

# STATE OF NEW YORK

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4190

2019-2020 Regular Sessions

## IN SENATE

March 4, 2019

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Introduced by Sen. KENNEDY -- 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 real property actions and proceedings law and the civil practice law and rules, in relation to including the name and telephone number of the mortgage servicer for a plaintiff in a mortgage foreclosure action on certain documents pertaining to such action

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 1321 of the real property actions  
2 and proceedings law, as added by chapter 312 of the laws of 1962, is  
3 amended to read as follows:

4 1. If the defendant fails to answer within the time allowed or the  
5 right of the plaintiff is admitted by the answer, upon motion of the  
6 plaintiff, the court shall ascertain and determine the amount due, or  
7 direct a referee to compute the amount due to the plaintiff and to such  
8 of the defendants as are prior incumbrancers of the mortgaged premises,  
9 and to examine and report whether the mortgaged premises can be sold in  
10 parcels and, if the whole amount secured by the mortgage has not become  
11 due, to report the amount thereafter to become due. Where the defendant  
12 is an infant, and has put in a general answer by his guardian, or if any  
13 of the defendants be absentees, the order of reference also shall direct  
14 the referee to take proof of the facts and circumstances stated in the  
15 complaint and to examine the plaintiff or his agent, on oath, as to any  
16 payments which have been made. The order of reference shall also include  
17 the name and telephone number of the mortgage servicer for a plaintiff  
18 involving a mortgage foreclosure of a one- to four-family residential  
19 property.

20 § 2. Subdivision 1 of section 1351 of the real property actions and  
21 proceedings law, as amended by section 8 of part Q of chapter 73 of the  
22 laws of 2016, is amended to read as follows:

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

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1 1. The judgment shall direct that the mortgaged premises, or so much  
2 thereof as may be sufficient to discharge the mortgage debt, the  
3 expenses of the sale and the costs of the action, and which may be sold  
4 separately without material injury to the parties interested, be sold by  
5 or under the direction of the sheriff of the county, or a referee within  
6 ninety days of the date of the judgment. The judgment shall also include  
7 the name and telephone number of the mortgage servicer for a plaintiff  
8 involving a mortgage foreclosure of a one- to four-family residential  
9 property.

10 § 3. Subdivision (b) of rule 6511 of the civil practice law and rules,  
11 such rule as renumbered by chapter 318 of the laws of 1962, is amended  
12 to read as follows:

13 (b) Content; designation of index. A notice of pendency shall state  
14 the names of the parties to the action, including the name and telephone  
15 number of the mortgage servicer for a foreclosing party involving a  
16 mortgage foreclosure of a one- to four-family residential property, the  
17 object of the action and a description of the property affected. A  
18 notice of pendency filed with a clerk who maintains a block index shall  
19 contain a designation of the number of each block on the land map of the  
20 county which is affected by the notice. Except in an action for parti-  
21 tion a notice of pendency filed with a clerk who does not maintain a  
22 block index shall contain a designation of the names of each defendant  
23 against whom the notice is directed to be indexed.

24 § 4. This act shall take effect immediately.