

STATE OF NEW YORK

1526--B

Cal. No. 77

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

Introduced by M. of A. GOTTFRIED, DINOWITZ, COLTON, CAHILL, WEPRIN, D'URSO -- Multi-Sponsored by -- M. of A. BARNWELL, CARROLL, GLICK, LALOR, PERRY -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place on the 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 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~~[-]~~ 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:

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

LBD03428-06-0

1 (a) Small claims shall be commenced upon the payment by the claimant
2 of a filing fee of fifteen dollars for claims in the amount of one thou-
3 sand dollars or less and twenty dollars for claims in the amount of more
4 than one thousand dollars, without the service of a summons and, except
5 by special order of the court, without the service of any pleading other
6 than a statement of his cause of action by the claimant or someone in
7 his behalf to the clerk, who shall reduce the same to a concise, written
8 form and record it in a docket kept especially for such purpose. Such
9 procedure shall provide for the sending of notice of such claim by ordi-
10 nary first class mail and certified mail with return receipt requested
11 to the party complained against (1) at his residence, if he resides
12 within the county, and his residence is known to the claimant, or (2) at
13 his office or place of regular employment within the county if he does
14 not reside therein or his residence within the county is not known to
15 the claimant, or (3) where the claimant is or was a tenant or lessee of
16 real property owned by the defendant and the claim relates to such
17 tenancy or lease and the notice of claim cannot be sent under paragraph
18 one or two of this subdivision, at any place in the county or an adjoin-
19 ing county where claimant may mail or otherwise deliver rent. If, after
20 the expiration of twenty-one days, such ordinary first class mailing has
21 not been returned as undeliverable, the party complained against shall
22 be presumed to have received notice of such claim. Such notice shall
23 include a clear description of the procedure for filing a counterclaim,
24 pursuant to subdivision (c) of this section.

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

30 § 3. Section 1801 of the uniform district court act, as amended by
31 chapter 65 of the laws of 2010, is amended to read as follows:
32 § 1801. Small claims defined.

33 The term "small claim" or "small claims" as used in this act shall
34 mean and include any cause of action for money only not in excess of
35 five thousand dollars exclusive of interest and costs, or any action
36 commenced by a party aggrieved by an arbitration award rendered pursuant
37 to part one hundred thirty-seven of the rules of the chief administrator
38 of the courts (22 NYCRR Part 137) in which the amount in dispute does
39 not exceed five thousand dollars, provided that the defendant either
40 resides, or has an office for the transaction of business or a regular
41 employment[7] within a district of the court in the county, or where the
42 claimant is or was a tenant or lessee of real property owned by the
43 defendant and the claim relates to such tenancy or lease, and such real
44 property is situated within a district of the court in the county.

45 § 4. Subdivision (a) of section 1803 of the uniform district court
46 act, as amended by section 31 of part J of chapter 62 of the laws of
47 2003, is amended to read as follows:

48 (a) Small claims shall be commenced upon the payment by the claimant
49 of a filing fee of fifteen dollars for claims in the amount of one thou-
50 sand dollars or less and twenty dollars for claims in the amount of more
51 than one thousand dollars, without the service of a summons and, except
52 by special order of the court, without the service of any pleading other
53 than a statement of his cause of action by the claimant or someone in
54 his behalf to the clerk, who shall reduce the same to a concise, written
55 form and record it in a docket kept especially for such purpose. Such
56 procedure shall provide for the sending of notice of such claim by ordi-

1 nary first class mail and certified mail with return receipt requested
2 to the party complained against (1) at his residence, if he resides
3 within a district of the court in the county, and his residence is known
4 to the claimant, or (2) at his office or place of regular employment
5 within such a district if he does not reside therein or his residence
6 within such a district is not known to the claimant, or (3) where claim-
7 ant is or was a tenant or lessee of real property owned by the defend-
8 and the claim relates to such tenancy or lease and the notice of claim
9 cannot be sent under paragraph one or two of this subdivision, at any
10 place in the state where claimant may mail or otherwise deliver rent.

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

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

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

23 § 1801. Small claims defined.

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

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

41 (a) Small claims shall be commenced upon the payment by the claimant
42 of a filing fee of ten dollars for claims in the amount of one thousand
43 dollars or less and fifteen 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 filing system maintained especially for such
49 purpose. Such procedure shall provide for the sending of notice of such
50 claim by ordinary first class mail and certified mail with return
51 receipt requested to the party complained against (1) at his residence,
52 if he resides within the county and his residence is known to the claim-
53 ant, ~~or~~ (2) at his office or place of regular employment within the
54 municipality if he does not reside within the county or his residence
55 within the county is not known to the claimant, or (3) where claimant is
56 or was a tenant or lessee of real property owned by the defendant and

1 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 in the county or an adjoining county where claimant may mail or
4 otherwise deliver rent. If, after the expiration of twenty-one days,
5 such ordinary first class mailing has not been returned as undeliverable,
6 the party complained against shall be presumed to have received
7 notice of such claim. Such notice shall include a clear description of
8 the procedure for filing a counterclaim, pursuant to subdivision (c) of
9 this section.

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

15 § 7. Section 1801 of the New York city civil court act, as amended by
16 chapter 664 of the laws of 2019, is amended to read as follows:

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

29 § 8. Subdivision (a) of section 1803 of the New York city civil court
30 act, as amended by section 34 of part J of chapter 62 of the laws of
31 2003, is amended to read as follows:

32 (a) Small claims shall be commenced upon the payment by the claimant
33 of a filing fee of fifteen dollars for claims in the amount of one thou-
34 sand dollars or less and twenty dollars for claims in the amount of more
35 than one thousand dollars, without the service of a summons and, except
36 by special order of the court, without the service of any pleading other
37 than a statement of his cause of action by the claimant or someone in
38 his behalf to the clerk, who shall reduce the same to a concise, written
39 form and record it in a docket kept especially for such purpose. Such
40 procedure shall provide for the sending of notice of such claim by ordi-
41 nary first class mail and certified mail with return receipt requested
42 to the party complained against (1) at his residence, if he resides
43 within the city of New York, and his residence is known to the claimant,
44 [ex] (2) at his office or place of regular employment within the city of
45 New York if he does not reside therein or his residence within the city
46 of New York is not known to the claimant, or (3) where claimant is or
47 was a tenant or lessee of real property owned by the defendant and the
48 claim relates to such tenancy or lease and the notice of claim cannot be
49 sent under paragraph one or two of this subdivision, at any place in the
50 state where plaintiff may mail or otherwise deliver rent. If, after the
51 expiration of twenty-one days, such ordinary first class mailing has not
52 been returned as undeliverable, the party complained against shall be
53 presumed to have received notice of such claim. Such notice shall
54 include a clear description of the procedure for filing a counterclaim,
55 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 § 1912
4 (a) of this act which is hereby made applicable, except that necessary
5 mailing costs shall be paid.

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