Judicial Foreclosure
This year, lawmakers in several states introduced legislation that would eliminate non-judicial residential foreclosures and require lenders to file a lawsuit against borrowers in order to foreclose.

New Hampshire introduced a bill that would repeal the section of New Hampshire law governing non-judicial foreclosure and would replace it with a section requiring lenders to proceed with foreclosure through a civil lawsuit.

Similarly, New Mexico and Massachusetts lawmakers proposed bills requiring judicial foreclosure for all residential mortgages on 1- to 6-family, owner-occupied properties. The New Mexico bill went further, however, and specified that residential loans may not contain a power of sale (the mechanism for non-judicial foreclosure). The New Mexico bill included loss mitigation-related procedures that a lender must follow when filing a judicial foreclosure and throughout the foreclosure process.

Both the New Mexico and New Hampshire bills failed to pass.

The Massachusetts bill was heard in the Joint Committee on Judiciary and is now eligible for consideration in an Executive Session. We are continuing to track this legislation and will issue client alerts if there are any major developments with the bill.

Government Shutdown Relief
In response to the 2019 federal government shutdown – the longest in US history – several states proposed legislation to aid furloughed government workers during future shutdowns. At least eight states introduced some kind of legislation aimed at providing foreclosure...
protection to federal workers during a government shutdown.

Most notably, Nevada enacted AB 393, which provides repossession, foreclosure, and eviction protections for federal, state, and tribal workers in the event of a government shutdown. Among other provisions, the law adds a new section to Nevada’s foreclosure statute that prohibits a lender from initiating foreclosure against a government worker’s residence during a shutdown and for 90 days after the shutdown ends. A knowing violation of this section is a misdemeanor and could make the lender liable to the borrower for monetary damages (including attorney’s fees).

The new law requires lenders to include on the Nevada Notice of Intent to Foreclose (NV NOI) a statement that if the borrower is “a federal worker, tribal worker, state worker or a household member or landlord of such a worker, he or she may be entitled to certain protections” under the new section of Nevada law.

Fortunately, because Covius began monitoring this bill early on in the legislative process, we had these changes to our templates ready for production before the requirements were enacted into law.

Foreclosure Mediation

Although nationwide the volume of foreclosures has decreased in recent years, some states’ legislatures proposed bills that would add new pre-foreclosure mediation programs and considered renewing existing programs.

For example, Connecticut legislators introduced multiple bills to extend their state’s mediation program several more years or indefinitely. Connecticut’s foreclosure mediation program was initially intended to be temporary but has been extended numerous times since its launch in 2008. The program was scheduled to sunset once again on July 1, 2019, but Connecticut Governor Ned Lamont signed HB 6996 in June, which provided another four-year extension.

Covius monitored this bill closely because the Foreclosure Mediation Program requires servicers to include a Foreclosure Mediation Notice of Community Based Resources (Form JD-CV-126) with any notice of intent to accelerate sent in the state. If the program had not been extended, changes to Connecticut demand letters would have been required.

Jumping on the bandwagon, Massachusetts introduced HB 3560 earlier this year; this bill would create a foreclosure mediation program similar to programs in several other states. Prior to initiating foreclosure, lenders would be required to send a copy of the default notice to the Massachusetts Foreclosure Mediation Program (MFMP), and the MFMP would then send a separate notice to the borrowers to inform them of their right to mediation.
HB 3560 specifies the procedure for mediation and what the parties must do if they reach an agreement regarding an alternative to foreclosure. This bill is still pending in the Massachusetts House; Covius will continue to monitor this bill and will inform clients of any major developments.

Several states introduced legislation to place moratoriums on some or all foreclosures in the state.

**Foreclosure Moratoriums**

Although foreclosure moratoriums are seen by many to be extreme measures with substantial drawbacks, several states introduced legislation to place moratoriums on some or all foreclosures in the state.

New York AB 4196 would have required a 1-year moratorium on all foreclosures in New York and required lenders to enter into “good faith negotiations” with borrowers to “negotiate terms for repayment of the loan.” If a borrower failed to make the renegotiated payments, the lender could then foreclose.

The sponsor of this bill argued that a temporary moratorium on foreclosures “will allow New Yorkers to secure employment and get their finances back on track, which in turn will assist in stabilizing our state’s economy.”

