

STATE OF NEW YORK

10140

IN SENATE

April 30, 2026

Introduced by Sen. BOTTCHEER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, the New York city civil court act and the real property actions and proceedings law, in relation to electronic filing by an unrepresented party

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

1 Section 1. Section 2111 of the civil practice law and rules is amended
2 by adding a new subdivision (d) to read as follows:

3 (d) Where a party is not represented by council, registration or
4 participation in a program authorized under this section shall not
5 require said party to present any notarized document or form. Should
6 registration or participation in a program authorized under this section
7 require an unrepresented party's signature or confirmation of the truth
8 of any information provided, such confirmation or signature may be made
9 under the penalties of perjury, but shall not require a party's signa-
10 ture or confirmation to be notarized.

11 § 2. Section 110 of the New York city civil court act is amended by
12 adding a new subdivision (r) to read as follows:

13 (r) The office of court administration shall promulgate electronic
14 forms to be used by an unrepresented petitioner or petitioners to initi-
15 ate by electronic filing of an action under subdivision (h) of section
16 27-2115 of the administrative code of the city of New York.

17 § 3. Subdivision (b) of section 1911 of the New York City civil court
18 act, as amended by section 3 of part K of chapter 56 of the laws of
19 2010, is amended to read as follows:

20 (b) Upon filing summons with proof of service thereof, or upon filing
21 of the first paper in that county in any action or proceeding, forty-
22 five dollars, unless there has been paid in that county a fee of forty-
23 five dollars pursuant to subdivision (a) of this section. No filing fee,
24 however, shall be demanded or received upon filing a petition and order
25 to show cause by an unrepresented petitioner to initiate a proceeding
26 under subdivision (h) of section 27-2115 of the administrative code of
27 the city of New York.

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

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1 § 4. Section 400 of the New York city civil court act is amended by
2 adding a new subdivision 4 to read as follows:

3 4. Notwithstanding any requirement to the contrary, a petition by an
4 unrepresented petitioner or unrepresented petitioners to initiate a
5 proceeding under subdivision (h) of section 27-2115 of the administra-
6 tive code of the city of New York shall not be subject to any require-
7 ment of notarization or verification. In lieu of notarization or verifi-
8 cation, an unrepresented petitioner or unrepresented petitioners shall
9 submit an affirmation of truth of statement, pursuant to rule twenty-one
10 hundred six of the civil practice law and rules.

11 § 5. Section 403 of the New York city civil court act, as amended by
12 chapter 274 of the laws of 1989, is amended to read as follows:

13 § 403. Summons; method and place of service. 1. Service of summons
14 shall be made in the manner prescribed in supreme court practice,
15 including the optional method of service by mail authorized by CPLR
16 312-a, but it shall be made only within the city of New York unless
17 service beyond the city be authorized by this act or by such other
18 provision of law, other than the CPLR, as expressly applies to courts of
19 limited jurisdiction or to all courts of the state.

20 2. An unrepresented petitioner or unrepresented petitioners initiating
21 a proceeding under subdivision (h) of section 27-2115 of the administra-
22 tive code of the city of New York may serve the order to show cause and
23 petition by electronic transmission, which shall fulfill the service
24 requirements of section three hundred twelve-a of the civil practice law
25 and rules and subdivision (j) of section 27-2115 of the administrative
26 code of the city of New York.

27 3. An unrepresented petitioner or unrepresented petitioners initiating
28 a proceeding under subdivision (h) of section 27-2115 of the administra-
29 tive code of the city of New York by electronic transmission shall not
30 be required to serve or transmit any physical notice of electronic
31 filing or any physical copy of the order to show cause and the petition
32 upon any party. Upon the filing of an order to show cause and a peti-
33 tion, the court shall provide notice to respondents about their options
34 to participate in filing by electronic means and shall mail a copy of
35 the order to show cause and the petition, along with any accompanying
36 documents, upon respondents by certified mail, return receipt requested.

