



SPONSOR: Rep. Kowalko & Rep. Ramone & Sen. Lockman &
Sen. Cloutier
Reps. Baumbach, Brady, Briggs King, Chukwuocha,
Cooke, Osienski; Sens. Hansen, Pettyjohn

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 68

AN ACT TO AMEND CHAPTER 27, VOLUME 79 AND CHAPTER 74, VOLUME 81 OF THE LAWS OF
DELAWARE AND TITLE 10 AND TITLE 29 OF THE DELAWARE CODE RELATING TO FORECLOSURE AND
CONSUMER PROTECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 10, Chapter 27, Volume 79 of the Laws of Delaware by making deletions as shown by
strike through and insertions as shown by underline as follows:

Amend 78 Del. Laws, c. 199 § 3(b) (House Substitute No. 1 for House Bill No. 57, as amended by House
Amendment No. 1, 146th General Assembly) by making insertions as shown by underlining and deletions as shown by
strike through as follows:

(b) Section 5062A of Title 10 shall apply to: (i) ~~mortgage foreclosure actions commenced from the effective date~~
~~of this Act to the date that is six years two years after such date;~~ and (ii) ~~mortgage foreclosure actions commenced prior to~~
~~the effective date of this Act that are pending in the Superior Court on such date and not yet gone to judgment or sale.~~

Section 2. Amend Section 1, Chapter 74, Volume 81 of the Laws of Delaware by making deletions as shown by
strike through and insertions as shown by underline as follows:

Amend 78 Del. Laws c. 198, § 2 (House Bill No. 59, as amended by House Amendment No. 1, 146th General
Assembly), by making deletions as shown by strike through and insertions as shown by underline as follows:

~~This Act shall be effective immediately upon its enactment into law and shall continue to have effect until the date~~
~~that is two years eight years after such date.~~

Section 3. Amend Section 2, Chapter 74, Volume 81 of the Laws of Delaware by making deletions as shown by
strike through and insertions as shown by underline as follows:

Amend 78 Del. Laws c. 200, § 4 (House Substitute No. 1 for House Bill No. 58, 146th General Assembly), by
making deletions as shown by strike through and insertions as shown by underline as follows:

This Act shall take effect 120 days after its enactment into law and shall only apply to mortgage foreclosure
actions commenced from the effective date of this Act ~~to the date that is two years eight years after such date.~~ Act.

21 Section 4. Amend § 5062A, Title 10 of the Delaware Code by making deletions as shown by strike through and
22 insertions as shown by underline as follows:

23 § 5062A. Loss mitigation affidavit required.

24 (d) This section applies to mortgage foreclosure actions commenced on or before January 1, 2025.

25 (e) This section expires on January 1, 2025, unless terminated sooner or extended by the General Assembly.

26 Section 5. Amend § 5062C, Title 10 of the Delaware Code by making deletions as shown by strike through and
27 insertions as shown by underline as follows:

28 § 5062C. Residential Mortgage Foreclosure Mediation Program.

29 (u) This section applies to mortgage foreclosure actions commenced on or after January 18, 2012, and before
30 January 1, 2025.

31 (v) This section expires on January 1, 2025, unless terminated sooner or extended by the General Assembly.

32 Section 6. Amend § 5062D, Title 10 of the Delaware Code by making deletions as shown by strike through and
33 insertions as shown by underline as follows:

34 § 5062D. Complaints and answers.

35 (d) This section applies to mortgage foreclosure actions commenced on or after January 18, 2012, and before
36 January 1, 2025.

37 (e) This section expires on January 1, 2025, unless terminated sooner or extended by the General Assembly.

38 Section 7. Amend § 2518, Title 29 of the Delaware Code by making deletions as shown by strike through and
39 insertions as shown by underline as follows:

40 § 2518. Office of Foreclosure Prevention and Financial Education.

41 (d) This section expires on January 1, 2025, unless terminated sooner or extended by the General Assembly.

SYNOPSIS

This Act extends the Automatic Residential Mortgage Foreclosure Mediation Program and the Office of Foreclosure Prevention and Financial Education through December 31, 2024. The Automatic Residential Mortgage Foreclosure Mediation Program and the Office of Foreclosure Prevention and Financial Education were established by 3 different Acts which each sunset after 2 years, based upon the effective date of each Act. The sunset periods have been extended for additional 2 year periods so that the Office of Foreclosure Prevention and Financial Education sunsets in September 2019; § 5062C and § 5062D of Title 10 sunset in January 2020; and § 5062A of Title 10 sunset in January 2019.

In addition to providing a uniform date for the expiration of the entire Automatic Residential Mortgage Foreclosure Mediation Program and the Office of Foreclosure Prevention and Financial Education, this Act makes the expiration date a new subsection of each statute, so that the effective period of the law is clear and easily identified.