§ 213. Residence or business within city.

(a) In an action described in § 202, either a plaintiff or a defendant must:

1. be a resident of the city or of a town contiguous to such city, provided that such town is

(i) within the same county, and

(ii) contiguous to the city by land, and

(iii) not within either Nassau or Westchester counties; or

2. have a regular employment within the city; or

3. have a place for the regular transaction of business within the city.

(b) A corporation, association or partnership shall, for the purposes of this section, be deemed a resident of the city if it has an office or agency or regularly transacts business in the city.

(c) The requirements of subdivision (a) shall not apply:

1. in an action described in § 404 (a), relative to a cause of action arising within the city; or

2. in an action described in § 405, relative to actions in rem or quasi in rem; or

3. in an action wherein service of summons is made pursuant to § 407, relative to service upon an attorney or clerk as agent of his client; or

4. to a counterclaim, cross-claim, third-party claim, interpleader claim, or claim asserted by or against a party who has intervened in the action.

(d) The requirements of this section shall not be deemed jurisdictional; they shall be deemed waived by the plaintiff upon his commencing an action in the court, and they shall be deemed waived by the defendant unless he raises the objection by motion or in his responsive pleading as prescribed in § 1002 of this act. Notwithstanding waiver by the parties, the court may, on its own initiative at any time,

dismiss an action which does not satisfy the requirements of this section. Any dismissal under this section shall entitle the parties to the benefit of CPLR § 205, relating to an extension of time to commence a new action.