

# 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.