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:

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

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

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

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

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

(b) Upon filing summons with proof of service thereof, or upon filing of the first paper in that county in any action or proceeding, forty-five dollars, unless there has been paid in that county a fee of forty-five dollars pursuant to subdivision (a) of this section. **No filing fee, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the petitioner's attorney did not file their petition by electronic means or did not consent to receive papers by electronic means, then the respondent shall serve a copy of their written answer upon the petitioner's attorney by mailing the copy of the written answer to the attorney at the address designated by the attorney for that purpose or, if none is designated, at the attorney's last known address; or, if the petitioner is not represented by an attorney, by mailing a copy of the written answer to the address designated by the petitioner for that purpose or, if none is designated, at the petitioner's last known address.

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

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

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

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

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

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

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

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

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

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

3. If a party has not consented to receive papers by electronic transmission upon the filing of an order to show cause under this section, the court shall provide notice to said party about their options to participate in filing by electronic means and shall mail a copy of the order to show cause and any accompanying documents upon respondents by certified mail, return receipt requested. An unrepresented respondent under this section shall not be required to serve or transmit any physical notice of electronic filing upon any party.

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