



Report of the Chief Administrator of the Courts on the

STATUS OF FORECLOSURE CASES

Pursuant to Chapter 507 of the Laws of 2009

2025



Hon. Joseph A. Zayas
Chief Administrative Judge



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Preface

To the Governor and the Legislature
of the State of New York:

I am pleased to submit this report on
the status of foreclosures in the New
York State Unified Court System.

Section 10-a(2) of Chapter 507 of the Laws of 2009 directs that “the chief administrator of the courts shall submit a report...to the governor [and key legislative officials] on the adequacy and effectiveness of the settlement conferences authorized [under section 10-a(1)]...which shall include, but not be limited to the number of adjournments, defaults, discontinuances, dismissals, conferences held, and the number of defendants appearing with and without counsel.”

This Report provides the required data and additional information regarding foreclosure cases and the foreclosure settlement conference process for the period from October 7, 2024 to October 13, 2025.

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Introduction

This report continues the Unified Court System’s (UCS) annual, data-informed overview of foreclosure case processing statewide, covering the period of October 7, 2024, to October 13, 2025. Building on the substantial operational progress and statutory developments of the past five years, and following the pandemic-era decrease in filings, the UCS has carefully managed the resumption of proceedings. This has allowed statewide dockets to stabilize, for courts to resume adjudicating cases in the normal course, and for the UCS to focus on new, policy-driven enhancements.

Our settlement conference parts - grounded in CPLR 3408 and fortified during COVID by expanded virtual access - remain the cornerstone of the UCS’ early, good faith resolution efforts, with conference volumes and representation rates holding steady. In 2025, courts conducted tens of thousands of foreclosure settlement conferences, reflecting the incredible work of our judges, court attorney referees, and clerks, as well the dedication of New York’s Civil Legal Services Provider and Housing Counselor community.

Operationally, the UCS has embraced targeted innovations that make foreclosure processes more transparent and accessible. Our remote bidding framework - live auctions with simultaneous qualified online participation - now operates across multiple counties. This has broadened bidder pools with the goal of improving outcomes for homeowners through higher sale prices and surplus proceeds. Remote bidding will expand to additional counties in 2026.

Policy reforms have further aligned foreclosure practice with equity and consumer protection. In 2024, the Legislature amended the Real Property Tax Law to ensure owners may claim surplus proceeds arising from *in rem* tax foreclosures, consistent with the Supreme Court’s decision in *Tyler v. Hennepin County*, 598 US 631 (2023). To support this, the UCS developed standardized forms and instructions to help homeowners request surplus funds in those proceedings. Building on that success, we are now developing similar forms and guidance for mortgage foreclosure cases where a surplus exists, ensuring that homeowners have clear, accessible tools to assert their claims.

Finally, the foreclosure landscape continues to be shaped by the Foreclosure Abuse Prevention Act (FAPA), most recently through the Court of Appeals’ decisions in *Article 13 LLC v. Ponce De Leon*, 2025 NY Slip Op 06536 (Nov. 25, 2025) and *Van Dyke v. U.S. Bank, Natl. Assn.*, 2025 NY Slip Op 06537 (Nov. 25, 2025). These rulings confirmed FAPA’s retroactive application and rejected due process and contract clause challenges, providing definitive guidance on how acceleration, discontinuance, and dismissals impact the six-year statute of limitations. Although these decisions post-date the reporting period, they deliver critical clarity that will influence case management and appellate practice going forward.

Settlement Conference Part Spotlight – Queens County

Queens County didn't just join the foreclosure settlement conference movement - it helped start it. In October 2008, Queens launched one of New York State's very first foreclosure settlement conferences as a pilot program, before CPLR 3408 made them mandatory statewide. Under the leadership of former Administrative Judge Jeremy Weinstein, the program quickly expanded to address the subprime mortgage crisis head-on, setting the standard for early intervention and homeowner protection.

From the beginning, Queens embraced innovation and collaboration. Justice Marguerite A. Grays (now Administrative Judge Grays) was the first judge assigned to the part, alongside special referees Leonard Florio and Tracy Catapano-Fox (now the Hon. Tracy Catapano-Fox). They conducted conferences four times a week and invited legal service providers into the courtroom - quite possibly a first in New York. That commitment to ensuring no homeowner faces foreclosure alone remains a hallmark of Queens' approach today.

Fast forward to 2025: Queens continues to lead. Settlement conferences now run five days a week, both in person and virtually, meeting parties where they are and making justice accessible. Court Attorney Referees Daniel Gordon, Esq. and Isiris Isaac, Esq. guide these conferences with the same focus on transparency and resolution that defined the program from day one.