One state pushed for an even longer reprieve for homeowners. Massachusetts HB 1482/SB 868 proposes a 2-year moratorium on non-judicial foreclosures “of any 1-6-unit residential property where the property is the sole real property of its owner.” The moratorium would renew automatically every 2 years for a maximum of 10 years.

HB 1482 also requires the creation of a foreclosure mediation program, requires the Division of Banks to provide an “Annual Foreclosure Crisis Report” to the legislature, and creates a “Foreclosure Education Reform Review Task Force” to study foreclosures in Massachusetts. This bill is still pending in the Massachusetts legislature, although it is not expected to advance.

**Mandatory Forbearance**

It is common practice for servicers to allow borrowers to occasionally skip payments and catch up later, but some state lawmakers have proposed mandating that borrowers be allowed to miss certain monthly payments without any penalty.

Hawaii legislators introduced HB 1283, a bill that would allow a borrower to miss one monthly payment every two years for mortgages and auto loans. Twenty representatives out of Hawaii’s 51-member House of Representatives co-sponsored the bill.

HB 1283 would apply to loans issued by state-chartered banks, and require any mortgage or automobile loan over $1,000 to include as a term of the loan “an option for the borrower to miss one monthly payment, that can be used consecutively, for every twenty-four months for the term of the loan without financial, credit, or other penalty.” There was a great deal of vocal opposition to this bill from the financial services industry, and Hawaii lawmakers ultimately decided to defer the measure.
Zombie Properties

Although the number of “zombie” properties continues to decrease each year, states with high rates of foreclosure continue to look for solutions to the problem of blight caused by borrowers abandoning their homes after defaulting on mortgage payments. The following bills from this legislative session seek to place more responsibility on lenders for abandoned properties:

Illinois HB 3058 proposes several methods for determining if a residence is abandoned and would require lenders to conduct regular inspections of a property when the borrower is delinquent in order to determine if the property is occupied. If enacted, this bill would require Illinois regulators to create a “statewide abandoned residential property registry electronic database.” Lenders would have to submit and update information on vacant properties in zip codes “where there are prevalent abandoned residential properties.”

New York SB 5079, the “Zombie Property Remediation Act”, would give New York cities, villages, and towns the right to sue lenders in order to move foreclosures on abandoned properties more quickly.

Remote Online Notarization

Remote online notarization (RON) – notarization where the signer and notary are in separate locations – allows borrowers to execute electronic closing documents by remotely connecting to other parties via virtual audio/video technology. As notary laws are state specific, the adoption of RON requires states to adopt rules authorizing and regulating notarization using audio/visual technology. Virginia was at the forefront of adopting laws authorizing the use of RON in 2012. A few states followed suit in the following years, but in 2018, the pace increased—six other states enacted RON laws and the Uniform Law Commission updated uniform law on notarial acts.

That momentum has continued through 2019 as state lawmakers have taken increasing interest in authorizing the use of RON through the legislative process. According to the National Notary Association, 22 states have passed and/or enacted RON laws. Out of those states, 13 have laws that are in effect, but only 9 have fully implemented their remote notarization procedures, meaning that notaries can begin conducting remote notarizations.

Covius Compliance Solutions’ team of legal professionals is continually filtering through hundreds of bills like those listed above throughout the legislative session and identifying key pieces of legislation impacting our clients’ operations. Once identified, relevant bills are monitored throughout the legislative process. We carefully examine bills for new requirements so that we can assist clients in formulating compliance strategies before requirements become effective.
Garden State Foreclosure Overhaul – New Jersey Enacts Slate of Bills Intended to Address State’s Foreclosure Woes

In recent years, New Jersey has had the highest rate of foreclosure in the nation and remains among the top five states with the longest average foreclosure timelines. In 2019, Governor Phil Murphy signed a package of nine foreclosure and mortgage servicing bills that made significant changes to the New Jersey foreclosure process. Due to the number of changes and the relatively short lead time to comply, these measures left mortgage servicers scrambling to meet the new requirements.

What are the required changes to the New Jersey Notice of Intention to Foreclose?

Four of the bills, AB 664, SB 3416, SB 3411, and SB 362 require lenders to include additional information for borrowers in the pre-foreclosure New Jersey Notice of Intention to Foreclose (NJ NOI).

The NJ NOI must now inform the borrowers of the following:

- Whether the lender is “licensed in accordance with the ‘New Jersey Residential Mortgage Lending Act’ … or exempt from licensure under the act in accordance with applicable law.”

