

STATE OF NEW YORK

7475

2025-2026 Regular Sessions

IN SENATE

April 17, 2025

Introduced by Sen. HOYLMAN-SIGAL -- 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

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

LBD10825-03-5

1 to show cause by an unrepresented petitioner to initiate a proceeding
2 under subdivision (h) of section 27-2115 of the administrative code of
3 the city of New York.

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

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

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

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

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

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

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

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

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

53 2. The respondent may answer the petition orally or in writing. No
54 notarization or verification by a court employee shall be required for
55 answers submitted in writing. In courts of New York that have authorized
56 a program for the filing and service of papers by electronic means,

1 notwithstanding any requirement to the contrary, an answer in writing
2 may be transmitted by electronic means. A respondent shall not be
3 required to appear before the clerk prior to the date set for trial or
4 hearing if they choose to answer by electronic means. The office of
5 court administration shall promulgate an optional form for respondents
6 who choose to answer in writing by electronic means. Such form shall
7 permit the respondent to select from a list of optional defenses and
8 counterclaims.

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

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

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

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

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

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

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

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

1 (c) When a respondent under this article serves a copy of the written
2 answer to the petitioner or the petitioner's attorney by mail, the
3 respondent shall not be required to submit a notarized affidavit of
4 service to the clerk. In lieu of a notarized affidavit of service, a
5 respondent may be required to submit an affirmation of service affirm-
6 ing, under the penalties of perjury, that they served a copy of their
7 written answer according to the requirements of this subdivision. A
8 respondent shall be permitted to submit an affidavit of affirmation and
9 a copy of their written answer to the court by electronic means.

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

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

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

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

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

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

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

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

1 2. Any accompanying affidavit shall not be subject to any requirement
2 of notarization or verification. In lieu of notarization or verifica-
3 tion, an unrepresented petitioner or unrepresented petitioners shall
4 submit an affirmation of truth of statement, pursuant to rule twenty-one
5 hundred six of the civil practice law and rules.

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

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