

§6111. Notice of mortgagor's right to cure

1. Notice; payment. With respect to mortgages upon residential property located in this State when the mortgagor is occupying all or a portion of the property as the mortgagor's primary residence and the mortgage secures a loan for personal, family or household use, the mortgagee may not accelerate maturity of the unpaid balance of the obligation or otherwise enforce the mortgage because of a default consisting of the mortgagor's failure to make any required payment, tax payment or insurance premium payment, by any method authorized by this chapter until at least 35 days after the date that written notice pursuant to subsection 1-A is given by the mortgagee to the mortgagor and any cosigner against whom the mortgagee is enforcing the obligation secured by the mortgage at the last known addresses of the mortgagor and any cosigner that the mortgagor has the right to cure the default by full payment of all amounts that are due without acceleration, including reasonable interest and late charges specified in the mortgage or note as well as reasonable attorney's fees. If the mortgagor tenders payment of the amounts before the date specified in the notice, the mortgagor is restored to all rights under the mortgage deed as though the default had not occurred.

[PL 2009, c. 402, §10 (AMD).]

1-A. Contents of notice. A mortgagee shall include in the written notice under subsection 1 the following:

A. The mortgagor's right to cure the default as provided in subsection 1; [PL 2009, c. 402, §11 (NEW).]

B. An itemization of all past due amounts causing the loan to be in default and the total amount due to cure the default; [PL 2015, c. 36, §1 (AMD).]

C. An itemization of any other charges that must be paid in order to cure the default; [PL 2009, c. 476, Pt. B, §2 (AMD); PL 2009, c. 476, Pt. B, §9 (AFF).]

D. A statement that the mortgagor may have options available other than foreclosure, that the mortgagor may discuss available options with the mortgagee, the mortgage servicer or a counselor approved by the United States Department of Housing and Urban Development and that the mortgagor is encouraged to explore available options prior to the end of the right-to-cure period; [PL 2009, c. 402, §11 (NEW).]

E. The address, telephone number and other contact information for persons having authority to modify a mortgage loan with the mortgagor to avoid foreclosure, including, but not limited to, the mortgagee, the mortgage servicer and an agent of the mortgagee; [PL 2009, c. 402, §11 (NEW).]

F. The name, address, telephone number and other contact information for all counseling agencies approved by the United States Department of Housing and Urban Development operating to assist mortgagors in the State to avoid foreclosure; [PL 2015, c. 36, §1 (AMD).]

G. Where mediation is available as set forth in section 6321-A, a statement that a mortgagor may request mediation to explore options for avoiding foreclosure judgment; and [PL 2015, c. 36, §1 (AMD).]

H. A statement that the total amount due does not include any amounts that become due after the date of the notice. [PL 2015, c. 36, §2 (NEW).]

[PL 2015, c. 36, §§1, 2 (AMD).]

2. No application to supervised lender or supervised financial organization.

[PL 1995, c. 654, §2 (RP).]

2-A. Notice procedure. Notice by a mortgagee is governed by this subsection.

A. A mortgagee shall provide notice to a mortgagor and any cosigner under this section to the last known addresses of the mortgagor and cosigner by both:

- (1) Certified mail, return receipt requested; and
- (2) Ordinary first-class mail, postage prepaid. [PL 2019, c. 361, §1 (NEW).]

B. For purposes of this subsection, the time when the notice is given to the mortgagor or cosigner is the sooner of:

- (1) The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it under paragraph A, subparagraph (1); and
- (2) The date the mortgagor or cosigner receives the notice under paragraph A, subparagraph (2).

A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing notice as provided under paragraph A, subparagraph

(2). [PL 2019, c. 361, §1 (NEW).]

[PL 2019, c. 361, §1 (NEW).]

3. Notice procedure.

[PL 2019, c. 361, §2 (RP).]

3-A. Information; Bureau of Consumer Credit Protection. Within 3 days of providing written notice to the mortgagor as required by subsections 1 and 1-A, the mortgagee shall file with the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, in electronic format as designated by the Bureau of Consumer Credit Protection, information including:

A. The name and address of the mortgagor and the date the written notice required by subsections 1 and 1-A was mailed to the mortgagor and the address to which the notice was sent; [PL 2009, c. 402, §12 (NEW).]

B. The address, telephone number and other contact information for persons having authority to modify a mortgage loan with the mortgagor to avoid foreclosure, including, but not limited to, the mortgagee, the mortgage servicer and an agent of the mortgagee; and [PL 2009, c. 402, §12 (NEW).]

C. Other information, as permitted by state and federal law, requested of the mortgagor by the Bureau of Consumer Credit Protection. [PL 2009, c. 402, §12 (NEW).]

[PL 2009, c. 402, §12 (NEW).]

3-B. Report. On a quarterly basis, the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall report to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters on the number of notices received pursuant to subsection 3-A. To the extent information is available, the report must also include information on the number of foreclosure filings based on data collected from the court and the Department of Professional and Financial Regulation, Bureau of Financial Institutions and on the types of lenders that are filing foreclosures.

[PL 2009, c. 402, §13 (NEW).]

4. Notice not required.

[PL 1997, c. 579, §3 (RP).]

4-A. Letter to mortgagor. Within 3 days of receiving electronic information from the mortgagee as set forth in subsection 3-A, the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection shall send a written notice to the mortgagor that includes a summary of the mortgagor's rights and available resources, including information concerning the foreclosure mediation program as established in section 6321-A.

[PL 2009, c. 402, §14 (NEW).]

5. Exceptions.

[PL 2009, c. 476, Pt. A, §2 (RP).]

SECTION HISTORY

PL 1991, c. 707, §1 (NEW). PL 1993, c. 373, §1 (AMD). PL 1995, c. 654, §§1-4 (AMD). PL 1997, c. 579, §§1-4 (AMD). PL 2009, c. 402, §§10-14 (AMD). PL 2009, c. 476, Pt. A, §2 (AMD). PL 2009, c. 476, Pt. B, §2 (AMD). PL 2009, c. 476, Pt. B, §9 (AFF). PL 2015, c. 36, §§1, 2 (AMD). PL 2019, c. 361, §§1, 2 (AMD).

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