

6259

2011-2012 Regular Sessions

I N A S S E M B L Y

March 11, 2011

Introduced by M. of A. MAISEL -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to residential mortgage payment deferral right

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

1 Section 1. The real property law is amended by adding a new section  
2 283 to read as follows:

3 S 283. RESIDENTIAL MORTGAGE PAYMENT DEFERRAL RIGHT. 1. AS USED IN  
4 THIS SECTION, THE TERM "RESIDENTIAL MORTGAGE" MEANS A MORTGAGE ON REAL  
5 PROPERTY CONTAINING, OR COOPERATIVE SHARES ASSIGNED TO, ONE OR MORE  
6 DWELLING UNITS USED FOR RESIDENTIAL PURPOSES.

7 2. UPON GIVING AT LEAST THIRTY DAYS WRITTEN NOTICE TO THE MORTGAGEE,  
8 EVERY MORTGAGOR WHO IS A PARTY TO A RESIDENTIAL MORTGAGE SHALL BE ENTI-  
9 TLED TO A ONE-TIME DEFERRAL OF UP TO TWO CONSECUTIVE MONTHLY PAYMENTS  
10 DUE ON THE MORTGAGE UNTIL THE END OF THE TERM OF THE MORTGAGE. IF THIS  
11 ENTITLEMENT IS CLAIMED BY GIVING THE REQUISITE NOTICE, THE TERM OF SUCH  
12 RESIDENTIAL MORTGAGE SHALL BE AUTOMATICALLY EXTENDED BY THE PERIOD OF  
13 SUCH PAYMENT DEFERRAL AND THE AMOUNT OF THE MONTHLY PAYMENTS DUE ON THE  
14 MORTGAGE SHALL REMAIN THE SAME AND NOT BE RECALCULATED.

15 3. THE PROVISIONS OF THIS SECTION SHALL BE DEEMED INCORPORATED INTO  
16 THE PROVISIONS OF EVERY RESIDENTIAL MORTGAGE EXECUTED ON OR AFTER THE  
17 EFFECTIVE DATE OF THIS SECTION.

18 4. THE PROVISIONS OF THIS SECTION SHALL BE DEEMED AN ACT OF LEGISLA-  
19 TIVE GRACE AND A MATTER OF EFFECTUATING THE PUBLIC POLICY OF THIS STATE.

20 S 2. This act shall take effect on the first of September next  
21 succeeding the date on which it shall have become a law and shall apply  
22 to residential mortgages as defined in section 283 of the real property  
23 law, as added by section one of this act, executed on or after the  
24 effective date of this act.

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

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