

3534

2013-2014 Regular Sessions

I N   S E N A T E

February 5, 2013

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the real property actions and proceedings law, in relation to a plaintiff in a mortgage foreclosure action obtaining a judgment of foreclosure and sale in good faith

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 1307 of the real property actions  
2 and proceedings law, as added by chapter 507 of the laws of 2009, is  
3 amended to read as follows:  
4     1. A plaintiff in a mortgage foreclosure action who IN GOOD FAITH  
5 obtains a judgment of foreclosure and sale pursuant to section thirteen  
6 hundred fifty-one of this article, involving residential real property,  
7 as defined in section thirteen hundred five of this article, that is  
8 vacant, or becomes vacant after the issuance of such judgment, or is  
9 abandoned by the mortgagor but occupied by a tenant, as defined under  
10 section thirteen hundred five of this article, shall maintain such prop-  
11 erty until such time as ownership has been transferred through the clos-  
12 ing of title in foreclosure, or other disposition, and the deed for such  
13 property has been duly recorded; provided, however, that if a munici-  
14 pality or governmental entity holds a mortgage subordinate to one or  
15 more mortgages on the residential real property, the municipality or  
16 governmental entity shall not be subject to the requirements of this  
17 section. AS USED IN THIS SECTION, THE TERM "GOOD FAITH" SHALL BE  
18 DEFINED AS HONESTY IN FACT AND THE OBSERVANCE OF REASONABLE STANDARDS OF  
19 FAIR DEALING.  
20     S 2. This act shall take effect immediately.

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

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