Behind the scenes, an experienced team, including Dominick Ventiere, Raymond Zawrotniak, Shara Davis, Suzanne Glassman, Alicia McGlynn, and Jocelyn Montalban, keeps the wheels turning. They process cases and enter data into our case management system, send timely notices, manage auction calendars, and provide hands-on assistance to homeowners and attorneys alike. Their work ensures due process and procedural integrity at every stage of the process, each and every day.

For nearly two decades, Queens County Supreme Court has operated far more than a simple foreclosure part. It's been a lifeline for homeowners, a model of accessibility, and a leader in innovation. Queens is proud to continue this tradition, proving that courts can uphold the law while leading with creativity and compassion.





Legislative and Operational Updates

Foreclosure Abuse Prevention Act

The Foreclosure Abuse Prevention Act (FAPA) was signed into law by Governor Hochul on December 30, 2022. Among other things, FAPA amended key provisions of New York Law which had previously allowed lenders to effectively reset the six-year statute of limitations by withdrawing a foreclosure action and de-accelerating the loan. New York law now prevents unilateral actions by lenders to waive, reset, or extend the limitations period. In two definitive decisions, *Article 13 LLC v. Ponce De Leon* and *Van Dyke v. U.S. Bank*, both decided on November 25, 2025, the New York Court of Appeals held that key provisions of the Foreclosure Abuse Prevention Act (FAPA) apply retroactively to pending foreclosure cases. In *Article 13 LLC*, the Court confirmed that FAPA governs all actions in which a final foreclosure judgment had not yet been enforced by its effective date, and that applying these rules retroactively does not violate due process under the New York Constitution. In *Van Dyke*, the Court further upheld that certain FAPA sections which addressed acceleration, de-acceleration, and estoppel could also be applied retroactively without violating substantive and procedural due process. Together, these rulings resolve longstanding questions over FAPA's retroactivity and provide a solid foundation for trial courts to apply the law going forward.



Common Charges and Assessments

Also in 2025, the Legislature amended RPAPL § 1307 by harmonizing the treatment of foreclosures for unpaid common charges and assessments with the well-established framework for mortgage foreclosures. The amendment introduced specific notice requirements for lenders, ensuring that condominium boards and homeowners' associations receive timely and detailed information when a foreclosure action is commenced. The law also clarified the process for asserting these claims within the foreclosure proceeding and for incorporating unpaid assessments into the judgment of foreclosure and sale. By aligning these procedures with those governing mortgage foreclosures, the Legislature has created consistency and reduced confusion, ensuring that stakeholders receive fair notice and an opportunity to protect their interests.

Remote Bidding

Starting in 2023, the UCS successfully piloted remote bidding in eight counties, Albany, Bronx, Monroe, Nassau, Niagara, Queens, Rockland, and Saratoga. Under this program, qualified bidders can participate in live foreclosure auctions through approved third-party platforms. While activity has been modest, remote bidding increases transparency, broadens bidder participation, and improves outcomes for homeowners by generating surpluses. Building on this success, pursuant to Administrative Order 150/25, remote bidding is now authorized in all 62 counties with the consent of the appropriate local Administrative Judge.

After surveying our Judicial Districts, the UCS will work with additional counties - including New York, Kings, Broome, Erie, Dutchess, Suffolk and Richmond - to implement remote bidding in 2026. This expansion will include revising auction rules and judgment templates and providing targeted training for Part 36 referees and the foreclosure bar to ensure a smooth rollout.

Part 36 Referee Training and Education

The UCS recently released a comprehensive resource for court-appointed foreclosure referees to help them carry out their responsibilities under Part 36 of the Uniform Rules. This document serves as a practical reference covering all phases of the referee's role, from qualifying for appointment and completing the report of amount due, to conducting hearings, managing foreclosure auctions (including procedures for remote bidding), overseeing closings, and handling surplus money proceedings. It also addresses critical considerations such as ethical obligations, compensation rules, liability risks, and best practices for impartiality and compliance with statutory and local court requirements. Beyond procedural details, the resource document identifies common challenges referees encounter, explains how to avoid errors that could delay proceedings or compromise fairness, and emphasizes the importance of accuracy, transparency, and professionalism in every aspect of the process. To ensure the document reflects the needs and perspectives of all stakeholders, the document was reviewed by UCS staff, bank attorneys, and civil legal services providers. Additional feedback will be solicited so that the document can be kept up to date. This resource will be incorporated into targeted training sessions for Part 36 referees and the foreclosure bar, supporting consistent practices and smooth implementation across the state.

