

6229

I N   S E N A T E

January 17, 2012

---

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to increases in mortgage escrow account requirements

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

1     Section 1. The general obligations law is amended by adding a new  
2     section 5-603 to read as follows:  
3     S 5-603. INCREASES IN DEPOSITS IN ESCROW WITH MORTGAGE INVESTING  
4     INSTITUTIONS. ANY MORTGAGE INVESTING INSTITUTION THAT MAINTAINS AN  
5     ESCROW ACCOUNT PURSUANT TO ANY AGREEMENT EXECUTED IN CONNECTION WITH A  
6     MORTGAGE ON ANY REAL PROPERTY LOCATED IN THIS STATE SHALL GIVE AT LEAST  
7     TEN DAYS WRITTEN NOTICE PRIOR TO REQUIRING PAYMENT OF ANY INCREASE IN  
8     THE AMOUNT OF ESCROW IF THE DOLLAR AMOUNT OF SUCH INCREASE IS MORE THAN  
9     FIVE PERCENT OF THE DOLLAR AMOUNT OF THE TOTAL MONTHLY PAYMENT (WHICH  
10    INCLUDES PRINCIPAL, INTEREST, AND ALL ESCROW AMOUNTS) FOR THE MONTH  
11    PRIOR TO THE MONTH FOR WHICH THE INCREASE IS EFFECTIVE. NO SERVICE  
12    CHARGE SHALL BE IMPOSED FOR THE GIVING OF SUCH NOTICE. FOR THE PURPOSES  
13    OF THIS SECTION, "MORTGAGE INVESTING INSTITUTION" SHALL MEAN ANY BANKING  
14    ORGANIZATION, AS DEFINED IN SECTION TWO OF THE BANKING LAW, OR ANY OTHER  
15    ENTITY ENGAGED IN THE BUSINESS OF OFFERING MORTGAGE FINANCING TO THE  
16    PUBLIC OR INVESTING IN MORTGAGES.  
17    S 2. This act shall take effect on the ninetieth day after it shall  
18    have become a law.

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

LBD07237-02-2