

Links to State Legislation Websites for Information on Foreclosure Laws

The links provided below are being provided for educational purposes only and are intended to serve as a resource to assist in finding legislation which might be relevant to conducting foreclosures in states that have passed such laws or are considering enacting such legislation as of June 24, 2009.

This information is not intended to provide a complete resource of states with current or proposed foreclosure laws as such information can change on a daily basis. Nor is this information intended to provide you with any legal advice or detailed guidance on how to properly conduct foreclosure and/or pre-foreclosure activity in your state. As with any regulated activity, we strongly recommend that you consult with an attorney.

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States That Have Passed Legislation

Please Note that states with pending legislation are at the bottom of the document

California

California Civil Code § 1695.0-.17 regulates Equity Purchasers. To view click the link below:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=civ&codebody=1695>

California Civil Code § 2945.0-.11 regulates Foreclosure Consultants

Effective July 1, 2009 persons acting as a “Foreclosure Consultant” will be required to register with the California Department of Justice. A Foreclosure Consultant will also be required, among other things, to obtain a surety bond in the amount of \$100,000.00. The requirements were added as an amendment to the Civil Code section 2945.45. To view, click the link below:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=civ&codebody=1695>

Colorado

Senate Bill 06-071 was signed by the governor on May, 30th 2006 and went into effect immediately. The enacted Law can be found at the following website:

<http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp=>

Once at the website above click the following folders:

- 1) Colorado Revised Statutes
- 2) Title 6 Consumer and Commercial Affairs
- 3) Fair Trade and Restraint of Trade
- 4) Article One Consumer Protection Act
- 5) Part 11 Colorado Foreclosure Protection Act

Delaware

Senate Bill 252 was passed in 2008. The law regulates Foreclosure Consultants and Foreclosure Purchasers who obtain property as a result of a foreclosure reconveyance. To read the law click the link listed below:

<http://delcode.delaware.gov/title6/c024b/index.shtml>

District of Columbia

The District of Columbia passed a foreclosure law on January 29, 2008. To see the engrossed version of this bill click the following link:

<http://www.dccouncil.washington.dc.us/images/00001/20071016163558.pdf>

Florida

On May 28, 2008, Florida passed House Bill 643. The new law goes into effect on October 1, 2008. The law will regulate foreclosure rescue consultants and equity purchasers when reconveying any interest in the foreclosed home to the foreclosed upon homeowner. To view the enrolled bill, click the link below:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0643er.xml&DocumentType=Bill&BillNumber=0643&Session=2008>

Georgia

Georgia. Code Ann. § 10-1-393 (b)(20)(A)-(D). The law can be found at the website listed below. Once there enter 10-1-393 in the search field. Click “Unfair or deceptive practices in consumer transactions unlawful; example” and go to the appropriate section.

<http://www.lexis-nexis.com/hottopics/gacode/default.asp>

Hawaii

Hawaii passed House Bill 2326 on April 25, 2008. The bill regulates distressed property purchasers and distressed property consultants. To view the bill, click the link below:

http://www.capitol.hawaii.gov/session2008/Bills/HB2326_SD1_.htm

Idaho

House Bill 1431 was signed into law on March 18, 2008. The law provides that all contracts relating to the property entered into while a residential home is in the foreclosure process must be in writing and that consumers have a five day right of rescission. The law goes into effect July 1, 2008. To view the law, please click the link listed below.

<http://www.legislature.idaho.gov/idstat/Title45/T45CH16.htm>

Illinois

Senate Bill 2349 was recently passed by the Illinois Legislature and becomes effective January 1, 2007. The enacted statute can be found at the following website:

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2795&ChapAct=765%26nbsp%3BILCS%26nbsp%3B940%2F&ChapterID=62&ChapterName=PROPERTY&ActName=Mortgage+Rescue+Fraud+Act%2E>

Indiana

Senate Bill 390 was introduced in January 2007. The bill became effective on July 1, 2007. To read the law click the website listed immediately below:

<http://www.in.gov/legislative/ic/code/title24/ar5.5/>

Iowa

On April 25, 2008 Iowa passed HF 2653. The bill went into effect upon passage. It regulates foreclosure consultants and foreclosure reconveyances. To view the enrolled bill, click the link below and type "Chapter 714E" in the search field at the top of the page.

