

SUBSTITUTE FOR
SENATE BILL NO. 382

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 3206.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3206. (1) THIS SECTION APPLIES TO A FORECLOSURE
2 PROCEEDING UNDER THIS CHAPTER OF A MORTGAGE OF PROPERTY USED AS A
3 PRIMARY RESIDENCE TO WHICH BOTH OF THE FOLLOWING APPLY:

4 (A) THE FIRST NOTICE UNDER SECTION 3208 IS MAILED TO THE
5 MORTGAGOR AFTER JANUARY 9, 2014.

6 (B) THE PARTY FORECLOSING THE MORTGAGE IS A DEFENDANT THAT
7 ENTERED INTO A CONSENT JUDGMENT IN UNITED STATES OF AMERICA, ET AL.
8 V BANK OF AMERICA CORP., ET AL., CIVIL ACTION NO. 12-0361 IN THE
9 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR A

1 SUCCESSOR IN INTEREST TO SUCH A DEFENDANT.

2 (2) IN A FORECLOSURE PROCEEDING TO WHICH THIS SECTION APPLIES,
3 THE PERSON FORECLOSING THE MORTGAGE SHALL DO ALL OF THE FOLLOWING:

4 (A) DESIGNATE AN INDIVIDUAL WHO IS AN EMPLOYEE OR AGENT OF THE
5 PERSON OR OF ANOTHER ENTITY THAT IS AN AGENT OF THE PERSON OR
6 DESIGNATE A SPECIFIC DEPARTMENT OR UNIT OF THE PERSON OR OF AN
7 ENTITY THAT IS AN AGENT OF THE PERSON TO SERVE AS A CONTACT UNDER
8 THIS SECTION.

9 (B) AUTHORIZE THE INDIVIDUAL DESIGNATED UNDER SUBDIVISION (A)
10 OR, IF THE DESIGNEE IS A DEPARTMENT OR UNIT, A REPRESENTATIVE OF
11 THE DEPARTMENT OR UNIT TO FACILITATE NEGOTIATIONS AND ATTEND
12 MEETINGS WITH THE MORTGAGOR.

13 (C) INCLUDE IN THE WRITTEN NOTICE THE PERSON SENDS TO THE
14 MORTGAGOR UNDER 12 CFR 1024.39(B), OR ENCLOSE WITH THE NOTICE A
15 SEPARATE WRITTEN NOTICE THAT CONTAINS, ALL OF THE FOLLOWING
16 INFORMATION:

17 (i) THE NAME AND ADDRESS AND A DEDICATED TELEPHONE NUMBER AND
18 DEDICATED ELECTRONIC MAIL ADDRESS OF THE INDIVIDUAL, DEPARTMENT, OR
19 UNIT DESIGNATED UNDER SUBDIVISION (A).

20 (ii) A STATEMENT THAT THE MORTGAGOR MAY, WITHIN 30 DAYS, EITHER
21 BY CONTACTING THE INDIVIDUAL, DEPARTMENT, OR UNIT DESIGNATED UNDER
22 SUBDIVISION (A) DIRECTLY OR BY CONTACTING A HOMEOWNERSHIP COUNSELOR
23 OR COUNSELING ORGANIZATION FROM A LIST REFERRED TO IN THE WRITTEN
24 NOTICE UNDER 12 CFR 1024.39(B), REQUEST A MEETING WITH THE
25 INDIVIDUAL, DEPARTMENT, OR UNIT DESIGNATED UNDER SUBDIVISION (A) TO
26 ATTEMPT TO WORK OUT A MODIFICATION OF THE MORTGAGE LOAN TO AVOID
27 FORECLOSURE.

1 (D) IF THE MORTGAGOR REQUESTS A MEETING UNDER SUBDIVISION (C),
2 NOT COMMENCE FORECLOSURE PROCEEDINGS UNDER THIS CHAPTER UNLESS THE
3 MEETING HAS BEEN HELD. THIS SUBDIVISION DOES NOT APPLY IF THE
4 MORTGAGOR HAS NOT COOPERATED BY SCHEDULING A MEETING AT A TIME AND
5 PLACE THAT IS CONVENIENT TO ALL PARTIES, OR IN THE COUNTY WHERE THE
6 PROPERTY IS SITUATED, OR HAS NOT ATTENDED A SCHEDULED MEETING.

7 Enacting section 1. This amendatory act does not take effect
8 unless all of the following bills of the 97th Legislature are
9 enacted into law:

10 (a) Senate Bill No. 380 or House Bill No. 4764.

11 (b) Senate Bill No. 381 or House Bill No. 4765.

12 (c) Senate Bill No. 383 or House Bill No. 4767.