATED  
26 within the city of New York.

27 S 8. Subdivision (a) of section 1803 of the New York city civil court  
28 act, as amended by section 34 of part J of chapter 62 of the laws of  
29 2003, is amended to read as follows:

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

55 Such procedure shall further provide for an early hearing upon and  
56 determination of such claim. No filing fee, however, shall be demanded

1 or received on small claims of employees who shall comply with S 1912  
2 (a) of this act which is hereby made applicable, except that necessary  
3 mailing costs shall be paid.  
4 S 9. This act shall take effect on the first of September next  
5 succeeding the date on which it shall have become a law.