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

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7027

2013-2014 Regular Sessions

I N   A S S E M B L Y

April 30, 2013
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Introduced by M. of A. RYAN -- read once and referred to the Committee
    on Judiciary

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 ASSEM-
    BLY, DO ENACT AS FOLLOWS:

 1   Section 1. This act shall be known and may be cited as "The Good
 2 Neighbor Act".
 3   S 2. Subdivision 1 of section 1307 of the real property actions and
 4 proceedings law, as added by chapter 507 of the laws of 2009, is amended
 5 to read as follows:
 6   1. A plaintiff [in] WHO COMMENCES a mortgage foreclosure action [who
 7 obtains], INCLUDING A LENDER, AN ASSIGNEE OR A MORTGAGE LOAN SERVICER,
 8 SEEKING a judgment of foreclosure and sale pursuant to section thirteen
 9 hundred fifty-one of this article, involving residential real property,
10 as defined in section thirteen hundred five of this article, that is
11 vacant, or becomes vacant after COMMENCEMENT OF THE ACTION OR the issu-
12 ance of such judgment, or is abandoned by the mortgagor but occupied by
13 a tenant, as defined under section thirteen hundred five of this arti-
14 cle, shall IN GOOD FAITH maintain such property until such time as
15 ownership has been transferred through the closing of title in foreclo-
16 sure, or other disposition, and the deed for such property has been duly
17 recorded; provided, however, that if a municipality or governmental
18 entity holds a mortgage subordinate to one or more mortgages on the
19 residential real property, the municipality or governmental entity shall
20 not be subject to the requirements of this section. AS USED IN THIS
21 SECTION, THE TERM "GOOD FAITH" SHALL BE DEFINED AS HONESTY IN FACT AND
22 THE OBSERVANCE OF REASONABLE STANDARDS OF FAIR DEALING.
23   S 3. This act shall take effect immediately.

    EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                       [ ] is old law to be omitted.
                                                          LBD01068-04-3