

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

Notice of Adoption of Rule

Pursuant to the authority vested in the Office of Administrative Trials and Hearings (OATH) by Section 7-551(d) of the New York City Administrative Code and sections 1043, 1049, and 1049-a of the New York City Charter, OATH has added 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 amendment was published as a proposed rule in The City Record on March 6, 2025. A public hearing was held on April 15, 2025. No testimony regarding the amendment was given at the public hearing, and OATH did not receive any written comments from the public.

Statement of Basis and Purpose

The Office of Administrative Trials and Hearings (OATH) is adding 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 rule is necessary 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.