

**City of New York
Office of Administrative Trials and Hearings**

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Office of Administrative Trials and Hearings (OATH) proposes to amend its Rules of Practice in title 48 of the Rules of the City of New York to provide for the Office of the City Sheriff to move to amend a judgment to designate a judgment debtor by the correct legal name.

When and where is the Hearing? OATH will hold a public hearing on the proposed rule. The public hearing will take place **from 11:00 a.m. through 12:00 p.m. on April 15, 2025 via Microsoft Teams**. The hearing will be conducted by video conference and is accessible by:

- **Internet Video and Audio.** For access, click:
[Proposed Rule Public Hearing Link](#)

When prompted, enter Meeting ID: **242 889 427 229**
Password: **MA3q4eT9**

- **Phone.** For access, dial: **+1 646-893-7101**
- When prompted, enter Meeting ID: **246 526 973#**

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to OATH through the NYC rules website at <http://rules.cityofnewyork.us/>
- **Email.** You can email written comments to Rules_Oath@oath.nyc.gov.
- **Mail.** You can mail written comments to OATH, Attention: Leon Dawson, Assistant General Counsel, 66 John Street, 11th Floor, New York, NY 10038.
- **Fax.** You can fax written comments to OATH, Attention: Leon Dawson, Assistant General Counsel, at (212) 436-0713.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rules at the public hearing may speak for up to three minutes. Please access the public hearing by internet video and audio or by telephone using the instructions above. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? You may submit written comments until **5:00 p.m. on April 15, 2025**.

What if I need assistance to participate in the hearing? You must tell us if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You may contact us by email at ldawson2@oath.nyc.gov or by telephone at (212) 436-0578 to request a reasonable accommodation. Please tell us by **April 1, 2025**.

Can I review the comments made on the proposed rule? You can review the comments that have been submitted online by visiting the NYC rules website at <http://rules.cityofnewyork.us/>. Shortly after the public hearing, a summary of oral comments and copies of all written comments will be available to the public on OATH's website, at <https://www1.nyc.gov/site/oath/about/legal-resources-and-rule-making.page>.

What authorizes OATH to make these rules? Sections 1043, 1048 and 1049 of the New York City Charter authorize OATH to propose these rules. These proposed rules were included in OATH's regulatory agenda for this Fiscal Year.

Where can I find OATH's rules? OATH's rules are located in title 48 of the Rules of the City of New York.

What laws govern the rulemaking process? This notice is made according to the requirements of section 1043 of the New York City Charter.

Statement of Basis and Purpose of Proposed Rule

The Office of Administrative Trials and Hearings (OATH) proposes to add a new section to subchapter F of Chapter 6 of title 48 of the Rules of the City of New York to establish a process by which the city sheriff may move to amend a judgment to designate a judgment debtor by the correct legal name. This proposed rule is necessary in order to implement New York City Administrative Code Section 7-551 (d) and provide the office of the city sheriff with a process to amend a judgment and correctly identify a judgment debtor when: (i) the judgment identifies the debtor solely by their address or (ii) the debtor's name is misspelled or contains errors.

OATH's authority for this rule is found in Section 7-551 (d) of the New York City Administrative Code and sections 1043, 1049, and 1049-a of the New York City Charter.

New text is underlined.

Section 1. Subchapter F of Chapter 6 of title 48 of the Rules of the City of New York is amended by adding a new section 6-29 to read as follows:

§ 6-29 Post Judgment Amendment of Records by the City Sheriff.

(a) The office of the city sheriff may move to correct the name of a judgment debtor in a judgment obtained in a proceeding brought pursuant to New York City Administrative Code Section 7-551 in circumstances where: (i) the name of a judgment debtor is misspelled or otherwise contains errors, or (ii) a judgment identifies a judgment debtor based entirely on the address or location at which a summons was issued pursuant to such section and the City Sheriff

wishes to include the legal name of such judgment debtor, provided that this section shall not be interpreted to give the office of the City Sheriff the authority to substitute the name of one debtor for another.

(b) The city sheriff must file a written motion pursuant to subdivision a of this section with OATH. The movant must also file an affidavit setting forth the facts and evidence relied on and an affidavit of service, by certified or registered mail and regular mail, of the motion on the judgment debtor at the judgment debtor's last known address and at the address such judgment debtor's representative provided at a hearing held pursuant to New York City Administrative Code Section 7-551. Such motion must be served on the judgment debtor and any other party. The motion must set forth the date and time of the hearing in accordance with the direction of the Office of the Chief Clerk, provided that such date and time will not be sooner than ten days after the service of such motion on the judgment debtor. At such hearing, any party may appear, with or without an attorney, cross-examine witnesses, present evidence and testify. If the judgment debtor does not appear at the hearing, the Hearing Officer may render a determination on the motion.

(c) If the Hearing Officer finds that the city sheriff has established, by a preponderance of evidence, (i) the correct legal name of the judgment debtor, (ii) that the judgment debtor is the party charged in the underlying summons and (iii) that service of the summons was properly made upon such judgment debtor, the Hearing Officer will grant such motion and issue a decision directing the amendment of the judgment to reflect the correct legal name of the judgment debtor and of all records relating to the proceedings commenced by the service of the summons or summonses, including the records of judgments filed with the civil court and in the office of the county clerk.

(d) The Hearing Officer's decision will be a final decision.

(e) An order correcting a judgment does not affect the duration of a judgment. The judgment will remain in full force and effect for eight years from the date that the judgment was originally entered.

(f) The City Sheriff may designate any agency to act on behalf of the City Sheriff in accordance with the provisions of subdivision d of section 42-04 of title 19 of the Rules of the City of New York.

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Cannabis Judgment Debtor Name Correction

REFERENCE NUMBER: OATH-ECB-119

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

February 25, 2025
Date

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Cannabis Judgment Debtor Name Correction

REFERENCE NUMBER: 2024 RG094

RULEMAKING AGENCY: Office of Administrative Trials and Hearings

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Senior Counsel

Date: February 25, 2025