

Dear Governor Hochul,

New York City is facing a deed theft crisis that has been ignored for far too long. Between 2014 and mid-2023, we have seen 3,500 deed theft-related complaints in the City, with the cases predominantly impacting Black and Brown homeowners who have contributed so much to our City. While the State has taken some steps, stronger state-level solutions are still needed to root out the scourge of deed theft, displacing Brooklyn families.

While scammers continue to prey on vulnerable homeowners, our city lacks the necessary resources to prevent, investigate, and prosecute crimes of deed theft. This leaves homeowners vulnerable and at risk of losing their homes through evictions. Until we have adequate safeguards to protect our neighbors, especially the Black and Brown homeowners who call Brooklyn home, it is of the utmost importance that no New Yorker is evicted from their home while they are working through their deed theft cases.

We urgently need State intervention to protect homeowners. **Therefore, we are asking you to act now to enforce a temporary moratorium on eviction proceedings for properties in New York City where there is a possibility of deed theft and fraud.** This can be done through either the same mechanisms used to enforce the COVID-19 era eviction moratorium, through a more active and stronger enforcement of current State law such as [§756-A](#) of the Real Property Actions and Proceedings Law (RPAPL), [§2201](#) of the New York Civil Practice Law and Rules Law (CPLR), or CPLR [§5519](#), or other methods that will ensure homeowners can remain in their homes as their cases get resolved.

The stay should remain in effect until the following is secured or enacted:

Resources and Tools to End Deed Theft

I. Citywide Cease and Desist Zones

We urge the Department of State to reform its current cease and desist zone process and implement an opt-out citywide cease and desist zone. Implementing an opt-out citywide cease and desist zone would eliminate the need for additional bureaucratic steps such as hosting hearings and processing opt-in requests, and would provide protections to address what we already know in New York City – **deed theft is happening across the boroughs, and we need to protect homeowners now.**

Additionally, the cease and desist zone must be expanded to prohibit targeted, individual solicitation of real estate, for-profit attorney services, and for-profit financial services and lending to owners of both single-family and multi-family homes. The more

individualized solicitation that can be limited for homeowners, the less vulnerable they will be to deed theft.

II. Right to Counsel

The State must establish a right to counsel for New Yorkers dealing with deed theft cases. The right to counsel can be implemented through a program like the State's [Homeowner Protection Program](#) (HOPP), which currently has a proposed budget of \$155 million for foreclosure legal services. Any right to counsel initiative, whether expanded through HOPP or another program, must be fully funded to ensure all New Yorkers have sufficient and effective legal representation.

III. Specialized Deed Theft Investigation Units for District Attorneys

We urge the State to advocate and work with City partners for full funding towards specialized deed theft investigative units for District Attorney offices across the five boroughs. The unit must be fully staffed with attorneys, investigators, community advocates, and other legal and advocacy professionals to help fully investigate and prosecute deed theft cases.

IV. Creation of a Loan Forgiveness and Refinancing Program

The State must create and fund a loan forgiveness and refinancing program, similar to the [Emergency Rental Assistance Program](#) (ERAP) or the [New York State Homeowner Assistance Fund](#), to help seniors, homeowners facing financial hardship, and individuals with disabilities who have properties with liens.

Oversight and Transparency on the Systems that Perpetuate Deed Theft

I. Public Database of Shell LLCs

The State needs to pass and enact legislation to bring more transparency to LLCs ([A08662/S08432](#) and [A07820](#)) to ensure that perpetrators of deed theft cannot hide behind LLCs and can be held accountable.

II. Oversight of the Judicial and Lending Systems in New York

There is currently a lack of transparency on how deed theft cases are litigated and handled in court. There are concerns of bias amongst judges and attorneys, and a lack of specialized training and education for legal professionals to properly litigate and handle deed theft cases. We need to work with the State Legislature and the Office of Court Administration to bring more oversight to the judicial system and how deed theft cases are handled, and we need more funding and resources to educate and train legal professionals on the issue of deed theft and how to handle such cases in litigation.

Additionally, New York must update its laws to allow deed theft victims to have their day in court. This will require us to temporarily suspend the statute of limitations, allow older cases with merit to move forward ([S7491A/A8222](#)), to establish a meaningful private right of action for deed theft cases ([S7721/A8863](#)), and to add transparency to the "referee" process for making certain determinations in court ([S8595/A9352](#)). These are specific and very meaningful reforms that will level the playing field for victims of deed theft, who are often frustrated and overmatched by deed thieves in court.

Furthermore, we need greater oversight of the financial lending systems in the State and of how such institutions can perpetuate the financial conditions that leave homeowners vulnerable to deed theft.

III. Eviction Proceeding Reform

The State needs to hold state marshals and state sheriffs accountable for handling eviction proceedings, ensuring that homeowners can appeal their evictions, are not violently evicted, and that properties are not damaged.

IV. Deed Theft Prevention

The most effective way to combat deed theft is to prevent it from happening in the first place, rather than trying to untangle complex frauds after they have occurred. New York must enable county clerks to investigate and prevent suspicious transactions before they are recorded ([S605/A3218](#)) and require "proof of sale price" prior to recording ([S7647](#)). By requiring proper documentation and adding proper checks, we can stop fraud before it is recorded in the county clerk's offices.

We would appreciate the opportunity to discuss this initiative in detail with you and your office and welcome your support in making these demands a reality. Our homeowners fought for their homes and for their place in these communities. Their stories run through our neighborhoods, yet too often remain in the shadows. It's time we bring those stories forward and deliver the housing justice they have been denied. With your partnership, we can put an end to deed theft in New York City — once and for all.

Sincerely,



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New York City Council Member
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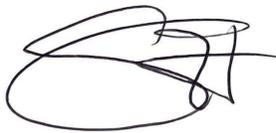
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