37 § 6. Section 732 of the real property actions and proceedings law, as
38 added by chapter 910 of the laws of 1965, subdivisions 1, 2 and 3 as
39 amended by section 14 of part M of chapter 36 of the laws of 2019, is
40 amended to read as follows:

41 § 732. Special provisions applicable in non-payment proceeding if the
42 rules so provide. If the appropriate appellate division shall so provide
43 in the rules of a particular court, this section shall be applicable in
44 such court in a proceeding brought on the ground that the respondent has
45 defaulted in the payment of rent; in such event, all other provisions of
46 this article shall remain applicable in such proceeding, except to the
47 extent inconsistent with the provisions of this section.

48 1. The notice of petition shall be returnable before the clerk, and
49 shall be made returnable within ten days after its service.

50 2. The respondent may answer the petition orally or in writing. No
51 notarization or verification by a court employee shall be required for
52 answers submitted in writing. In courts of New York that have authorized
53 a program for the filing and service of papers by electronic means,
54 notwithstanding any requirement to the contrary, an answer in writing
55 may be transmitted by electronic means. A respondent shall not be
56 required to appear before the clerk prior to the date set for trial or

1 hearing if they choose to answer by electronic means. The office of
2 court administration shall promulgate an optional form for respondents
3 who choose to answer in writing by electronic means. Such form shall
4 permit the respondent to select from a list of optional defenses and
5 counterclaims.

6 3. If the respondent answers, the clerk shall fix a date for trial or
7 hearing not less than three nor more than eight days after joinder of
8 issue, and shall immediately notify by mail the parties or their attor-
9 neys of such date. If the determination be for the petitioner, the issu-
10 ance of a warrant shall not be stayed for more than five days from such
11 determination, except as provided in section seven hundred fifty-three
12 of this article.

13 [~~3-~~] 4. If the respondent fails to answer within ten days from the
14 date of service, as shown by the affidavit or certificate of service of
15 the notice of petition and petition, the judge shall render judgment in
16 favor of the petitioner and may stay the issuance of the warrant for a
17 period of not to exceed ten days from the date of service, except as
18 provided in section seven hundred fifty-three of this article.

19 [~~4-~~] 5. The notice of petition shall advise the respondent of the
20 requirements of subdivisions 1, 2 [~~and~~], 3, and 4, above, as well as
21 prominently explain such respondent's options for electronic filing in
22 plain language, including the option for expedited processing.

23 6. In addition to any other requirements of this section, any form or
24 notice of petition promulgated by the chief administrator of the courts
25 shall also include a link to the website at which respondents may trans-
26 mit their answer by electronic means and a link to a website at which
27 respondents may find clear and concise instructions on how they may
28 transmit their answer by electronic means.

29 7. Upon transmitting an answer by electronic means, an unrepresented
30 respondent shall be provided clear information on how and when they will
31 be notified of a date for trial. The respondent shall have the option to
32 be notified of a date for trial by physical mail and/or electronic mail,
33 in addition to whatever means shall be offered by the chief administra-
34 tor of the courts. If an unrepresented respondent requests the notice be
35 transmitted by electronic mail, such notice shall clearly state the date
36 for trial, the time at which the respondent must appear, and the address
37 at which the respondent must appear.

38 § 7. Section 735 of the real property actions and proceedings law is
39 amended by adding a new subdivision 3 to read as follows:

40 3. (a) Notwithstanding any requirement to the contrary, a respondent
41 to a petition under this article may transmit their written answer to
42 the petitioner's attorney, or, if the petitioner is not represented by
43 an attorney, to the petitioner, by electronic means.

44 (b) If the petitioner's attorney did not file their petition by elec-
45 tronic means or did not consent to receive papers by electronic means,
46 then the respondent shall serve a copy of their written answer upon the
47 petitioner's attorney by mailing the copy of the written answer to the
48 attorney at the address designated by the attorney for that purpose or,
49 if none is designated, at the attorney's last known address; or, if the
50 petitioner is not represented by an attorney, by mailing a copy of the
51 written answer to the address designated by the petitioner for that
52 purpose or, if none is designated, at the petitioner's last known
53 address.