<http://search.legis.state.ia.us/nxt/gateway.dll/ic?f=templates&fn=default.htm>

Maine

On April 15, 2008 Maine passed LD 2189. The law regulates Foreclosure Purchasers which is defined as a person acting as the acquirer in a foreclosure reconveyance. To view the proposed legislation click the link below:

<http://www.mainelegislature.org/legis/Statutes/32/title32ch80-Bsec0.html>

Maine passed LD 503 in 2009. The law requires that a "Foreclosure Negotiator" providing debt management services as they relate to a consumer's residential mortgage loan shall be regulated as a debt management servicer. The law goes into effect January 1, 2010. To view the law, click the link below:

http://www.mainelegislature.org/legis/bills/bills_124th/chappdfs/PUBLIC327.pdf

Please note the above law should be read in conjunction with the Title 32, Chapter 80-A: Debt Management Services Act at the following link:

<http://www.mainelegislature.org/legis/statutes/32/title32ch80-Asec0.html>

Maryland

Maryland Real Property Code Ann. § 7-301-321

To view the Statute, select Maryland Code folder. Select “Real Property” from the folder dropdown. Select Title 7 in the next folder dropdown. Finally select Subtitle 3 Protection of Homeowners in Foreclosure.

<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>

On April 3, 2008 Maryland passed and placed into effect, Senate Bill 218 and its companion bill House Bill 361 on an emergency basis. The law regulates Foreclosure Consultants, Foreclosure Purchasers and Foreclosure Reconveyance. To view the law, click the following link:

http://mlis.state.md.us/2008rs/chapters_noln/Ch_6_hb0361T.pdf

Massachusetts

Massachusetts Attorney General permanently enacted emergency regulations that will prohibit certain foreclosure transactions and create limitations on certain foreclosure related services.

http://www.mass.gov/?pageID=cagoterminal&L=3&L0=Home&L1=Government&L2=AG's+Regulations&sid=Cago&b=terminalcontent&f=government_940CMR25&csid=Cago

Minnesota

Minnesota Statutes Ann. § 325N.01-.18

<http://www.revisor.leg.state.mn.us/data/revisor/statutes/2005/325N/>

The Minnesota Foreclosure laws were amended on May 21, 2007. The amended laws go into effect on August 1, 2007. The amendments have not been updated into the web version of the Minnesota Statutes. Please go to the following website to see the amendments.

<http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=S1533.3.html&session=ls85>

Missouri

Missouri. Ann. Statutes §407.935-.943

To view the statute, enter the section number separated by a dash into the Search field (i.e. 407-935). You are required to view each section separately.

<http://www.moga.mo.gov/statutesearch/>

Nebraska

Nebraska passed LB 123 on March 10, 2008. The law goes into effect on July 18, 2008. To read the final bill click the link listed below:

<http://uniweb.legislature.ne.gov/FloorDocs/Current/PDF/Final/LB123.pdf>

Nevada

Assembly Bill 440 was passed and goes into effect October 1, 2007. Go to the link listed below to read. *The law pertinent portion of Title 645F is 645F.300-645F.450.*

<http://www.leg.state.nv.us/NRS/NRS-645F.html#NRS645FSec300>

New Hampshire

New Hampshire House Bill 365 passed and went into effect on July 16, 2007. Click the link below to read the new legislation.

<http://www.gencourt.state.nh.us/rsa/html/xlviii/479-b/479-b-mrg.htm>

New York

On July 26, 2006, New York enacted Senate Bill 04744-A, which takes effect February 1, 2007. The enacted law can be found by going to the website listed below. Once there click "Laws of New York". Click Real Property (RPP) then Article 8" and scroll down to 265-A.

<http://public.leginfo.state.ny.us/menuf.cgi>

Oregon

On March 11, 2008 Oregon signed into law House Bill 3630. The law regulates Foreclosure Consultants and Equity Purchasers who reconvey the property to the foreclosed upon owner. The law went into effect upon passage.

