



New York State Removes Requirement for Notarization of Affidavits and Sworn Documents in Civil Cases

November 8, 2023

On November 1st, 2023, New York Governor Kathy Hochul signed the Notary Bill (“Bill”) into law. The Bill removes the requirement for notarization of affidavits and sworn documents in civil cases in New York state courts. The law goes into effect on January 1st, 2024, and will apply to all actions commenced on or after that date. To view the Bill click [here](#).^[1]

New York joins over 20 states that have eliminated the notarization requirement. The Bill is an effort to make civil litigation more accessible for underrepresented New Yorkers. Low-income New Yorkers with limited means often struggle to pay for the notarization process. This issue became more prevalent during the pandemic. While the court system began allowing digital notarizations during the pandemic, those without access to the proper technology could not submit a notarized statement online.^[2] Additionally, the notarization process is burdensome for New Yorkers living in rural areas of the state with limited access to a notary.^[3] Such issues both slow down litigation in New York and require litigants to pay more out-of-pocket expenses.

Previously, Rule 2106 of the Civil Practice Law and Rules (CPLR §2106) only exempted two groups from the notarized affidavit requirement: (1) attorneys, physicians, osteopaths, and dentists; and (2) persons physically located outside the geographic boundaries of the United States or any territory subject to the United States jurisdiction.

The Bill allows any person in a civil action pending in a case in New York state court to affirm the truth of their statement without going through the notarization process. The affirmation will have “the same force and effect as an affidavit.” To affirm the truth of a statement, the statement must be “subscribed and affirmed by that person to be true under the penalties of perjury.”^[4]

The passing of the Bill received support from many legal professionals, advocates, and organizations. Richard Lewis, President of the New York Bar Association, characterized the Bill as “a big step forward for access to justice.”^[5]

Cullen and Dykman’s Commercial Litigation team continues to monitor important legal developments in civil practice. Should you have any questions about this legal alert, please feel free to contact Ariel Ronneburger (aronneburger@cullenllp.com) at (516) 296-9182, or Thomas Baylis (tbaylis@cullenllp.com) at (516) 357-3748.

Please note this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient.

Thank you to Mieola Easter, a Law Clerk pending New York bar admission, who assisted in preparation of this alert.

Footnotes

[1] Senate Bill S5162, available at [S5162 \(nysenate.gov\)](#) (last accessed Nov. 6, 2023)

[2] Jacob Kaye, Gov Signs Notary Bill into Law, [Gov signs notary bill into law — Queens Daily Eagle \(queenseagle.com\)](#) (last accessed Nov. 7, 2023)

[3] Rob Abuzzese, New York Eases Notarization Requirements in Civil Cases, [New York eases notarization requirements in civil cases \(brooklyneagle.com\)](#) (last accessed Nov. 7, 2023)

[4] Civil Practice Law and Rules, §2106 (2023)

[5] *Id.*

Practices

- Commercial Litigation

Attorneys

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