- The fact that borrowers are entitled to housing counseling through the Foreclosure Mediation Program, along with information on how to contact the program.

- That if the lender accelerates the mortgage, borrowers will have the option to participate in the Foreclosure Mediation Program, along with information about the program from the New Jersey Superior Court (in both English and Spanish).

Because the Court did not publish a notice suitable for this purpose at the time these bills were passed, Covius reached out to the Court Clerk to ask when the necessary forms would be available. As soon as the forms were released, we alerted our clients and updated our templates prior to this requirement’s effective date.

- That under certain circumstances, the lender will be required to apply to the court for appointment of a receiver.

- For mortgages on properties with affordability restrictions, the NJ NOI must include contact information for the applicable municipal affordable housing liaison and the New Jersey Housing and Mortgage Finance Agency. The following must also receive copies of the NOI: the clerk of the municipality where the property is located, the local municipal housing liaison (if one has been appointed), and the Commissioner of Community Affairs.
This requirement has proven cumbersome to implement because of the unavailability of necessary information. In particular, there is no comprehensive list of municipal housing liaisons and no easy way to determine in which municipality a property is located or even if the property is deed-restricted. Despite the fact that this new law went into effect in June, servicers are still trying to figure out how to comply.

**What are the changes to the New Jersey foreclosure process?**

In addition to the pre-foreclosure notice changes, New Jersey lawmakers also updated the foreclosure process and related matters via the following bills:

- **AB 5001:** Reduces the statute of limitations in residential mortgage foreclosure actions. Previously, a 20-year statute of limitations applied to residential foreclosures; this bill reduces that limit to 6 years starting from the date on which the debtor defaulted. Other limits may apply in certain circumstances, but generally this bill is advantageous to borrowers. Effective April 29, 2019 (applies to residential mortgages executed on or after the effective date).

- **AB 5002:** Permits planned real estate developments (HOAs) to file liens against properties and gives liens for 6 months' worth of unpaid customary assessments priority over prior recorded mortgages and other liens. Effective April 29, 2019.

- **SB 3413:** Makes changes to the summary action foreclosure process under the NJ Fair Foreclosure Act by clarifying the method by which foreclosed properties can be sold on an expedited timeline. Effective May 29, 2019.

- **SB 3464:** Revises procedures for real estate foreclosure sales and alters adjournment of the sale process. Effective July 28, 2019.

- **AB 4999:** Requires creditor contact information to be filed with the court when a foreclosure lawsuit is filed and to be included with the notice of pending legal action filed with the county clerk. Effective July 28, 2019.

**What are the changes to mortgage servicing?**

Mortgage servicers must now obtain a license from the New Jersey Commissioner of Banking and Insurance. Each servicer must demonstrate financial responsibility and meet specific bonding, recordkeeping, filing, and disclosure requirements.

- **New Jersey enacted AB 5000, joining 5 other states that require some form of pre-foreclosure registration with state regulators.**

**What's on the horizon?**

On June 24, 2019, New Jersey enacted AB 5000, joining 5 other states that require some form of pre-foreclosure registration with state regulators. This new law will require lenders to provide a copy of each NOI sent to a borrower in New Jersey to the state Department of Community Affairs (DCA) along with a description of the subject property by street address, block, and lot as shown on the municipal tax map.
The DCA, in turn, is required to provide the lender with a written acknowledgement of its receipt of each NOI. In order to facilitate lenders' submissions of this information, the bill also instructs the DCA to “create a centralized portal allowing for electronic submittal” of each NOI.

Covius intends to create an eRegistration product to assist clients in fulfilling this requirement. Other provisions of the bill direct the DCA to develop a foreclosure database based upon the information submitted by lenders.

Case Law Spotlight:

**Thompson v. JP Morgan Chase, N.A.**

In February, the 1st Circuit Court of Appeals issued an opinion in a Massachusetts foreclosure case (*Thompson v. JP Morgan Chase, N.A.*) that caused considerable turmoil for lenders sending pre-foreclosure notices to borrowers in the Bay State. The Court ruled that certain language in the defendant lender’s pre-foreclosure notices was “potentially deceptive”; this was problematic because the language at issue is used by the majority of lenders and servicers in Massachusetts.

The Court’s ruling was particularly troubling because the problematic section in the lender’s notice was actually part of the 90-day Right to Cure Notice (“MA RTC”) published by the Massachusetts Division of Banks (DOB) – lenders are required to use the state form without modifying its wording.