Focus on Surplus Monies

In 2025 the UCS introduced forms and plain language instructions for homeowners seeking surplus funds following a tax foreclosure sale. This initiative was in response to recent statutory changes to the Real Property Tax Law (RPTL) enacted to align New York law with the U.S. Supreme Court's decision in *Tyler v. Hennepin County*, in which the Court held that property owners are constitutionally entitled to surplus equity beyond the amount owed. After launching the tax lien forms, the UCS received requests from judges and practitioners alike to create similar forms for mortgage foreclosure surplus proceedings. In response, we have developed a comprehensive set of templates, including a Notice of Claim to Surplus Monies, Petition for Surplus Monies, Affidavit of Service, Verified Claim, Proposed Order for Distribution of Surplus Funds, Referee's Report of Sale, and supporting instructions, all to guide homeowners and practitioners through the process. These forms will be finalized shortly and are scheduled for statewide rollout in 2026. The UCS undertook this effort in the interest of fairness - if surplus protections exist in tax foreclosures, they should exist in mortgage foreclosures - and to make the surplus process as open, transparent, and easy as possible for all parties to navigate. And for homeowners, this initiative will ensure that they receive the full benefit of any remaining equity if their case has to proceed to foreclosure.

Filing Trends

During the Reporting Period (October 7, 2024, to October 13, 2025), plaintiffs filed 13,553 residential and commercial cases. This represents an almost 11% decrease from the 15,309 cases filed during the 2024 Reporting Period. For information about annual filings from 2021 to 2025, see Fig. 1.

Of the 13,553 cases filed during the Reporting Period, 12,398 were eligible to be scheduled for a foreclosure settlement conference pursuant to CPLR 3408. These conferences play a critical role in fostering dialogue between lenders and homeowners, with the goal of achieving a loan modification or another mutually acceptable resolution. While judges oversee these conferences in some counties, the majority are conducted by court attorney referees, who bring specialized training and extensive experience to guide the process effectively.

The volume of new filings in the Reporting Period varied by court term with a statewide high of 1,171 in Term 1 of 2025 and a statewide low of 864 in Term 12 of 2024 (see Fig. 2). New filings in courts within New York City totaled 3,883 and new filings in courts outside of New York City totaled 9,670, with the number of filings varying by judicial district (see Fig. 3).

As of October 13, 2025, the end of this Reporting Period, there were 19,970 foreclosure cases pending statewide (see Fig. 4). This is a 4% reduction from the 20,862 cases pending at the end of 2024 and a 12% reduction from the 22,721 cases pending at the end of 2021. Once again, dispositions slightly outpaced filings (see Fig. 5).



