S T A T E O F N E W Y O R K

1972--A

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property actions and proceedings law, in relation to requiring a lender to ascertain the value of real property prior to commencing foreclosure proceedings

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

Section 1. The real property actions and proceedings law is amended by adding a new section 1305 to read as follows:

S 1305. ASCERTAINING PROPERTY VALUE PRIOR TO INITIATING FORECLOSURE PROCEEDINGS; SPECIAL PLEADING. 1. PRIOR TO INITIATING AN ACTION TO FORECLOSE A MORTGAGE, THE FORECLOSING PARTY IN A MORTGAGE FORECLOSURE ACTION SHALL OBTAIN AN ASSESSMENT OF THE ACTUAL VALUE OF THE PROPERTY TO BE FORECLOSED ON. SUCH ASSESSMENT SHALL BE BASED ON RECOGNIZED VALUATION METHODS, INCLUDING AN APPRAISAL OR A BROKER'S PRICE OPINION.

2. A COMPLAINT FILED IN ACTION TO FORECLOSE A MORTGAGE SHALL CONTAIN AN ASSERTION OF THE VALUE AS DETERMINED BY THE ASSESSMENT REQUIRED BY SUBDIVISION ONE OF THIS SECTION AND A DESCRIPTION OF THE TYPE OF ASSESSMENT PERFORMED.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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