

STATE OF NEW YORK

2868

2017-2018 Regular Sessions

IN ASSEMBLY

January 23, 2017

Introduced by M. of A. GOTTFRIED, DINOWITZ, COLTON, CAHILL, WEPRIN, SEPULVEDA -- Multi-Sponsored by -- M. of A. BARNWELL, CARROLL, GLICK, HOOPER, JENNE, LALOR, PERRY -- 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:

Section 1. Section 1801 of the uniform city court act, as amended by chapter 65 of the laws of 2010, is amended to read as follows:

§ 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 five thousand dollars exclusive of interest and costs, or any action commenced by a party aggrieved by an arbitration award rendered pursuant to part 137 of the rules of the chief administrator of the courts (22 NYCRR Part 137) in which the amount in dispute does not exceed \$5,000, provided that the defendant either resides, or has an office for the transaction of business or a regular employment^[7] within the county, or where the claimant is or was 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 county.

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

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of fifteen dollars for claims in the amount of one thousand dollars or less and twenty dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except

EXPLANATION--Matter in italics (underscored) is new; matter in brackets ^[7] is old law to be omitted.

LBD02689-01-7

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 § 1912 of
25 this act which is hereby made applicable, except that necessary mailing
26 costs shall be paid.

27 § 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 § 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 § 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 § 1912
17 (a) of this act which is hereby made applicable, except that necessary
18 mailing costs shall be paid.

19 § 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 § 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[7] 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 § 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 § 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 § 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[~~7~~] 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 § 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 § 1912
2 (a) of this act which is hereby made applicable, except that necessary
3 mailing costs shall be paid.
4 § 9. This act shall take effect on the first of September next
5 succeeding the date on which it shall have become a law.