

CIVIL COURT OF THE CITY OF NEW YORK

Civil Court Directive

Subject: Amended Postcard Rule

Class: DRP-124

Category: LT-10

Eff. Date: Oct. 1, 1991

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DIRECTIVE OF THE ADMINISTRATIVE JUDGE:

Section 208.42(i) of the Uniform Rules for the New York City Civil Court (22 NYCRR 208.42(i)), commonly known by us as the "Post Card Rule," was amended on July 30, 1991, to be effective October 1, 1991.

The amended rule changes the time at which the stamped postcard is to be filed with the court. Previously the postcard has been presented to the Clerk at the time of submitting a request for a default judgment. The amended rule provides that the postcard is now to be presented to the Clerk at the outset of the action, when the Notice of Petition with the Affidavit of Service is returned to the Clerk. In accordance with the rule, the Clerk shall promptly mail the postcard to the respondent.

The Chief Clerk is hereby directed to provide a procedure to implement this amended rule.

A copy of the amended rule is attached. A copy of the revised rule and the Chief Clerk's procedures are to be posted in a visible place in the Landlord/Tenant Clerk's Office, and anyone who desires shall be permitted to make a copy of such.

Dated: September 16, 1991

Jacqueline W. Silbermann
Administrative Judge

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CHIEF CLERK'S PROCEDURES:

In accordance with the change of the Uniform Rules for the New York City Civil Court, (22 NYCRR 208.42(i)), and upon the directive of the Administrative Judge, the revised procedures are to be as follows:

1) All Notices of Petition must be accompanied by a stamped postcard addressed to the tenant. The postcard is to be clipped or stapled to the lower portion of the Notice of Petition with the address facing up so that the Clerk can compare the names and addresses. [See attached sample.] The purpose of this requirement is to avoid delaying the Clerk in the intake of these papers.

2) If the postcard is submitted in the proper manner, the Clerk is to:
a) compare the names and addresses and, if the postcard is accurate, accept the filing,
b) separate the postcard from the Notice of Petition and clock-in the Notice of Petition.

[The clocking-in of the Notice of Petition without any comments regarding the postcard is to be considered to indicate that the postcard was properly filed. The use of the former "Postcard Mailed" stamp is hereby cancelled, effective October 1, 1991.]

c) mail all postcards at the end of each day, following the usual mailing procedure.

3) Missing or defective Postcards. Any Notice of Petition without such a postcard, or with the postcard attached in any other way, is to be considered defective and marked defective by the Clerk. A rubber stamp is being provided for this marking.

If a Notice of Petition is filed without a postcard, the Clerk should alert the person filing the Notice of Petition as to the rule. If the person filing the Notice of Petition insists on filing without the postcard, the Clerk is to accept the Notice of Petition, clock it in in the regular manner, and make a notation on the Notice of Petition that no postcard was submitted.

Dated: September 13, 1991

Jack Baer
Chief Clerk