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35 P.S. § 1680.402c

§ 1680.402c. Notice and institution of foreclosure proceedings

35 P.S. § 1680.402c

Purdon's Pennsylvania Statutes and Consolidated Statutes Currentness Title 35 P.S. Health and Safety (Refs & Annos) Chapter 18. Housing (Refs & Annos)

Housing Finance Agency Law (Refs & Annos)

Article IV-C. Homeowner's Emergency Assistance

→§ 1680.402c. Notice and institution of foreclosure proceedings

- (a) Before any mortgagee may accelerate the maturity of any mortgage obligation covered under this article, commence any legal action including mortgage foreclosure to recover under such obligation, or take possession of any security of the mortgage debtor for such mortgage obligation, such mortgagee shall give the mortgagor notice as described in section 403-C. [FN1] Such notice shall be given in a form and manner prescribed by the agency. Further, no mortgagee may enter judgment by confession pursuant to a note accompanying a mortgage, and may not proceed to enforce such obligation pursuant to applicable rules of civil procedure without giving the notice provided for in this subsection and following the procedures provided for under this article.
- (b) A mortgagee shall not accelerate the maturity of any mortgage obligation covered under this article, commence any legal action including mortgage foreclosure to recover under such obligation, or take possession of any security of the mortgage debtor for such mortgage obligation until a determination has been made by the agency on a mortgagor's application for emergency mortgage assistance payments or the applicable time periods provided for in section 403-C have expired without the mortgagor applying for assistance in a timely fashion, whichever is earlier.
- (c) All pending legal actions by mortgagees on mortgages covered under this article in which sheriff's sales have not been consummated on the effective date of this article shall be temporarily stayed. The notice provided in section 403-C shall be given to all mortgagors against whom such legal actions are pending on the effective date of this article. Such stay shall extend until the applicable time limits provided for in section 403-C have expired or a mortgagor's request for assistance has been denied by the agency, whichever is earlier.

CREDIT(S)

1959, Dec. 3, P.L. 1688, No. 621, art. IV-C, § 402-C, added 1983, Dec. 23, P.L. 385, No. 91, § 2, imd. effective. Amended 1984, May 31, P.L. 364, No. 73, § 2, imd. effective; 2008, July 8, P.L. 841, No. 60, § 1, effective in 60 days [Sept. 8, 2008].

[FN1] 35 P.S. § 1680.403c.

HISTORICAL AND STATUTORY NOTES

Act 1983-91 legislation

For text of §§ 3 and 5 of Act 1983, Dec. 23, P.L. 385, No. 91, relating to application and effective date of said act, see Historical and Statutory Notes following 35 P.S. § 1680.401c.

Act 2008-60 legislation

Act 2008-60, § 1, in subsec. (b), inserted "by the agency" and "without the mortgagor applying for assistance in a timely fashion".

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35 P.S. § 1680.402c, PA ST 35 P.S. § 1680.402c

Current through Regular Session Act 2013-72, except 72 P.S. §§ 1 to 4680 current through Act 2013-86

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