54 (c) When a respondent under this article serves a copy of the written
55 answer to the petitioner or the petitioner's attorney by mail, the
56 respondent shall not be required to submit a notarized affidavit of

1 service to the clerk. In lieu of a notarized affidavit of service, a
2 respondent may be required to submit an affirmation of service affirm-
3 ing, under the penalties of perjury, that they served a copy of their
4 written answer according to the requirements of this subdivision. A
5 respondent shall be permitted to submit an affidavit of affirmation and
6 a copy of their written answer to the court by electronic means.

7 (d) Notwithstanding subdivision a of rule two thousand one hundred
8 three of the civil practice law and rules or any other requirement to
9 the contrary, a respondent may themselves serve a copy of their written
10 answer on the petitioner or the petitioner's attorney according to the
11 requirements of this subdivision. A copy of the written answer shall
12 not be required to be served by a person not a party to the case.

13 § 8. Section 743 of the real property actions and proceedings law, as
14 amended by section 16 of part M of chapter 36 of the laws of 2019, is
15 amended to read as follows:

16 § 743. Answer. 1. Except as provided in section seven hundred thirty-
17 two of this article, relating to a proceeding for non-payment of rent,
18 at the time when the petition is to be heard the respondent, or any
19 person in possession or claiming possession of the premises, may answer,
20 orally or in writing. If the answer is oral the substance thereof shall
21 be recorded by the clerk or, if a particular court has no clerk, by the
22 presiding judge or justice of such court, and maintained in the case
23 record. The answer may contain any legal or equitable defense, or coun-
24 terclaim. The court may render affirmative judgment for the amount found
25 due on the counterclaim.

26 2. If the answer is in writing, no notarization or verification by a
27 court employee shall be required. In courts of New York that have
28 authorized a program for the filing and service of papers by electronic
29 means, notwithstanding any requirement to the contrary, an answer in
30 writing may be transmitted by electronic means. A respondent shall not
31 be required to appear before the clerk prior to the date set for trial
32 or hearing if they choose to answer by electronic means. The office of
33 court administration shall promulgate an optional form for unrepresented
34 respondents who choose to answer in writing by electronic means. Such
35 form shall permit the respondent to select from a list of optional
36 defenses and counterclaims.

37 § 9. Subdivision 2 of section 749 of the real property actions and
38 proceedings law is amended by adding a new paragraph (c) to read as
39 follows:

40 (c) The notice of eviction shall clearly inform the person or persons
41 to be evicted that they may apply for an order to show cause by elec-
42 tronic means. It shall also include a link to the website at which an
43 application for an order to show cause may be filed by electronic means
44 and a link to a website that provides clear and concise instructions on
45 how to apply for an order to show cause by electronic means.

46 § 10. The real property actions and proceedings law is amended by
47 adding a new section 750 to read as follows:

48 § 750. Orders to show cause. 1. Notwithstanding any requirement to the
49 contrary, an unrepresented respondent to a proceeding under this article
50 may apply for an order to show cause by electronic filing. The office of
51 court administration shall promulgate electronic forms by which an
52 unrepresented respondent may apply for an order to show cause by elec-
53 tronic filing.

54 2. Any accompanying affidavit shall not be subject to any requirement
55 of notarization or verification. In lieu of notarization or verifica-
56 tion, an unrepresented petitioner or unrepresented petitioners shall

1 submit an affirmation of truth of statement, pursuant to rule twenty-one
2 hundred six of the civil practice law and rules.

3 3. If a party has not consented to receive papers by electronic trans-
4 mission upon the filing of an order to show cause under this section,
5 the court shall provide notice to said party about their options to
6 participate in filing by electronic means and shall mail a copy of the
7 order to show cause and any accompanying documents upon respondents by
8 certified mail, return receipt requested. An unrepresented respondent
9 under this section shall not be required to serve or transmit any phys-
10 ical notice of electronic filing upon any party.

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