

CIVIL COURT OF THE CITY OF NEW YORK

Chief Clerk’s Memorandum

Subject: Affirmation in Lieu of Affidavit
Amendment to CPLR 2106 - Affirmation of Truth
of Statement

Class: CCM-214
Category: GP-10; LT-10; SC-10
Eff. Date: Immediately

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BACKGROUND

On October 25, 2023, Governor Kathy Hochul signed Bill A05772 into law, which amended rule 2106 of the CPLR by expanding the ability to submit an affirmation in lieu of an affidavit. Under the previous law, only an attorney, physician, osteopath, or dentist admitted to practice in New York State who is not a party to an action and any person who is physically located outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States, could submit an affirmation in lieu of an affidavit.

This amendment, which went into effect on **January 1, 2024**, allows for an affirmation by any person, wherever made, subscribed, and affirmed by that person to be true under the penalties of perjury, to be used in a civil action in New York in lieu of and with the same force and effect as an affidavit.

The Office of Trial Support and Department of Technology have updated court forms generated by UCMS and/or available on the web to remove any indicators that forms must be notarized or verified by a court employee. To ensure compliance with this amendment and establish uniform procedure citywide, we are issuing the following directive.

DIRECTIVE

Effective January 1, 2024, any person may submit an affirmation of truth of statement which shall be substantially in the following form:

*I affirm this ___ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.
(Signature)*

Clerks are directed to:

- Review court forms with “affidavit” in the title and strike through or redact any language that refers to a notarization or employee verification requirement prior to distributing it to court users.
- Provide court users with an affirmation statement (see Exhibit A) to review, sign and submit, along with their form.

- If a filer submits an affidavit that is already notarized, the clerk must accept the filing as is and proceed with processing.

The court form, along with the affirmation statement, has the same force and effect of one that is notarized or verified by a court employee.

This direction is specific to an “affidavit” and does not apply to the verification of pleadings, including the complaint, petition, and/or answer.

Date: March 15, 2024

/S/
Alia A. Razzaq
Chief Clerk
Civil Court of the City of New York

EXHIBIT A

Affirmation of Truth of Statement

I affirm this ____ day of _____, 20____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

(Sign) _____

(Print) _____