<http://www.leg.state.or.us/08ss1/measpdf/hb3600.dir/hb3630.en.pdf>

Rhode Island

In July 2006, Rhode Island enacted House Bill 7650A and Senate Bill 2777A. The bills took immediate effect. Laws on Foreclosure Consultants are under Chapter 5-79-1 through 5-79-9. Laws on Foreclosure Purchasers are under Chapter 5-80-1 through 5-80-9. Both can be found at the following website:

<http://www.rilin.state.ri.us/Statutes/TITLE5/INDEX.HTM>

Tennessee

On April 30, 2009 House Bill 2218 was signed into law by the Governor. The law went into effect at the time it was signed by the Governor. The law regulates Foreclosure Rescue Consultants and foreclosure related services. To view this law, click the link below:

<http://www.capitol.tn.gov/Bills/106/Chapter/PC0198.pdf>

Virginia

On March 8, 2008, Virginia enacted House Bill 408. The law amends the Virginia Consumer Protection Act to include regulation of Foreclosure Rescue activities. The law goes into effect on July 1, 2008. To view the bill as passed click the link listed below.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+59.1-200.1>

Washington

On March 31, 2008, Washington passed House Bill 2791. The new law will regulate “Distressed Home Consultants” and “Distressed Home Purchasers”. The law goes into effect on June 12, 2008. To read the new law, click the link listed below.

<http://apps.leg.wa.gov/RCW/default.aspx?cite=61.34>

States With Pending Legislation

Arizona

Arizona introduced House Bill 2522 in 2009. The bill would regulate Equity Purchasers and Foreclosure Consultants. The bill would also require an “Equity Purchaser” to be licensed. The bill is pending at this time. To read the bill click the links listed below:

HB 2522

<http://www.azleg.gov/FormatDocument.asp?inDoc=/legtext/49leg/1r/bills/hb2522p.htm>

Georgia

Georgia introduced House Bill 508 in 2009. The bill would regulate Equity Purchasers and Foreclosure Rescue Consultants. To read the proposed law click the link listed below.

HB 508

http://www.legis.ga.gov/legis/2009_10/fulltext/hb508.htm

Kansas

Kansas introduced Senate Bill 241 in 2009. The bill would regulate Distressed Property Consultants and would require that Distressed Property Consultants be licensed under the Kansas Credit Services Organization Act. To read the proposed law click the link listed below.

SB 241

<http://www.kslegislature.org/bills/2010/241.pdf>

New Jersey

New Jersey introduced bills in the Assembly and Senate (Assembly Bill 281 and Senate Bill 1265) in 2008. The bills would regulate Distressed Property Purchasers and Foreclosure Consultants. To read the bills click the link listed below and type in A281 for the Assembly Bill and S1265 for the Senate Bill in the search field:

<http://www.njleg.state.nj.us/bills/BillsByNumber.asp>

In 2009 New Jersey introduced bills in the Assembly and Senate regulating Foreclosure Consultants and Distressed Property Purchasers as Debt Adjusters. To read the bills click the link listed below and type in A3933 for the Assembly Bill and S1264 for the Senate Bill in the search field:

<http://www.njleg.state.nj.us/bills/BillsByNumber.asp>

Please note that while new laws were proposed in 2009, the 2008 bills are still eligible for passage.

North Carolina

In 2009 North Carolina has proposed legislation in the House (H1060) and in the Senate (S1015). The proposed laws would prohibit certain foreclosure rescue transactions. In addition the proposed law would regulate Land Installment Contracts. The law would prohibit the seller from placing additional liens, mortgages or other encumbrances on the property after entering into the land installment contract with the purchaser. To view the proposed laws, click the links below:

SB 1015

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2009&BillID=s1015>

HB 1060

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2009&BillID=H1060>

Oregon

In 2009 Oregon introduced House Bill 3359 which proposes to regulate Distressed Home Consultants and Distressed Home Purchasers. To read the bill, click the link below:

HB 3359

<http://www.leg.state.or.us/09reg/measpdf/hb3300.dir/hb3359.intro.pdf>

Texas

In 2009 Texas proposed Senate Bill 354. The proposed law would regulate Equity Purchasers and Foreclosure Consultants if passed. To view the bill, click the link below:

<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=SB354>