

# STATE OF NEW YORK

3468--C

Cal. No. 143

2019-2020 Regular Sessions

## IN SENATE

February 7, 2019

Introduced by Sens. HOYLMAN, KRUEGER, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in 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<sup>[7]</sup> 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.

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

LBD03428-07-0

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

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

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

34 § 3. Section 1801 of the uniform district court act, as amended by  
35 chapter 65 of the laws of 2010, is amended to read as follows:

36 § 1801. Small claims defined.

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

49 § 4. Subdivision (a) of section 1803 of the uniform district court  
50 act, as amended by section 31 of part J of chapter 62 of the laws of  
51 2003, is amended to read as follows:

52 (a) Small claims shall be commenced upon the payment by the claimant  
53 of a filing fee of fifteen dollars for claims in the amount of one thou-  
54 sand dollars or less and twenty dollars for claims in the amount of more  
55 than one thousand dollars, without the service of a summons and, except  
56 by special order of the court, without the service of any pleading other

1 than a statement of his cause of action by the claimant or someone in  
2 his behalf to the clerk, who shall reduce the same to a concise, written  
3 form and record it in a docket kept especially for such purpose. Such  
4 procedure shall provide for the sending of notice of such claim by ordi-  
5 nary first class mail and certified mail with return receipt requested  
6 to the party complained against (1) at his residence, if he resides  
7 within a district of the court in the county, and his residence is known  
8 to the claimant, or (2) at his office or place of regular employment  
9 within such a district if he does not reside therein or his residence  
10 within such a district is not known to the claimant, or (3) where claim-  
11 ant is or was a tenant or lessee of real property owned by the defend-  
12 ant and the claim relates to such tenancy or lease and the notice of claim  
13 cannot be sent under paragraph one or two of this subdivision, at any  
14 place in the state where claimant may mail or otherwise deliver rent.

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

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

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

27 § 1801. Small claims defined.

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

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

45 (a) Small claims shall be commenced upon the payment by the claimant  
46 of a filing fee of ten dollars for claims in the amount of one thousand  
47 dollars or less and fifteen 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 filing system maintained especially for such  
53 purpose. Such procedure shall provide for the sending of notice of such  
54 claim by ordinary first class mail and certified mail with return  
55 receipt requested to the party complained against (1) at his residence,  
56 if he resides within the county and his residence is known to the claim-

1 ant, [~~or~~] (2) at his office or place of regular employment within the  
2 municipality if he does not reside within the county or his residence  
3 within the county is not known to the claimant, or (3) where claimant is  
4 or was a tenant or lessee of real property owned by the defendant and  
5 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 county or an adjoining county where claimant may mail or  
8 otherwise deliver rent. 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 section  
17 nineteen hundred twelve of this act which is hereby made applicable,  
18 except that necessary mailing costs shall be paid.

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

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

33 § 8. Subdivision (a) of section 1803 of the New York city civil court  
34 act, as amended by section 34 of part J of chapter 62 of the laws of  
35 2003, is amended to read as follows:

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

1 presumed to have received notice of such claim. Such notice shall  
2 include a clear description of the procedure for filing a counterclaim,  
3 pursuant to subdivision (c) of this section.

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

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