

Section 422.2 Definitions

(f) Mortgage Servicing:

"or 24 CFR 3500.2" deleted from line 5 of the proposed rule

"servicing includes making payments to the borrower or having been delegated by the mortgagee as responsible for oversight and maintenance of the mortgage even though payments are no longer being made to the borrower." added in lines 5-8 of final rule

(h) Residential Real Property:

"and shall include any building or structure used for both residential and commercial purposes where no more than twenty percent of the total appraised value is attributable to the commercial purpose" deleted from lines 3-5 of the proposed rule

(i) Federally Chartered Bank, Savings Bank, Savings and Loan Association, or Credit Union:

"of 1864, as amended" deleted from line 9 of the proposed rule

"a state-chartered branch and agency of a foreign bank subject to the provisions of Article 5 of the New York Banking Law" added in lines 8-10 of final rule

Section 422.3 Applicability and Exemption under RPAPL 1308

(b)1.B. "mortgage servicing and mortgage maintenance" deleted from lines 2-3 of proposed rule

(c)1.B. "mortgage origination, mortgage ownership, mortgaging servicing, and mortgage maintenance" deleted from lines 2-3 of proposed rule

(e) "December 31 of the year preceding the calendar year in which the exemption is being sought" deleted from lines 3-4 of the proposed rule

"February 28, 2017 for the 2017 calendar year and each calendar year thereafter, by December 31 of the year preceding the calendar year in which the exemption is being sought" added in lines 3-5 of final rule

New sub-sections added to final rule:

"(f)1. Subject to subdivision (2), for all mortgages that are ninety days or more delinquent on December 20, 2016, the initial inspection required by RPAPL 1308(1) must be made on or before February 1, 2017."

"(f)2. For any residential real property that satisfies the definition of vacant and abandoned in RPAPL 1309 as of December 20, 2016, the requirements in RPAPL 1308(3) must be satisfied by February 1, 2017."

"(g) Pursuant to RPAPL 1308(11), state or federally chartered banks, savings banks, savings and loan associations and credit unions that qualify for the exemption under subdivision (b), above, and that are parties to the Department's Industry Best Practices: Inspecting, Securing and Maintaining Vacant and Abandoned Properties in New York, issued in May 2015, shall continue to be subject to that agreement for so long as the terms and conditions of the agreement remain in effect."

Section 422.4 Vacant and Abandoned Property Reporting

New subsection added to the final rule:

(a)1. *the address of the subject property*

(c) "Due diligence includes but is not limited to ensuring that all timelines and requirements set forth in the law and regulation are adhered to and exercising oversight of third parties hired to inspect and investigate." added to lines 2-4 in the final rule

New subsection added in the final rule:

(f) *For all residential real property previously reported to the Department as vacant and abandoned, the mortgagee shall provide the information required by this section by February 1, 2017.*

Section 422.5 Quarterly Reporting

(a)2.A. "and the identity and employer of the person who performed the inspection." deleted from lines 2-3 of the proposed rule (balance of paragraph moved to (a)2.B. in final rule)

New subsection added in the final rule:

(a)2.A. *"The address of the subject property*

(a)2.D. "and the identity and employer of the person who performed each action" deleted from lines 2-3 of the proposed rule

(b) "except that no quarterly report needs to be filed for the calendar quarter ending December 31, 2016." added to lines 2-3 in the final rule"

New subsection in the final rule:

(c) *Every mortgagee that is not exempt from the obligations imposed by RPAPL 1308 shall maintain for production and inspection all books and records documenting all actions to secure and maintain the subject property that have been taken, the date each action was taken, the nature of each action, the identity and employer of the person who performed each action, and all other information necessary to evidence compliance with the statute.*

Section 442.7 Federal Law and Federal Guidelines

(a) "In accordance with RPAPL 1308(10)" deleted from line 1 of the proposed rule

(a) "the inconsistent provision of RPAPL 1308 shall not be applied to the mortgagee." added in lines 2-3 of the final rule

(a) "or an applicable provision in the investor or insurer guidelines issued by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the inconsistent provision of RPAPL 1308 shall not be applied to the mortgagee." deleted from lines 2-5 of the proposed rule

(a) "or investor or insurer guidelines" deleted from lines 6-7 of the proposed rule

(b) "or an applicable provision in the investor or insurer guidelines issued by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association" deleted from line 2-4 of the proposed rule

(b) "or the provision in the investor or insurer guidelines" deleted from line 6 of the proposed rule

(c) "or an applicable provision in the investor or insurer guidelines issued by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association" deleted from lines 2-4 of the proposed rule

(c) "or the provision in the investor or insurer guidelines" deleted from lines 5-6 of the proposed rule

New subsections added to final rule:

(d) Where the Federal National Mortgage Association requires that the servicing of a specific mortgage comply with the investor or insurer guidelines issued by Federal National Mortgage Association, compliance with the property preservation requirements included in such guidelines as they exist on December 20, 2016, shall be deemed to be in compliance with Section 1308. If the property preservation requirements included in the investor or insurer guidelines issued by the Federal National Mortgage Association change after December 20, 2016, compliance with such future property preservation requirements shall be deemed to be in compliance with Section 1308 only if the future property preservation requirements impose the same or greater property preservation requirements as compared to the requirements included in guidelines in effect on December 20, 2016.

(e) Where the Federal Home Loan Mortgage Corporation requires that the servicing of a specific mortgage comply with the investor or insurer guidelines issued by Federal Home Loan Mortgage Corporation, compliance with the property preservation requirements included in such guidelines as they exist on December 20, 2016, shall be deemed to be in compliance with Section 1308. If the property preservation requirements included in the investor or insurer guidelines issued by Federal Home Loan Mortgage Corporation change after December 20, 2016, compliance with such future property preservation requirements shall be deemed to be in compliance with Section 1308 only if the future property preservation requirements impose the same or greater property preservation requirements as compared to the requirements included in guidelines in effect on December 20, 2016.

Section 422.8 Disclosure of Information Maintained in the Statewide Vacant and Abandoned Property Registry

(b) "All such information released pursuant to this section shall be treated as confidential by the receiving party and shall not be further disclosed by the receiving party without the written authorization of the superintendent." deleted from lines 3-5 of the proposed rule