This ruling had the potential to cloud the validity of thousands of already completed and ongoing foreclosures in Massachusetts, so the financial services industry filed multiple briefs in support the lender’s motion for rehearing. Thankfully, in August, the 1st Circuit reversed course and vacated its previous ruling. This case is not over yet, however, because the 1st Circuit asked the Massachusetts Supreme Judicial Court to give an opinion on whether the offending paragraph in the MA RTC renders the lender’s notice inaccurate or deceptive.

Covius Compliance Solutions became aware of the *Thompson* case through our regular monitoring of foreclosure-related case law, and
when the 1st Circuit issued its initial opinion in February, we quickly issued an alert to make our clients aware of the Court’s ruling and updated our MA RTC standard template. Our clients also received our legal team’s in-depth analysis of the case and the Court’s opinions through our monthly webinars.

Because a revision to the MA RTC would definitively resolve this issue, we also reached out to the Massachusetts DOB to ask if they would be willing to revise their form. The DOB acknowledged that they are aware of the problems caused by Thompson, and we intend to follow up with them until they make a decision. We continue to monitor the case and will issue alerts on significant developments.

2020 WATCH ITEMS

De-Acceleration

Several cases over the past year highlight the importance of specific wording in notices to borrowers, especially with mortgages that remain in default over several years. Borrowers in several states have argued that their lenders lose the right to foreclose or collect when their loan was accelerated, the lender did not explicitly de-accelerate the loan, and the statute of limitations ran out before the lender started the current foreclosure proceeding.

In Pitts v. Bank of New York Mellon, the Texas Court of Appeals held in favor of a borrower when the servicer had previously accelerated the loan but did not adequately de-accelerate it. The servicer argued that its collection letters demanding less than the entire loan amount were evidence that it was not attempting to collect the accelerated balance and thus had de-accelerated, but the court disagreed. The Texas court held that the servicer’s notices would only be sufficient to de-accelerate if they “unequivocally manifested an intent to abandon the previous acceleration.”

Courts in other states, including New York, have also held that lenders or servicers must clearly and explicitly de-accelerate; otherwise the statute of limitations will continue to run from the original acceleration. To avoid this problem, some lenders and servicers will send a de-acceleration letter to borrowers to avoid any confusion or ambiguity that a borrower could later use in court.

Covius Compliance Solutions tracks case law like this in 50 states; we search for court decisions that impact default servicing procedures, pre-foreclosure notices, and foreclosures. In foreclosure litigation, the court scrutinizes the content of lenders’ communications with borrowers, and we carefully analyze these types of decisions to try to understand what courts are looking for in borrower communication.
2020 WATCH ITEMS
Non-English Form Updates

Multiple states require pre-foreclosure notices to be provided in other languages for borrowers with limited English proficiency. In most cases, state regulators provide translated versions of their official forms in the required languages.

Covius Compliance Solutions closely monitors these translated state forms, especially because we have found that state regulators do not always provide servicers with notice when they update the forms.

Earlier this year, the Washington Department of Commerce updated the Spanish translation of Notice of Pre-Foreclosure Options and did not send out any notice of the change. Covius found the update through our regular review of state websites and notified our clients.

Similarly, over the summer, the New York Department of Financial Services made a new translation of its 90-Day Pre-foreclosure Notice available without notification. New York law requires lenders to send borrowers a pre-foreclosure notice in the borrower’s preferred language if that language is among the six most common non-English languages spoken by individuals with limited English proficiency in the state of New York. In this instance, New York added a Bengali translation, and Covius again discovered the update through a regular review and notified our clients.

FEDERAL UPDATES

Focus on the Fair Debt Collection Practices Act - Litigation and Rulemaking

The federal Fair Debt Collection Practices Act (FDCPA) received a fair amount of attention in 2019 due to an important Supreme Court case and new regulations proposed by the Consumer Financial Protection Bureau (CFPB).

United States Supreme Court: When does the FDCPA apply in foreclosure?

In Obduskey v. McCarthy & Holthus LLP, the Supreme Court was asked to determine under what circumstances the FDCPA applies in non-judicial foreclosure. Mortgage servicers and their attorneys are exempt from most provisions of the FDCPA when foreclosing on real estate, or as the federal statute phrases it, engaging in “the enforcement of security interests.”

