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

6017

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. DIAZ -- 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 requiring lenders, assignees and mortgage loan servicers to submit an affidavit to the court 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 1304-a to read as follows:

S 1304-A. REQUIRED AFFIDAVIT. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AT LEAST THIRTY DAYS BEFORE A LENDER, AN ASSIGNEE OR A MORTGAGE LOAN SERVICER COMMENCES A MORTGAGE FORECLOSURE PROCEEDING, SUCH LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER SHALL PROVIDE THE COURT IN WHICH THEY ARE BRINGING SUCH ACTION, A SIGNED AFFIDAVIT THAT SUCH LENDER, ASSIGNEE OR MORTGAGE LOAN SERVICER HAS A BOND OR NOTE SECURED BY A MORTGAGE ON SUCH REAL PROPERTY.

2. A FALSE STATEMENT CONTAINED IN SUCH AFFIDAVIT SHALL CONSTITUTE A VIOLATION OF THIS SECTION. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which 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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