STATE OF NEW YORK

4190

2019-2020 Regular Sessions

IN SENATE

March 4, 2019

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:

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

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

§ 2. Subdivision 1 of section 1351 of the real property actions and proceedings law, as amended by section 8 of part Q of chapter 73 of the 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. The judgment shall direct that the mortgaged premises, or so much thereof as may be sufficient to discharge the mortgage debt, the expenses of the sale and the costs of the action, and which may be sold separately without material injury to the parties interested, be sold by or under the direction of the sheriff of the county, or a referee within ninety days of the date of the judgment. **The judgment shall also include the name and telephone number of the mortgage servicer for a plaintiff involving a mortgage foreclosure of a one- to four-family residential property.**

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

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

§ 4. This act shall take effect immediately.