This case began when Obduskey, a Colorado borrower in default, argued that the lender’s foreclosure attorneys were required to comply with all of the FDCPA’s mandates.
related to debt collection. McCarthy & Holthus, the defendant law firm, asserted that they were not attempting to collect a debt, but were instead simply following the necessary procedures under Colorado law to foreclose on Obduskey’s property.

The lower courts, including the 10th Circuit Court of Appeals, sided with the defendant law firm, so Obduskey appealed to the Supreme Court. Lenders and servicers were keenly interested in the outcome at the Supreme Court, because if the Court required them to comply with the entirety of the FDCPA, defaulted borrowers could use various provisions of the federal law to delay and drag out the foreclosure process. Also, state foreclosure laws in several states directly conflict with the FDCPA debt collection requirements, so servicers and attorneys could be unable to foreclose without violating the FDCPA.

Ultimately the Supreme Court agreed with the lower courts and ruled that most of the FDCPA does not apply to non-judicial foreclosure.

Covius Compliance Solutions watched this case closely and provided ongoing analysis to our clients through client alerts and our monthly webinars. Cases like these have the potential to impact default servicing procedures and the content of communication with borrowers, and we strive to ensure that our clients are well informed of the latest compliance requirements.

**CFPB’s FDCPA Rulemaking**

In May, the CFPB issued proposed regulations designed to clarify certain sections of the FDCPA and provide guidance on how to comply with the law using modern technology. The FDCPA was enacted over 40 years ago, but prior to the Dodd-Frank Act and the creation of the CFPB, no federal agency had the authority to issue regulations related to the federal statute.

The financial services industry has generally been in favor of new FDCPA regulations, in part because uncertainty about the application of the law to some collection activities and technology has led to increased litigation and inconsistent court decisions.

CFPB Director Kathleen Kraninger has stated that the purpose of the proposed regulations is to provide clearer rules for the industry to follow and to ensure that consumers receive better information during the debt collection process. In addition to providing guidance on compliant electronic communications with borrowers, the proposed regulations also include a model validation of debt notice that is designed to be easier to understand than the disclosures traditionally used by debt collectors.

The notice and comment period on the proposed regulations ended in September, and the CFPB is currently working on the final version. The
Covius Compliance Solutions develops and maintains template libraries for our clients, including our pre-foreclosure library, and many of our templates include FDCPA disclosures.

For this reason we closely monitor debt collection case law, related state legislation and regulations, and federal action like the CFPB’s proposed rulemaking. This enables us to keep our templates compliant and up to date with best practices and to keep our clients informed on how courts and regulators view specific wording in demand letters and other borrower communication.

**Spotlight: CFPB Director Kraninger’s First Year**

In December 2018, Kathleen Kraninger was confirmed as the director of the Bureau of Consumer Financial Protection (CFPB). Due to the Bureau’s structure, its operations and priorities can change dramatically depending who is in charge of the agency. Former Director Cordray and former Acting Director Mulvaney had very different approaches and philosophies while leading the CFPB.

Due to the outsized influence of the director on the CFPB’s operations, Director Kraninger has been under the microscope since her confirmation, as the financial services industry and consumer advocates have been trying to determine if she will follow the lead of either of her predecessors.

Instead, she seems to be forging her own middle path between the extreme anti-industry position of former Director Cordray and the partisan approach taken by former Acting Director Mulvaney.

**Enforcement**

In public appearances, Director Kraninger has emphasized her desire to ensure that regulated industries have clear guidance on the rules they are expected to follow and that enforcement should be reserved for those who have no intention of complying with the law.

The volume of CFPB enforcement under Kraninger increased over enforcement during the Mulvaney directorship but has not reached levels as high as those seen during the Cordray era. More important than the volume, however, is the Bureau’s attitude toward enforcement. Under Cordray, the CFPB took an aggressive and adversarial approach toward targets of enforcement, but under Kraninger the Bureau has taken a more measured approach.
One example of this new approach is the CFPB’s revisions to its Civil Investigative Demand (CID) policy implemented in April. The Bureau announced the new policy in response to public comments and several court rulings against the CFPB on this issue over the past 2 to 3 years. The Bureau has been criticized for issuing overbroad and non-specific CIDs; as one court put it: “the CFPB does not have ‘unfettered authority to cast about for potential wrongdoing.’” The new policy promises to provide targets of investigation the specific information they need to adequately respond to investigative demands.