Figure 1

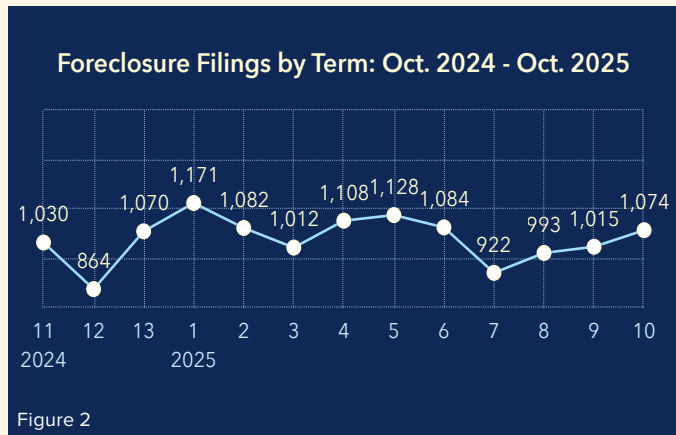


Figure 2

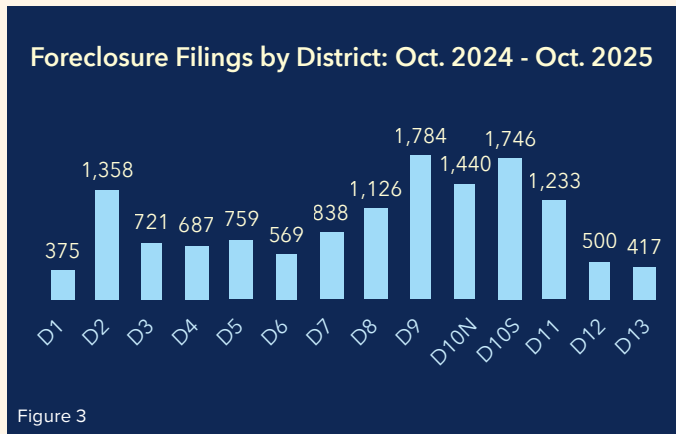


Figure 3

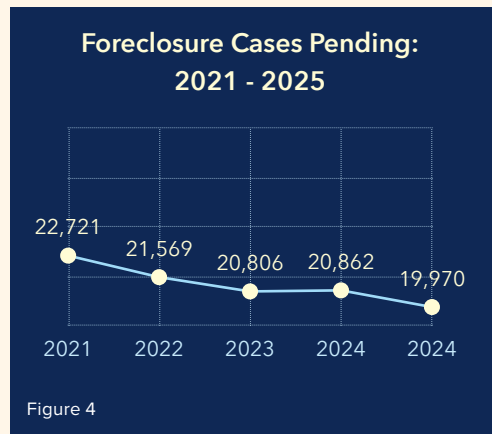


Figure 4

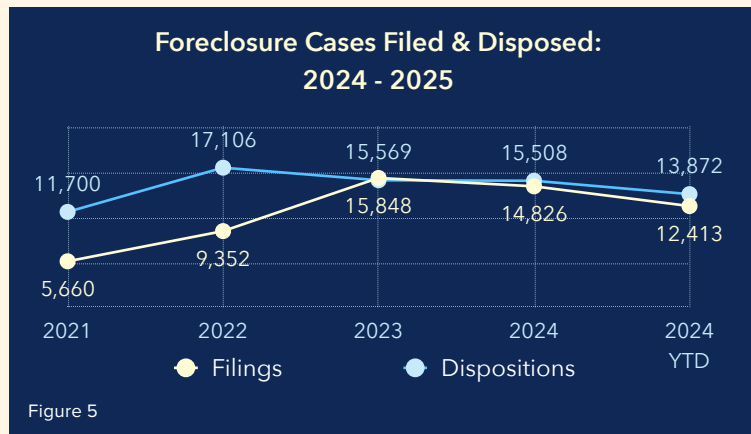
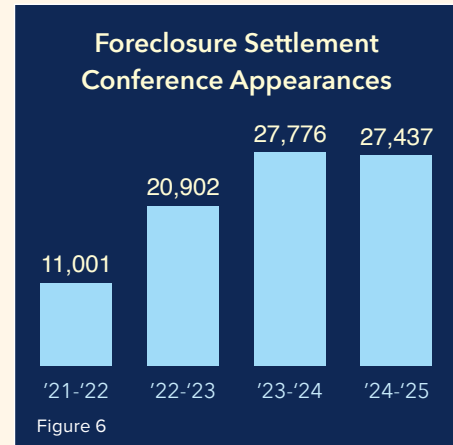


Figure 5

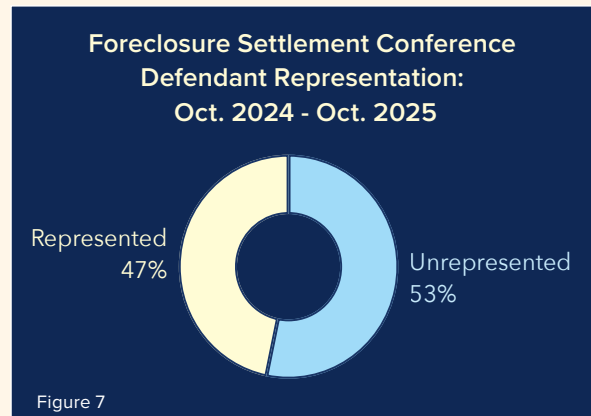
Foreclosure Settlement Conferences

During the Reporting Period, there were 27,437 CPLR 3408 settlement conferences held in courts throughout New York State (see Fig. 6), a 1% decrease from the 27,776 conferences held during the last reporting period. 47% of such conferences (excluding those where the homeowner did not appear) involved homeowners who appeared with assistance from legal counsel or a housing counselor (see Fig. 7).

Most cases require more than one conference before determining whether settlement is possible or if motion practice is required. As such, there were 19,167 adjournments in the settlement parts. There were also 1,817 defaults by homeowners and 715 voluntary discontinuances (see Summary Table).

