

STATE OF NEW YORK

3468--B

Cal. No. 188

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

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[~~7~~] 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.

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(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 by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a docket kept especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the county, and his residence is known to the claimant, or (2) at his office or place of regular employment within the county if he does not reside therein or his residence within the county is not known to the claimant, or (3) 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 the notice of claim cannot be sent under paragraph one or two of this subdivision, at any place in the county or an adjoining county where claimant may mail or otherwise deliver rent. If, after the expiration of twenty-one days, such ordinary first class mailing has not been returned as undeliverable, the party complained against shall be presumed to have received notice of such claim. Such notice shall include a clear description of the procedure for filing a counterclaim, pursuant to subdivision (c) of this section.

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

§ 3. Section 1801 of the uniform district 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 one hundred thirty-seven of the rules of the chief administrator of the courts (22 NYCRR Part 137) in which the amount in dispute does not exceed five thousand dollars, provided that the defendant either resides, or has an office for the transaction of business or a regular employment[7] within a district of the court in 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 a district of the court in the county.

§ 4. Subdivision (a) of section 1803 of the uniform district court act, as amended by section 31 of part J of chapter 62 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 by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a docket kept especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordi-

nary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within a district of the court in the county, and his residence is known to the claimant, or (2) at his office or place of regular employment within such a district if he does not reside therein or his residence within such a district is not known to the claimant, or (3) where 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 the notice of claim cannot be sent under paragraph one or two of this subdivision, at any place in the state where claimant may mail or otherwise deliver rent.

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

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

§ 5. Section 1801 of the uniform justice court act, as amended by chapter 76 of the laws of 1994, 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 three thousand dollars exclusive of interest and costs, provided that the defendant either resides, or has an office for the transaction of business or a regular employment~~[-]~~ within the municipality where the court is located, or where 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 municipality where the court is located. However, where a judge of the county court, pursuant to subdivision (g) of section three hundred twenty-five of the civil practice law and rules, transfers a small claim from the town or village court having jurisdiction over the matter to another town or village court within the same county, the court to which it is transferred shall have jurisdiction to determine the claim.

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

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of ten dollars for claims in the amount of one thousand dollars or less and fifteen dollars for claims in the amount of more than one thousand dollars, without the service of a summons and, except by special order of the court, without the service of any pleading other than a statement of his cause of action by the claimant or someone in his behalf to the clerk, who shall reduce the same to a concise, written form and record it in a filing system maintained especially for such purpose. Such procedure shall provide for the sending of notice of such claim by ordinary first class mail and certified mail with return receipt requested to the party complained against (1) at his residence, if he resides within the county and his residence is known to the claimant, ~~[or]~~ (2) at his office or place of regular employment within the municipality if he does not reside within the county or his residence within the county is not known to the claimant, or (3) where claimant is 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 undelivera-
6 ble, 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 65 of the laws of 2010, 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 five 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 five thousand dollars, provided that the defendant
24 either resides, or has an office for the transaction of business or a
25 regular employment[~~7~~] within the city of New York, or where claimant is
26 a tenant or lessee of real property owned by the defendant and the claim
27 relates to such tenancy or lease, and such real property is situated
28 within the 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.