In recent years, several targets of CFPB enforcement and investigations have sought dismissal of legal action against them by arguing that the Bureau lacks constitutional authority. The director of the CFPB can only be fired “for cause”, which they argue violates the separation of powers by infringing on the President’s executive authority.

Appellate courts have upheld the constitutionality of the CFPB’s structure in multiple cases, but in October the United States Supreme Court agreed to hear a case out of the 9th Circuit: Seila Law LLC v. Consumer Financial Protection Bureau. At the 9th Circuit, the CFPB successfully argued that its structure is constitutional, but since that decision Director Kraninger has changed the official position of the agency to agree that the Bureau’s structure is unconstitutional. The Department of Justice has held this same position since 2017.

Because the DOJ and the CFPB both agree with the plaintiff in Seila Law, the Supreme Court has asked former US Solicitor General Paul Clement to argue the case in support of the Bureau’s constitutionality. If the Supreme Court decides in favor of the plaintiff, there are several possible outcomes. The Court could simply strike the “for cause” removal provision of the law, which would enable the President to fire the CFPB director at will, or the Court could strike down more of the Dodd-Frank Act.

It is unclear what impact a ruling that the CFPB’s structure is unconstitutional would have on past or current CFPB enforcement and rulemaking activities – some petitioners to the Court have argued that past CFPB enforcement actions...
should be undone or that the entirety of Dodd-Frank should be struck down.

Covius Compliance Solutions keeps our clients updated with the latest news about the CFPB because of the Bureau's past actions toward mortgage servicers and lenders and its ability to impact lending and servicing in the future impact our clients. We provide in-depth analyses of these issues through our webinars and bulletins, and send out client alerts when necessary for any time-sensitive matters. Our goal is to help our clients respond quickly as they operationalize new or changing regulatory requirements and best practices.

### LOOKING AHEAD TO 2020

#### 2019 Trends Expected to Continue in 2020

2019 was a busy year for state legislatures and courts across the country, despite a robust economy and low delinquency rates. State and federal regulators continued to add or revise requirements for mortgage lending and servicing, keeping legal and compliance teams busy throughout the year.

2020 legislative sessions start in January, and we expect a lot of legislative activity. As a result of recent court decisions, including those at the Supreme Court interpreting the FDCPA, we could see more proposed state legislation related to debt collection and foreclosure.

We have seen in recent years that changes in federal enforcement, particularly at agencies such as the CFPB and HUD, have prompted some state lawmakers and regulators to pursue consumer protection measures at the state level. 2020 could see state-level proposals related to regulation and licensing of mortgage servicers, increased requirements for debt collection, and anti-discrimination in lending.

As always, our Compliance Solutions team will keep a close watch on upcoming bills, proposed regulations, and court decisions so we can keep our clients up to date with the latest developments.
### State Legislative Highlights from 2019