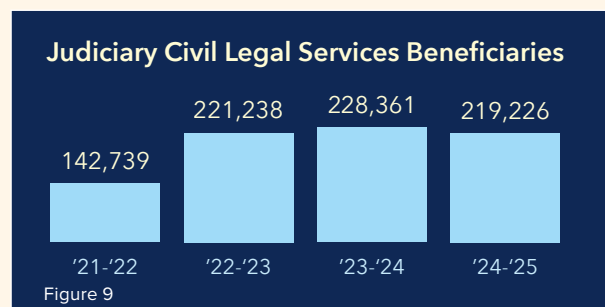
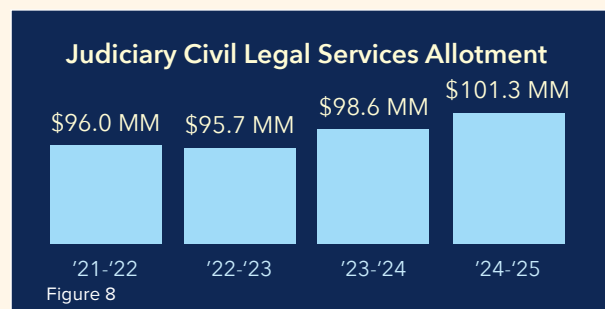


Summary Table		Oct. 7, 2024 to Oct. 13, 2025
Conferences Held		27,437
Number of Adjournments		19,167
Discontinuances		715
Dismissals		10
Defaults		1,817
Defendants Appearing with Counsel ¹		11,975
Defendants Appearing without Counsel ¹		13,645
<small>1. Based upon the conferences held between October 7, 2024 to October 13, 2025, excluding appearances where the defendant defaulted.</small>		



Legal Representation

Homeowners at risk of foreclosure need free, high-quality legal representation. To acknowledge this commitment the UCS allocated over \$100,000,000 to civil legal services providers to represent low-income New Yorkers with “essentials of life” litigation during the 2024-2025 fiscal year (see Fig. 8). This includes landlord/tenant cases, family court matters, and matters involving access to healthcare and education. With this continued commitment to civil legal services representation, approximately 219,226 New Yorkers whose cases are now closed benefitted from housing and foreclosure-related legal services (see Fig. 9). Another 53,837 New Yorkers whose cases remain open also benefit from such services.



Collaboration

The UCS maintains a Statewide Foreclosure Working Group composed of judges, court attorney referees, law clerks, chief clerks, district executives, and other personnel representing all thirteen Judicial Districts. Under the leadership of Hon. Edwina G. Richardson, Deputy Chief Administrative Judge for Justice Initiatives, and with support from Steven Helfont, Esq., Director of the Office for Justice Initiatives' Problem Solving Justice Division, the Working Group provides a structured forum for UCS judges and court staff to address operational challenges and legal developments, including those stemming from important rulings and legislative changes. To ensure uniformity and fairness in foreclosure practices across the state, the Office for Justice Initiatives (OJI) serves as the primary liaison between the courts and the foreclosure bar, facilitating communication with lender and servicer counsel, civil legal services providers, private defense attorneys, and housing counseling organizations. OJI also collaborates closely with the New York City Bar Association's Mortgage Foreclosure Task Force, which convenes bi-monthly to review emerging trends, evaluate legislative proposals, and develop continuing legal education programs. Members of the Task Force were crucial in the development of the resource document for Part 36 Referees that will be released in 2026 and for more than a decade have contributed to many of the UCS' foreclosure initiatives.

Conclusion

During the last five years of fast moving statutory, operational, and market changes, New York's foreclosure dockets remained steady and manageable, and our courts continued to prioritize early problem solving and access to counsel. Filings have largely plateaued after the 2023 rebound, with settlement conference volume and representation tracking this stabilization, and pending inventories holding near historic lows compared with the pre-2019 era.

With the support of our judges, court attorney referees, court clerks, and court officers, the UCS will carry forward the initiatives that have proved most impactful: robust conference management, creating plain language forms and templates, and finding new ways to make the foreclosure process fairer and more transparent. At the same time, this work could not be done without our ability to refer homeowners to civil legal services and housing counselors, and coordinating statewide issues through the Foreclosure Working Group.

Looking ahead, the Court of Appeals' 2025 decisions resolving FAPA provide a durable legal framework to promote more timely adjudication of disputes and appeals. With this legal clarity, and the UCS' ongoing commitment to data, training, and collaboration, we are positioned to continue delivering just, fair, and timely resolutions in foreclosure matters, ensuring that homeowners receive meaningful opportunities for settlement, that lenders obtain efficient process, and that communities benefit from transparent, orderly outcomes.

In the coming year, we will roll out surplus monies forms and instructions statewide, expand remote bidding to additional counties, and provide enhanced training for court staff and foreclosure referees to ensure consistent, high quality practices across the board. We will also begin revisiting and refining our existing forms and templates to improve usability and clarity for litigants and practitioners.

Together, these efforts reaffirm our commitment to not just managing cases, but to making the foreclosure process more humane, more transparent, and more hopeful. Behind every docket number is a home, a family, and a piece of the foundation that makes up New York. Recognizing this, the Unified Court System has been - and always will be - deeply cognizant of the weight and importance of these cases, and the profound impact they have on people's lives, homes, and communities.



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