



Legislation Details (With Text)

File #:	Res 0243-2022	Version:	A	Name:	Prohibit the use of a confession of judgment in business loans. (S.5256/A.7196)
Type:	Resolution	Status:	Adopted		
		In control:	Committee on Small Business		
On agenda:	6/16/2022				
Enactment date:	Enactment #:				
Title:	Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.				
Sponsors:	Julie Menin, Public Advocate Jumaane Williams, Shaun Abreu, Pierina Ana Sanchez, Tiffany Cabán, Farah N. Louis, Carlina Rivera, Marjorie Velázquez, Linda Lee				
Indexes:					
Attachments:	1. Res. No. 243, 2. June 16, 2022 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 6-16-22, 4. Minutes of the Stated Meeting - June 16, 2022, 5. Proposed Res. No. 243-A - 4/12/23, 6. Committee Report 4/12/23, 7. Hearing Testimony 4/12/23, 8. Hearing Transcript 4/12/23, 9. Proposed Res. No. 243-A - 5/31/23, 10. Committee Report 11/2/23, 11. Hearing Transcript 11/2/23, 12. Committee Report - Stated Meeting, 13. November 2, 2023 - Stated Meeting Agenda, 14. Hearing Transcript - Stated Meeting 11-2-23				

Date	Ver.	Action By	Action	Result
6/16/2022	*	City Council	Introduced by Council	
6/16/2022	*	City Council	Referred to Comm by Council	
4/12/2023	*	Committee on Small Business	Hearing Held by Committee	
4/12/2023	*	Committee on Small Business	Amendment Proposed by Comm	
4/12/2023	*	Committee on Small Business	Laid Over by Committee	
11/2/2023	*	Committee on Small Business	Hearing Held by Committee	
11/2/2023	*	Committee on Small Business	Amendment Proposed by Comm	
11/2/2023	*	Committee on Small Business	Amended by Committee	
11/2/2023	A	Committee on Small Business	Approved by Committee	Pass
11/2/2023	A	City Council	Approved, by Council	Pass

Res. No. 243-A

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.

By Council Member Menin, the Public Advocate (Mr. Williams) and Council Members Abreu, Sanchez, Cabán, Louis, Rivera, Velázquez and Lee

Whereas, Many taxi medallions owners in New York City (NYC) have taken out business loans to finance the purchase of their vehicles; and

Whereas, Some of the business loans that medallion owners take out include a document known as a “confession of judgment,” where the borrower waives the right to due process if the debt is unpaid and there is a dispute; and

Whereas, Once signed, a confession of judgment can be used by the lender to obtain a judgment against the borrower without any further notification; and

Whereas, Confessions of judgement enable creditors to legally seize assets of borrowers without a court proceeding, by enabling lenders to claim a debtor failed to meet their payment obligations; and

Whereas, The Federal government currently has prohibitions on the use of confessions of judgment in consumer loans, but not for business loans; and

Whereas, The United States Federal Trade Commission has called for the elimination of confessions of judgment in small business lending contracts; and

Whereas, Many states have also banned confessions of judgment practices for business loans, but New York State (NYS) does not prohibit them; and

Whereas, On August 30, 2019, then-Governor Cuomo signed S.6395/A.7500A, relating to judgements by confession; and

Whereas, The State bills prohibit out-of-state lenders from entering into confessions of judgement in New York counties against debtors; and

Whereas, Confessions signed by parties that are New York residents at the time of signing remained enforceable; and

Whereas, A confession of judgment can be used by banks and other lending institutions as a document in predatory lending practices, a loophole that should be closed; and

Whereas, A.7196, introduced by NYS Assembly Member Jeffrey Dinowitz, and S.5256, introduced by NYS Senator James Sanders Jr., would prohibit the inclusion of a confession of judgement in a contract or agreement for a financial product or service; and

Whereas, The legislation would apply to lenders and debtors that reside in NYS; and

Whereas, The legislation will protect small businesses from predatory lenders that offer loans and cash advances on the pre-condition the business signs a confession of judgment; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.5256/A.7196, to prohibit the use of a confession of judgment in business loans.

Session 12

NM

LS #1,981

4/18/2022

Session 11

RA

LS # 9151, 9153, 11030, 11060

Res 1049-2019