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

824--A

2013-2014 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. KEARNS, JAFFEE, STECK, GABRYSZAK, ROBINSON, SCARBOROUGH, SCHIMEL -- Multi-Sponsored by -- M. of A. CORWIN, GOTTFRIED, McDONALD, STEC -- read once and referred 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 plaintiff in a mortgage foreclosure action to maintain the subject property in good faith

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

Section 1. Subdivision 1 of section 1307 of the real property actions and proceedings law, as added by chapter 507 of the laws of 2009, is amended to read as follows:

1. A plaintiff [in] WHO COMMENCES a mortgage foreclosure action [who obtains], INCLUDING A LENDER, AN ASSIGNEE OR A MORTGAGE LOAN SERVICER, SEEKING a judgment of foreclosure and sale pursuant to section thirteen hundred fifty-one of this article, involving residential real property, as defined in section thirteen hundred five of this article, that is vacant, or becomes vacant after COMMENCEMENT OF THE ACTION OR the issuance of such judgment, or is abandoned by the mortgagor but occupied by a tenant, as defined under section thirteen hundred five of this article, shall IN GOOD FAITH maintain such property until such time as ownership has been transferred through the closing of title in foreclosure, or other disposition, and the deed for such property has been duly recorded; provided, however, that if a municipality or governmental entity holds a mortgage subordinate to one or more mortgages on the residential real property, the municipality or governmental entity shall not be subject to the requirements of this section. AS USED IN THIS SECTION, THE TERM "GOOD FAITH" SHALL BE DEFINED AS HONESTY IN FACT AND THE OBSERVANCE OF REASONABLE STANDARDS OF FAIR DEALING.

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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