

STATE OF NEW YORK

10086

IN SENATE

April 27, 2026

Introduced by Sen. MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules and the real property actions and proceedings law, in relation to residential foreclosure actions

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

1 Section 1. This act shall be known and may be cited as the "finality
2 in foreclosure act".

3 § 2. Subdivisions (d) and (n) of rule 3408 of the civil practice law
4 and rules, subdivision (d) as amended and subdivision (n) as added by
5 section 2 of part Q of chapter 73 of the laws of 2016, are amended to
6 read as follows:

7 (d) Upon the filing of a request for judicial intervention in any
8 action pursuant to this section, the court shall send either a copy of
9 such request or the defendant's name, address and telephone number (if
10 available) to a housing counseling agency or agencies on a list design-
11 nated by the division of housing and community renewal for the judicial
12 district in which the defendant resides. Such information shall be used
13 by the designated housing counseling agency or agencies exclusively for
14 the purpose of making the homeowner aware of housing counseling and
15 foreclosure prevention services and options available to them. The
16 filing of a request for judicial intervention in any residential fore-
17 closure action shall not constitute taking proceedings for the entry of
18 judgment in such action for purposes of section three thousand two
19 hundred fifteen of this chapter.

20 (n) While the settlement conference process is ongoing, the following
21 shall be held in abeyance:

22 1. Any motions submitted by the plaintiff or defendant [~~shall be held~~
23 ~~in abeyance while the settlement conference process is ongoing,~~] except
24 for motions concerning compliance with this rule and its implementing
25 rules.

26 2. The time period specified by section three thousand two hundred
27 fifteen of this chapter to take proceedings for the entry of default

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

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1 judgment, which shall resume running upon the removal of the case from
2 the conference calendar.

3 § 3. Subdivision (a) of section 205-a of the civil practice law and
4 rules, as added by chapter 821 of the laws of 2022, is amended to read
5 as follows:

6 (a) If an action upon an instrument described under subdivision four
7 of section two hundred thirteen of this article is timely commenced and
8 is terminated in any manner other than a voluntary discontinuance, a
9 failure to obtain personal jurisdiction over the defendant, a dismissal
10 of the complaint for any form of neglect, including, but not limited to
11 those specified in subdivision three of section thirty-one hundred twenty-
12 ty-six, section thirty-two hundred fifteen, rule thirty-two hundred
13 sixteen and rule thirty-four hundred four of this chapter, for violation
14 of any court rules or individual part rules, for failure to comply with
15 any court scheduling orders, or by default due to nonappearance for
16 conference or at a calendar call, or by failure to timely submit any
17 order or judgment, or upon a final judgment upon the merits, the
18 original plaintiff, or, if the original plaintiff dies and the cause of
19 action survives, [~~his or her~~] their executor or administrator, may
20 commence a new action upon the same transaction or occurrence or series
21 of transactions or occurrences within six months following the [~~termi-~~
22 ~~nation~~] entry of the order dismissing the action, provided that the new
23 action would have been timely commenced within the applicable limita-
24 tions period prescribed by law at the time of the commencement of the
25 prior action and that service upon the original defendant is completed
26 within such six-month period. For purposes of this subdivision:

27 1. a successor in interest or an assignee of the original plaintiff
28 shall not be permitted to commence the new action, unless pleading and
29 proving that such assignee is acting on behalf of the original plain-
30 tiff; [~~and~~]

31 2. in no event shall the original plaintiff receive more than one
32 six-month extension; and

33 3. the taking of an appeal, or a motion made after entry of the order
34 dismissing the action, does not further extend the time in which a new
35 action may be commenced and service completed pursuant to this subdivi-
36 sion.

37 § 4. The real property actions and proceedings law is amended by
38 adding a new section 1394 to read as follows:

39 § 1394. Jurisdiction over certain motions. Where no appeal is taken,
40 the court shall lack jurisdiction to hear any motion made more than
41 thirty days after service of notice of entry of the order dismissing or
42 discontinuing the action, except for a motion to vacate pursuant to rule
43 five thousand fifteen of the civil practice law and rules. Except where
44 required by law, no court shall extend the time to make such motion.

45 § 5. This act shall take effect immediately and shall apply to all
46 actions in which a final judgment of foreclosure and sale has not been
47 enforced on or before such effective date.