



NEW YORK STATE SENATOR

James Sanders Jr.

Senate Passes Senator Sanders' "Foreclosure Abuse Prevention Act" Legislation

JAMES SANDERS JR. May 3, 2022

| ISSUE: **FORECLOSURE ABUSE PREVENTION ACT**



Today, the Senate by a vote of 52-10 passed the "Foreclosure Abuse Prevention Act"(S.5473-D/SANDERS Same as A.7737-B/Weinstein), a bill introduced by Senator James Sanders Jr. to ensure fairness in home foreclosure proceedings. On March 23rd of this year, the Assembly version of this bill introduced by Assemblymember Helene Weinstein passed the Assembly by a vote of 107-40. The next step is for the bill to be delivered to Governor Hochul for her signature.

Senator James Sanders Jr. said, "Today, homeowners who are in foreclosure are the biggest winners with the passage of this significant foreclosure bill. This bill will go a long way in helping homeowners save their homes from foreclosure by leveling the playing field by eliminating certain abuses lenders have used in Courts to the detriment of the homeowners."

This bill provides needed clarification to correct recent judicial decisions. These decisions have undermined longstanding legal precedents to excuse financial institutions from the effects of longstanding statutes of limitations principles. Mortgage delinquency rates have spiked in the wake of the COVID-19 pandemic.

The bill narrowly addresses discrete statute of limitations issues in foreclosure cases. It also effectively overrules harmful aspects of the recent Engel and Ramirez decisions.

Senator Julia Salazar said, "This bill is deeply meaningful to many homeowners in our Brooklyn district who have been fighting to keep their homes, and in communities that have seen especially high rates of foreclosure filings. Given the alarming number of homeowners who are unable to keep up with mortgage payments or facing foreclosure, it's important to protect fairness in foreclosure proceedings and minimize uncertainty for homeowners. By passing this bill today we are ensuring that financial institutions are not able to evade long-standing statutes of limitations to take advantage of struggling homeowners."

Jacob Inwald, Director of Foreclosure Prevention Legal Services NYC, said "A.7737-B/S.5473-D will restore the law to where it was prior to the Court of Appeals' aberrational decision in Engel, and will ensure that longstanding statute of limitations principles apply to foreclosing lenders just as they apply to every other type of litigant. It will make it clear that foreclosing lenders are not a special category of plaintiff and that they are not free to manipulate statutes of limitations to suit their needs."