

Act No. 106
Public Acts of 2013
Approved by the Governor
July 3, 2013
Filed with the Secretary of State
July 3, 2013
EFFECTIVE DATE: July 3, 2013

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2013**

Introduced by Rep. Callton

ENROLLED HOUSE BILL No. 4766

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," (MCL 600.101 to 600.9947) by adding section 3206.

The People of the State of Michigan enact:

Sec. 3206. (1) This section applies to the loss mitigation procedures that occur before the foreclosure of a mortgage under this chapter, if all of the following apply:

(a) The mortgaged property is claimed as a principal residence exempt from tax under section 7cc of the general property tax act, 1893 PA 206, MCL 211.7cc.

(b) The first notice under section 3208 is published after January 9, 2014.

(c) The servicing agent of the mortgage is a defendant that entered into a consent judgment in *United States of America, et al. v Bank of America Corp., et al.*, civil action no. 12-0361 in the United States district court for the District of Columbia or a successor in interest to such a defendant. A person is not a successor in interest under this subdivision solely because of a transfer of mortgage servicing rights and obligations to the person.

(2) As part of the loss mitigation procedures to which this section applies, the person foreclosing the mortgage shall do all of the following:

(a) Designate an individual who is an employee or agent of the person or of another entity that is an agent of the person or designate a specific department or unit of the person or of an entity that is an agent of the person to serve as a contact under this section.

(b) Authorize the individual designated under subdivision (a) or, if the designee is a department or unit, a representative of the department or unit to facilitate negotiations and attend meetings with the mortgagor.

(c) Include in the written notice the person sends to the mortgagor under 12 CFR 1024.39(b), or enclose with the notice a separate written notice that contains, all of the following information:

(i) The name and address and a dedicated telephone number and dedicated electronic mail address of the individual, department, or unit designated under subdivision (a).

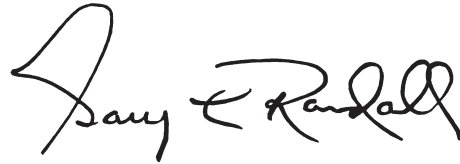
(ii) A statement that the mortgagor may, within 30 days, either by contacting the individual, department, or unit designated under subdivision (a) directly or by contacting a homeownership counselor or counseling organization from a list referred to in the written notice under 12 CFR 1024.39(b), request a meeting with the individual, department, or unit designated under subdivision (a) to attempt to work out a modification of the mortgage loan to avoid foreclosure.

(d) If the mortgagor requests a meeting under subdivision (c), not commence foreclosure proceedings under this chapter unless the meeting has been held. This subdivision does not apply if the mortgagor has not cooperated by scheduling a meeting at a time and place that is convenient to all parties, or in the county where the property is situated, or has not attended a scheduled meeting.

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

- (a) Senate Bill No. 380.
- (b) Senate Bill No. 383.
- (c) House Bill No. 4765.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor