STATE OF NEW YORK

6997

2023-2024 Regular Sessions

IN ASSEMBLY

May 10, 2023

Introduced by M. of A. SIMONE -- read once and referred to the Committee on Judiciary

AN ACT to amend the uniform city court act and the uniform justice 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. Subdivision (a) of section 1803 of the uniform city 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 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 **or her** cause of action by the claimant or someone in his **or her** 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 **or her** residence, if he **or she** resides within the county, and his **or her** residence is known to the claimant, or (2) at his **or her** office or place of regular employment within the county if he **or she** does not reside therein or his **or her** 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~~] **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

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

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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~~] section nineteen hundred twelve of this act which is hereby made applicable, except that necessary mailing costs shall be paid.

§ 2. 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 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 or her cause of action by the claimant or someone in his or her 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 or her residence, if he or she resides within the county and his or her residence is known to the claimant, (2) at his or her office or place of regular employment within the municipality if he or she does not reside within the county or his or her 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~~] 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 section nineteen hundred twelve of this act which is hereby made applicable, except that necessary mailing costs shall be paid.

§ 3. The office of court administration shall develop necessary forms, procedures, court personnel guidance and public information materials to implement the provisions of this act on or before its effective date and shall provide a report to the chairs of the senate judiciary committee and the assembly judiciary committee detailing the measures implemented.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.