

# STATE OF NEW YORK

7297--A

2023-2024 Regular Sessions

## IN SENATE

May 19, 2023

Introduced by Sens. KAVANAGH, RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to establishing the homeownership protection program

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

Section 1. The real property law is amended by adding a new section 265-c to read as follows:

§ 265-c. Homeownership protection program. 1. Legislative intent. The legislature declares that the establishment of the homeownership protection program (HOPP) is necessary to ensure continuation of New York's investment in its statewide network of non-profit civil legal services providers and housing counseling agencies offering a range of homeownership retention and preservation services to homeowners in every county in the state. The program is also necessary to ensure that the statutory mandates of sections thirteen hundred three and thirteen hundred four of the real property actions and proceedings law and rule thirty-four hundred eight of the civil practice law and rules are fulfilled, so that free housing counseling and legal services are available to homeowners as provided for by sections thirteen hundred three and thirteen hundred four of the real property actions and proceedings law in every county, and so that legal services are available to assist homeowners answering complaints and participating in mandatory settlement conferences pursuant to rule thirty-four hundred eight of the civil practice law and rules.

2. Counseling and legal representation of individuals who are facing loss of their home or threats to homeownership. (a) Within one year of the effective date of this section, the department of law shall establish the homeownership protection program to ensure the availability of free housing counseling and legal services to homeowners for the purposes of mitigating threats to homeownership including, but not

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

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1 limited to, homeownership retention, home preservation, estate planning,  
2 as a tool for preventing theft of real property and other scams targeted  
3 to homeowners, preventing avoidable foreclosures and displacement,  
4 preserving home equity, preserving homeownership, especially in communi-  
5 ties of color, and for any other purposes related to preserving homeown-  
6 ership. Such program shall be funded by annual appropriation by the  
7 legislature.

8 (b) The department of law shall provide grants to eligible not-for-  
9 profit housing counseling organizations and legal services organizations  
10 to provide services under the program. Such services shall include, but  
11 not be limited to, assistance with loss mitigation and loan and workout  
12 applications and negotiations; assistance in applying for assistance  
13 programs for homeowners; assistance with resolving property tax, utility  
14 and building code violation debts and liens; representation in mortgage  
15 and tax and utility lien foreclosure litigation, limited scope represen-  
16 tation at settlement conferences pursuant to rule thirty-four hundred  
17 eight of the civil practice law and rules; assistance to unrepresented  
18 litigants with answers and motions in judicial foreclosure proceedings  
19 and brief advice; assistance to homeowners victimized by deed fraud,  
20 distressed property consultant, partition and other scammers; and  
21 redress of predatory and discriminatory lending, abusive mortgage  
22 servicing, and property flipping, including affirmative litigation and  
23 administrative complaints with federal, state and local fair housing  
24 agencies; and for whatever other purpose deemed necessary by the depart-  
25 ment of law to preserve homeownership.

26 3. Program administration. (a) The department of law shall establish  
27 criteria for selection of grant applications, review applications and  
28 make awards, and exercise and perform such other functions as are  
29 related to the purposes of this section.

30 (b) The department of law shall make one-year grants, within the  
31 amounts appropriated for that purpose, to not-for-profit housing coun-  
32 seling organizations serving homeowners at risk of losing their homes,  
33 and legal services organizations, to provide counseling services and  
34 legal representation of persons who reside in the state of New York who  
35 are facing threats to homeownership.

36 (c) The department of law shall make one-year grants, within the  
37 amounts appropriated for that purpose, to ensure that housing counseling  
38 and legal services are available free of charge to homeowners in every  
39 county of the state and to ensure that the statutory mandates of  
40 sections thirteen hundred three and thirteen hundred four of the real  
41 property actions and proceedings law and rule thirty-four hundred eight  
42 of the civil practice law and rules are fulfilled.

43 (d) The department of law shall make one-year grants, within the  
44 amounts appropriated for that purpose, to ensure adequate training,  
45 technical assistance and support is provided to the not-for-profit hous-  
46 ing counseling and legal services organizations providing services under  
47 this section, and to ensure the management of grants and supportive  
48 services including, but not limited to, toll-free hotlines, dedicated  
49 outreach, technical expertise and other assistance is made available to  
50 the organizations providing services.

51 4. Reporting. Each not-for-profit housing counseling organization and  
52 legal services organization receiving a grant under this section shall  
53 report to the attorney general no later than sixty days after the end of  
54 each one-year grant. Such report shall include an accounting of the  
55 funds received by the grant and the services provided.

56 § 2. This act shall take effect immediately.