<table>
<thead>
<tr>
<th>State</th>
<th>Bill Number</th>
<th>Summary</th>
<th>Enacted/Effective Dates</th>
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<tbody>
<tr>
<td>California</td>
<td>SB 187</td>
<td>Amends California’s Rosenthal Fair Debt Collection Practices Act to include attorneys within the definition of “debt collectors.” The bill also amends the definition of “consumer debt” to include mortgage debt.</td>
<td>10/7/19; effective 1/1/20</td>
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<tr>
<td>Connecticut</td>
<td>HB 6996</td>
<td>Extends the Ezequiel Santiago foreclosure mediation program until June 30, 2023.</td>
<td>7/1/19; effective 7/1/19</td>
</tr>
<tr>
<td>Delaware</td>
<td>HB 2</td>
<td>Creates the Federal Employees Civil Relief Act that provides the temporary suspension of judicial and administrative proceedings and transactions in the state that may adversely affect the civil rights of federal workers during a shutdown; applies to federal workers who reside in the state; permits a federal worker, who is furloughed or required to work without pay during a shutdown, to apply to a court or administrative agency for a temporary stay.</td>
<td>1/23/19; effective 1/23/19</td>
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<tr>
<td>Delaware</td>
<td>HB 68</td>
<td>Extends the Automatic Residential Mortgage Foreclosure Mediation Program and the Office of Foreclosure Prevention and Financial Education.</td>
<td>6/5/19; effective 10/3/19</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>B 80</td>
<td>Protects, on an emergency basis, unpaid federal workers, employees of contractors of the federal government, household members of federal workers, and employees of contractors from eviction, late fees, and foreclosure during a federal government shutdown.</td>
<td>2/6/19; effective 2/6/19</td>
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<tr>
<td>Maine</td>
<td>LD 907</td>
<td>Requires servicers to send a the Maine RTC notice by both certified mail with return receipt and first class mail; adjusts the legal standard for when the borrower is deemed to have received the RTC to the earliest of: (1) the date the borrower signs the return receipt, (2) the date the post office last attempts to deliver the certified letter, or (3) the 7th calendar day after the first class letter is mailed if a post office certificate of mailing is provided.</td>
<td>6/18/19; effective 9/18/19</td>
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<tr>
<td>State</td>
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| Nevada    | AB 393      | Provides protections to certain governmental employees and certain other persons during a government shutdown and amends Nev. Rev. Stat. Ann. § 107.500 to require that the pre-foreclosure letter include a statement that if the borrower is a federal worker, tribal worker, state worker, or a household member or landlord of such a worker, he or she may be entitled to certain protections.  
*Enacted 6/8/19; effective 6/8/19*                                                                 |
| New Jersey| AB 5000     | Requires lenders to provide a copy of each notice of intention to foreclose (NOI) sent to a borrower in New Jersey to the state Department of Community Affairs (DCA) along with a description of the subject property by street address, block, and lot as shown on the municipal tax map. The DCA, in turn, is required to provide the lender with a written acknowledgement of its receipt of each NOI. The DCA is also required to “create a centralized portal allowing for electronic submittal” of each NOI.  
*Enacted 6/24/19; effective 4/1/20*                                                                         |
| New Jersey| SB 362      | Requires servicers to send the NOI to the clerk of the municipality in which the property is located, the municipal housing liaison (if applicable), and the Commissioner of Community Affairs. Additionally, the NOI must include “the address and phone number of the municipal affordable housing liaison and of the New Jersey Housing and Mortgage Finance Agency” if a property is subject to affordability restrictions.  
*Enacted 6/24/19; effective 6/24/19*                                                                         |
| New Jersey| AB 664      | Codifies the state’s Foreclosure Mediation Program. Requires servicers to send written notice of borrower’s option to participate in the program at the time borrower receives a Notice of Intent.  
*Enacted 4/29/19; effective 11/1/19*                                                                           |
| New Jersey| AB 3411     | Amends New Jersey Revised Statutes Section 2A:50-56 to add timing and content requirements to the NJ NOI.                                                                                                  
*Enacted 4/29/19; effective 8/1/19*                                                                                                                                 |
| New Jersey| SB 3416     | Requires that the NJ NOI inform borrowers “that the lender is either licensed in accordance with the ‘New Jersey Residential Mortgage Lending Act’ ... or exempt from licensure under the act in accordance with applicable law.” 
*Enacted 4/29/19; effective 4/29/19*                                                                         |
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<td>Enacted 4/29/19; effective 4/29/19</td>
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<td>New Jersey</td>
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<td>Permits planned real estate developments to file liens against property.</td>
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<td>Enacted 4/29/19; effective 4/29/19</td>
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<td>New Jersey</td>
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<td>Enacted 4/29/19; effective 5/29/19</td>
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<td>New Jersey</td>
<td>SB 3464</td>
<td>Revises procedures for real estate foreclosure sales.</td>
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<td>Enacted 4/29/19; effective 7/28/19</td>
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<tr>
<td>New York</td>
<td>AB 92</td>
<td>Requires banks and financial institutions entering into negotiations to modify a mortgage on real property located in this state to be responsible for the continuation of the modification process until its completion regardless of whether the mortgage is sold.</td>
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<td>Enacted 8/14/19; effective 11/12/19</td>
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<tr>
<td>Oregon</td>
<td>HB 2530</td>
<td>Requires persons who send or serve certain documents related to overdue loan payments for loans secured by residential real property and residential foreclosures to include certain information regarding assistance that may be available to veterans of armed forces.</td>
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<td>Enacted 6/17/19; effective 1/1/20</td>
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<tr>
<td>Virginia</td>
<td>SB 1737</td>
<td>Provides a 30-day stay for eviction and foreclosure proceedings for tenants and homeowners who provide proof that they are an employee of the United States government who was furloughed.</td>
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<td>Enacted 4/3/19; effective 4/3/19</td>
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</tbody>
</table>