STATE OF NEW YORK

10529

IN SENATE

May 19, 2026

Introduced by Sen. SCARCELLA-SPANTON -- 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, in relation to clarifying that a default judgment against a defendant in a foreclosure action does not need to be vacated for such defendant to claim the plaintiff lacks standing or that the statute of limitations has expired

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

Section 1. Section 1302-a of the real property actions and proceedings law, as added by chapter 739 of the laws of 2019, is amended to read as follows:

§ 1302-a. [~~Defense~~] **Defenses** of lack of standing **and statute of limitations**; not waived. Notwithstanding the provisions of subdivision (e) of rule thirty-two hundred eleven of the civil practice law and rules, any objection or defense based on the plaintiff's lack of standing **or expiration of the statute of limitations** in a foreclosure proceeding related to a home loan, as defined in paragraph (a) of subdivision six of section thirteen hundred four of this article, shall not be waived if a defendant fails to raise the objection or defense in a responsive pleading or pre-answer motion to dismiss. A defendant may [~~not~~] raise an objection or defense of lack of standing **or expiration of the statute of limitations** following a foreclosure sale[~~, however, unless~~] **if** the judgment of foreclosure and sale was issued upon **such** defendant's default**, even if such judgment has not been vacated**.

§ 2. This act shall take effect immediately, and shall apply to:

(a) all actions commencing on or after such date; and

(b) any action commencing prior to such date in which a final judgment of foreclosure and sale has not yet been enforced upon such effective date.

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

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