STATE OF NEW YORK

1864--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 11, 2021

Introduced by M. of A. ZEBROWSKI, GALEF, O'DONNELL, GUNTHER, QUART, STECK, OTIS, THIELE, ABBATE, GOTTFRIED, ENGLEBRIGHT, PAULIN, MONTESANO, PALMESANO, FRIEND, BRABENEC, NORRIS -- Multi-Sponsored by -- M. of A. GLICK, McDONOUGH, PEOPLES-STOKES, SIMON -- read once and referred to the Committee on Judiciary -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the uniform justice court act, in relation to civil jurisdictional limits and increasing filing fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision a of section 201 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

a. The court shall have jurisdiction as set forth in this article and as elsewhere provided by law[~~, subject, in the case of a city court governed by this act, to the limitations stated in § 2300 (b) (2) (i) of this act~~]. The phrase "[~~$3000~~] $5000", whenever it appears herein, shall be taken to mean "[~~$3000~~] $5000 exclusive of interest and costs"[~~, except that, in the case of a city court governed by this act whose monetary jurisdiction is, pursuant to § 2300 (b) (2) (i) of this act, below $3000, it shall be taken to mean such lesser sum as is applicable in the particular court, exclusive of interest and costs~~].

§ 2. Section 202 of the uniform justice court act, as amended by chapter 685 of the laws of 1977, is amended to read as follows:

§ 202. Money actions and actions to recover chattels.

Notwithstanding any other provision of law, the court shall have jurisdiction of actions and proceedings for the recovery of money or chattels where the amount sought to be recovered or the value of the property does not exceed [~~$3000~~] $5000.

§ 3. Section 1801 of the uniform justice court act, as amended by chapter 485 of the laws of 2021, is 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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§ 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~~] five 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.

§ 4. Subdivision (a) of section 1803 of the uniform justice court act, as amended by chapter 485 of the laws of 2021, is amended to read as follows:

(a) Small claims shall be commenced upon the payment by the claimant of a filing fee of [~~ten~~] fifteen dollars for claims in the amount of one thousand dollars or less and [~~fifteen~~] 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 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, (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 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 section nineteen hundred twelve of this act which is hereby made applicable, except that necessary mailing costs shall be paid.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to actions or proceedings filed on or after such date; provided, however that if chapter 485 of the laws of 2021 shall not have taken effect on such date, sections three and four of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect.