

5154

2013-2014 Regular Sessions

I N S E N A T E

May 13, 2013

Introduced by Sen. GOLDEN -- 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 administrative code of the city of New York, in relation to the disclosure of information provided in the notice to the department of housing preservation and development by a mortgagee commencing an action to recover residential real property

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

1 Section 1. Subdivision (a) of section 27-2109.1 of the administrative  
2 code of the city of New York, as added by local law number 4 of the city  
3 of New York for the year 2012, is amended and a new subdivision d is  
4 added to read as follows:  
5 [(a)] A. 1. Any mortgagee that commences an action in a court of  
6 competent jurisdiction in the state of New York to foreclose a mortgage  
7 on residential real property within the city of New York shall provide  
8 notice to the department, in a form prescribed by the department, within  
9 fifteen days of service of the pleadings commencing such action. If such  
10 action was commenced before the effective date of the local law that  
11 added this section, and remains pending as of such effective date,  
12 notification shall be provided within thirty days of such effective  
13 date, provided, however, that no notice shall be required for actions  
14 commenced prior to February 13, 2010, regardless of whether such action  
15 remains pending as of such effective date. Such notice shall include,  
16 but need not be limited to, the following information: (i) the name of  
17 the mortgagee plaintiff commencing such action and the mailing address,  
18 telephone number and e-mail address of such mortgagee plaintiff, and,  
19 when applicable, the name of a principal or corporate officer of such  
20 mortgagee plaintiff, and the mailing address, telephone number and  
21 e-mail address of such principal or corporate officer; (ii) the name of  
22 the defendant in such action; (iii) the identification of such residen-

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

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1 tial real property by street address and block and lot number, (iv) the  
2 date of the commencement of such action, (v) the court in which such  
3 action was commenced, and (vi) such other information as the department  
4 may require by rule. For the purposes of this section, "mortgagee" shall  
5 mean any person that commences an action to foreclose a mortgage on  
6 residential real property including, but not limited to, a lender,  
7 assignee or mortgage loan service provider that commences such an  
8 action.

9 2. A mortgagee shall notify the department within fifteen days of the  
10 discontinuance of an action for which notice pursuant to paragraph one  
11 of this subdivision has been received by the department, the issuance of  
12 a judgment in such action, or the sale of the real property as a result  
13 of such action.

14 3. The department shall maintain on its website a list of all proper-  
15 ties with twenty or more units, identified by block and lot number along  
16 with the name, mailing address and telephone number of the mortgagee  
17 plaintiff and the name of the defendant for which notice pursuant to  
18 paragraph one of this subdivision has been received. Such list shall be  
19 updated at a minimum on the first business day of each month. The  
20 department shall report on its website each three months: (i) the total  
21 number of foreclosure actions commenced during the immediately preceding  
22 three months for which notice pursuant to paragraph one of this subdivi-  
23 sion has been received by the department, disaggregated by community  
24 district; and (ii) the total number of foreclosure actions pending, for  
25 which notice pursuant to paragraphs one and two of this subdivision has  
26 been received by the department, disaggregated by community district.  
27 The department shall provide the information provided to it pursuant to  
28 paragraphs one and two of this subdivision to one or more agencies for  
29 which the department determines that such information furthers such  
30 agency or agencies' duties, including but not limited to the enforcement  
31 of section 28-210.1 of this code or related provisions, and to any other  
32 city agency upon request by such agency.

33 D. THE INFORMATION PROVIDED IN THE NOTICE SUBMITTED BY THE MORTGAGEE  
34 TO THE DEPARTMENT PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO  
35 DISCLOSURE PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW. ALL SUCH  
36 INFORMATION SHALL BE USED BY THE DEPARTMENT EXCLUSIVELY FOR THE PURPOSES  
37 OF MONITORING THE EXTENT OF RESIDENTIAL MORTGAGE FORECLOSURES AND THE  
38 PROPERTIES SUBJECT TO SUCH FORECLOSURES, TO PERFORM ANALYSES OF THE  
39 INFORMATION SUBMITTED, AND DIRECTING AS APPROPRIATE AVAILABLE PUBLIC AND  
40 PRIVATE FORECLOSURE PREVENTION AND COUNSELING SERVICES TO OWNERS OF  
41 RESIDENTIAL PROPERTIES THAT ARE THE SUBJECT OF A MORTGAGE FORECLOSURE  
42 PROCEEDING. THE DEPARTMENT MAY SHARE INFORMATION RECEIVED IN THE NOTICE  
43 OR NOTICES SUBMITTED BY THE MORTGAGEE WITH HOUSING COUNSELING AGENCIES  
44 DESIGNATED BY THE DIVISION OF HOUSING AND COMMUNITY RENEWAL AS WELL AS  
45 WITH OTHER CITY AGENCIES PURSUANT TO PARAGRAPH THREE OF SUBDIVISION A OF  
46 THIS SECTION.

47 S 2. This act shall take effect immediately, and shall be deemed to  
48 have been in full force and effect on and after June 15, 2012.