Legislation Details (With Text)

File #:	Res 0524-2024	**Version:**	A	**Name:**	Legal representation in certain mortgage foreclosure actions (S.126).
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Housing and Buildings
On agenda:	8/15/2024				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.126, in relation to legal representation in certain mortgage foreclosure actions

Sponsors: Kevin C. Riley, Nantasha M. Williams, Farah N. Louis, Chi A. Ossé, Shahana K. Hanif, Shekar Krishnan, Oswald J. Feliz, Rita C. Joseph, Chris Banks, Carlina Rivera

Indexes:

Attachments: 1. Res. No. 524, 2. August 15, 2024 - Stated Meeting Agenda, 3. Hearing Transcript - Stated Meeting 8-15-24, 4. Minutes of the Stated Meeting - August 15, 2024, 5. Committee Report 11/19/24, 6. Hearing Testimony 11/19/24, 7. Hearing Transcript 11/19/24, 8. Proposed Res. No. 524-A - 3/24/25, 9. Committee Report 3/26/25, 10. Committee Report - Stated Meeting, 11. March 26, 2025 - Stated Meeting Agenda, 12. Hearing Transcript 3/26/25, 13. Hearing Transcript - Stated Meeting 3-26-25

Date	Ver.	Action By	Action	Result
8/15/2024	*	City Council	Introduced by Council	
8/15/2024	*	City Council	Referred to Comm by Council	
11/19/2024	*	Committee on Housing and Buildings	Hearing Held by Committee	
11/19/2024	*	Committee on Housing and Buildings	Laid Over by Committee	
3/26/2025	*	Committee on Housing and Buildings	Hearing Held by Committee	
3/26/2025	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
3/26/2025	*	Committee on Housing and Buildings	Amended by Committee	
3/26/2025	A	Committee on Housing and Buildings	Approved by Committee	Pass
3/26/2025	A	City Council	Approved, by Council	Pass

Res. No. 524-A

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.126, in relation to legal representation in certain mortgage foreclosure actions

Council Members Riley, Williams, Louis, Ossé, Hanif, Krishnan, Feliz, Joseph, Banks and Rivera

Whereas, The 2023 Status of Foreclosure Cases report, published by the Chief Administrative Judge of the New York State Unified Court System, found that the statewide number of foreclosure cases increased by

nearly 100% between the 2022 and 2023 reporting periods, with the number of such foreclosures rising from 7,621 to 15,235; and

Whereas, According to the National Bureau of Economic Research, a nonprofit organization that conducts research on economic issues, since the COVID-19 foreclosure moratorium was lifted in January 2022, the number of properties in pre-foreclosure has significantly increased across New York City, with Brooklyn seeing the most foreclosures; and

Whereas, For homeowners facing foreclosure, a lawyer can help them keep their home, but many homeowners struggle without legal representation due to the high cost of attorneys; and

Whereas, New York State law requires residential foreclosure parties to attend settlement conferences, which may help homeowners stay in their homes, but many homeowners attend these conferences unrepresented, increasing the risk of homeowners losing their homes; and

Whereas, According to the 2023 Status of Foreclosure Cases report, 56 percent of New York homeowners in foreclosure settlement conferences lacked legal representation; and

Whereas, Navigating foreclosure without an attorney can be confusing, and homeowners often need help negotiating a repayment plan; and

Whereas, Under New York State law, no such right to have a legal counsel exists when a New York State resident is threatened with the loss of their home in a foreclosure, though the right exists in certain other types of civil proceedings, including certain family court or surrogate court matters; and

Whereas, S.126, sponsored by State Senator Leroy Comrie and pending in the New York State Senate, would provide homeowners in foreclosure proceedings who cannot afford legal representation the right to counsel assigned by the court; and

Whereas, The right to counsel in certain mortgage foreclosure proceedings, as established by S.126, could help homeowners negotiate more favorable terms with lenders or even avoid foreclosure altogether; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.126, in relation to legal representation in certain mortgage foreclosure actions.

JLC/AGB
LS 16624
03/11/2025