

# STATE OF NEW YORK

10677

## IN ASSEMBLY

March 20, 2026

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law, in relation to requiring plaintiffs to furnish proof that notice of possible foreclosure was delivered to the defendant

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

1 Section 1. Subdivision 2 of section 1304 of the real property actions  
2 and proceedings law, as amended by section 4 of part HH of chapter 58 of  
3 the laws of 2018, is amended to read as follows:

4 2. The notices required by this section shall be sent by such lender,  
5 assignee (including purchasing investor) or mortgage loan servicer to  
6 the borrower, by registered or certified mail and also by first-class  
7 mail with a request for official proof of delivery, to the last known  
8 address of the borrower, and to the residence that is the subject of the  
9 mortgage. The notices required by this section shall be sent by the  
10 lender, assignee or mortgage loan servicer in a separate envelope from  
11 any other mailing or notice. Notice is considered given as of the date  
12 it is mailed, provided that the lender, assignee or mortgage loan servicer is able to furnish official proof of delivery of such notice, or if acceptance was refused by the borrower, the original envelope with a notation by the postal authorities that acceptance was refused. It shall be an affirmative defense in a foreclosure proceeding that the plaintiff is unable to furnish official proof of delivery or the original envelope with a notation by the postal authorities that acceptance was refused, as required by this subdivision. The notices required by this section  
19 shall contain a current list of at least five housing counseling agencies serving the county where the property is located from the most  
21 recent listing available from department of financial services. The list  
22 shall include the counseling agencies' last known addresses and tele-  
23 phone numbers. The department of financial services shall make available  
24 on its websites a listing, by county, of such agencies. The lender,  
25 assignee or mortgage loan servicer shall use such lists to meet the  
26 requirements of this section.

27 § 2. This act shall take effect on the thirtieth day after it shall  
28 have become a law.  
29

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

LBD05155-01-5