

INCORPORATED VILLAGE OF AMITYVILLE: LOCAL LAW # 9 OF YEAR 2016

A local law to amend the Code of the Village of Amityville, by adding a new Chapter 90, entitled "Foreclosure Notification", requiring the Plaintiff in a Mortgage Foreclosure Proceeding to register with the Village Clerk.

BE IT ENACTED by the Board of Trustees of the Inc. Village of Amityville as follows:

Chapter 90, entitled "Foreclosure Notification"

Section 1. §90-1. Notice by a mortgagee commencing an action to foreclose a mortgage on residential or commercial real property.

A. Any mortgagee that commences an action to foreclose a mortgage on real property within the Village of Amityville shall provide notice to the Amityville Village Clerk, in a form prescribed by the Village Clerk, within fifteen (15) days of the commencement of such action. If such action was commenced before the effective date of this local law, and remains pending as of such effective date, notification shall be provided within thirty (30) days of such effective date, provided, however, that no notice shall be required for actions commenced prior to September 30, 2010, regardless of whether such action remains pending as of the effective date hereof. Such notice shall include the following information:

- (i) The name of the mortgagee plaintiff commencing such action and the mailing address, telephone number and e-mail address of such mortgagee, and, when applicable, the name of the principal or corporate officer of such mortgagee plaintiff and the mailing address, telephone number and e-mail address of such principal or corporate officer;
- (ii) The name of the defendant(s) in such action;
- (iii) The identification of such residential or commercial real property by street address and section, block and lot number;
- (iv) The date of the commencement of such action;
- (v) The court in which such action was commenced; and
- (vi) Such other information as the Village Clerk may require.

For purposes of this section, "mortgagee" shall mean any person that commences an action to foreclose a mortgage on residential or commercial real property including, but not limited to, a lender, assignee or mortgage loan servicer.

B. A mortgagee shall notify the Village Clerk within fifteen (15) days of the discontinuance of an action for which notice pursuant to paragraph A has been received, the issuance of a judgment in such action, and/or the sale of real property as a result of such action.

C. The Village Clerk shall maintain a list of all properties for which notice pursuant to paragraph A has been received. The Village Clerk shall provide the information received under paragraph A and B to the Amityville Village Building Department, Police Department and Department of Public Works and to any other Village department upon request by such department.

D. Any mortgagee who fails to notify the Village Clerk in accordance with this section shall be liable for a penalty of \$1,500 enforceable by an person empowered to issue an appearance ticket pursuant to CVA §1.11. The failure to notify shall not be deemed to affect in any way any pending legal proceeding related to such residential or commercial real property.

E. The provisions of this section shall not apply to any foreclosure actions brought by a governmental entity.

§90-2. This local law shall take effect 120 days after its enactment

Section 2. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.