



Surrogate's Court  
541 Hall of Justice  
Rochester, New York 14614-2186  
Phone (585) 371-3310

December 10, 2019

**NOTICE TO THE BAR:**

Please note that effective 11/25/19, the threshold for a Small Estate (Voluntary Administration) has increased to \$50,000 from \$30,000. The new \$50,000 threshold will be applied to all estates regardless of date of death, or of original filing date. The filing of a request for an "amended" (new) certificate shall be considered an "action" for purposes of SCPA 1301(2).

The text of the revised law is attached.

If you have questions, please contact me.

Mark L. Annunziata, Esq.  
Chief Clerk

2019 Sess. Law News of N.Y. Ch. 557 (S. 4951-A) (McKINNEY'S)

McKINNEY'S 2019 SESSION LAW NEWS OF NEW YORK

242nd LEGISLATURE

Additions are indicated by **Text**; deletions by  
**Text** .

Vetoed are indicated by ~~Text~~ ;  
stricken material by ~~Text~~ .

CHAPTER 557

S. 4951-A

Approved and effective November 25, 2019

AN ACT to amend the surrogate's court procedure act, in relation to raising the value of a small estate

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 1301 of the surrogate's court procedure act, as amended by chapter 281 of the laws of 2012, is amended to read as follows:

<< NY SURR CT PRO § 1301 >>

1. A small estate is the estate of a domiciliary or a non-domiciliary who dies leaving personal property having a gross value of ~~\$30,000~~ \$50,000 or less exclusive of property required to be set off under EPTL 5-3.1 (a).

<<Note: NY SURR CT PRO § 1301 >>

§ 2. This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date.

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**A7571-A** Dinowitz Same as S 4951-A SEPULVEDA  
Surrogate's Court Procedure Act

TITLE....Relates to raising the value of a small estate

05/09/19 referred to judiciary  
05/22/19 amend and recommit to judiciary  
05/22/19 print number 7571a  
06/04/19 reported referred to rules  
06/12/19 reported  
06/12/19 rules report cal.178  
06/12/19 ordered to third reading rules cal.178  
06/17/19 substituted by s4951a

**S04951 SEPULVEDA AMEND=A**

04/02/19 REFERRED TO JUDICIARY  
05/22/19 AMEND AND RECOMMIT TO JUDICIARY  
05/22/19 PRINT NUMBER 4951A  
05/30/19 1ST REPORT CAL.1066  
06/03/19 2ND REPORT CAL.  
06/04/19 ADVANCED TO THIRD READING  
06/12/19 PASSED SENATE  
06/12/19 DELIVERED TO ASSEMBLY  
06/12/19 referred to judiciary  
06/17/19 substituted for a7571a  
06/17/19 ordered to third reading rules cal.178  
06/17/19 passed assembly  
06/17/19 returned to senate  
11/19/19 DELIVERED TO GOVERNOR  
11/25/19 SIGNED CHAP.557

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DINOWITZ

Amd §1301, SCPA

Relates to raising the value of a small estate from \$30,000 to \$50,000.

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# STATE OF NEW YORK

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7571--A

2019-2020 Regular Sessions

## IN ASSEMBLY

May 9, 2019

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Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee.

AN ACT to amend the surrogate's court procedure act, in relation to raising the value of a small estate

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 1 of section 1301 of the surrogate's court  
2 procedure act, as amended by chapter 281 of the laws of 2012, is amended  
3 to read as follows:  
4 1. A small estate is the estate of a domiciliary or a non-domiciliary  
5 who dies leaving personal property having a gross value of [~~\$30,000~~  
6 \$50,000 or less exclusive of property required to be set off under EPTL  
7 5-3.1 (a).  
8 § 2. This act shall take effect immediately and shall apply to actions  
9 and proceedings commenced on or after such effective date.

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

LBD10023-03-9

**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
submitted in accordance with Assembly Rule III, Sec 1(f)

**BILL NUMBER:** A7571A

**SPONSOR:** Dinowitz

**TITLE OF BILL:** An act to amend the surrogate's court procedure act, in relation to raising the value of a small estate

**PURPOSE:**

This bill would raise the statutorily defined gross value limit of estates considered "small estates" from \$30,000 to \$50,000

**SUMMARY OF PROVISIONS:**

Section 1: Amends Subdivision 1 of the section 1301 of the Surrogate's Court procedure act by changing the gross value monetary amount of estates considered "small estates" from \$30,000 to \$50,000.

Section 2: The effective date of this bill.

**JUSTIFICATION:**

In New York, it can be prohibitively expensive to administer a low-value estate, with attorney costs and court fees often costing thousands of dollars. Under NYS law, those administering "small estates" - estates with a gross value under \$30,000 - have the ability to avoid these relative substantial monetary costs through a \$1 "do-it-yourself" program (no lawyer, no fees, etc.) available through the court. However, this estate gross value cap was set nearly two decades ago and is no longer reflective of contemporary real estate and assets values of lower and middle-class people in New York; other states have subsequently raised their caps. By raising the cap to \$50,000, this bill would both allow more lower and middle class New Yorkers access to this important program and put New York in line with contemporary state practices on this issue, such as California where a small estate is \$150,000.

**LEGISLATIVE HISTORY:**

New Bill

**FISCAL IMPLICATIONS:**

None

**EFFECTIVE DATE:**

This act shall take effect immediately and shall apply to actions and proceedings commenced on or after such effective date.