

STATE OF NEW YORK

9074

IN ASSEMBLY

January 18, 2018

Introduced by M. of A. JOYNER -- read once and referred to the Committee on Housing

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-
23 tial real property by street address and block and lot number, (iv) the
24 date of the commencement of such action, (v) the court in which such
25 action was commenced, and (vi) such other information as the department
26 may require by rule. For the purposes of this section, "mortgagee" shall

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

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1 mean any person that commences an action to foreclose a mortgage on
2 residential real property including, but not limited to, a lender,
3 assignee or mortgage loan service provider that commences such an
4 action.

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

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

29 d. The information provided in the notice submitted by the mortgagee
30 to the department pursuant to this section shall not be subject to
31 disclosure pursuant to article six of the public officers law. All such
32 information shall be used by the department exclusively for the purposes
33 of monitoring the extent of residential mortgage foreclosures and the
34 properties subject to such foreclosures, to perform analyses of the
35 information submitted, and directing as appropriate available public and
36 private foreclosure prevention and counseling services to owners of
37 residential properties that are the subject of a mortgage foreclosure
38 proceeding. The department may share information received in the notice
39 or notices submitted by the mortgagee with housing counseling agencies
40 designated by the division of housing and community renewal as well as
41 with other city agencies pursuant to paragraph three of subdivision a of
42 this section.

43 § 2. This act shall take effect immediately, and shall be deemed to
44 have been in full force and effect on and after June 15, 2012.