

# **Curbing the Mortgage Meltdown: *The Impact of Foreclosures on New York's Economy and Communities***

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## **An Analysis of Securitized Subprime Loans At Risk**

*(In Foreclosure, Delinquent, or Scheduled for Interest  
Rate Increases)*

[Revised August 5, 2008]

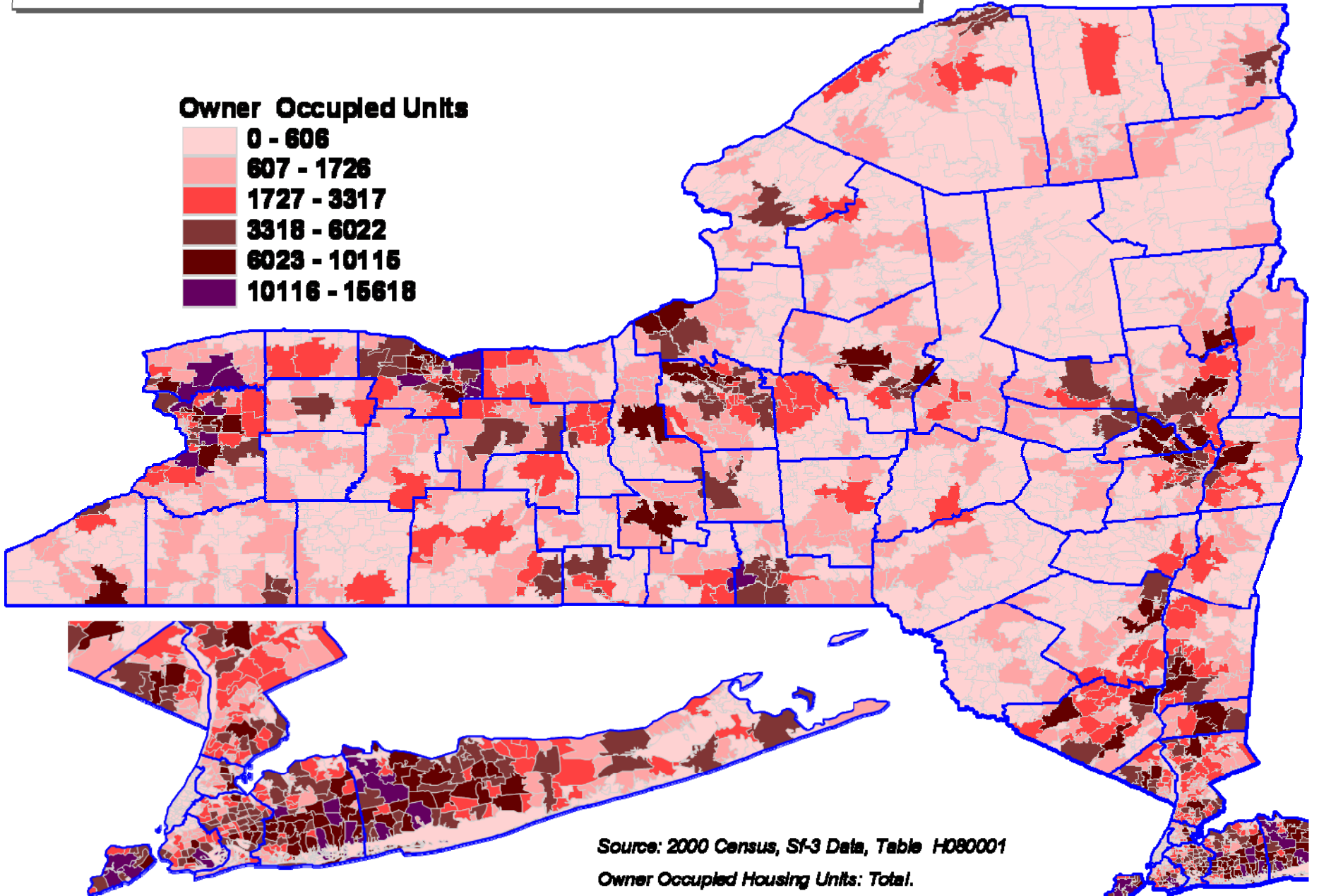
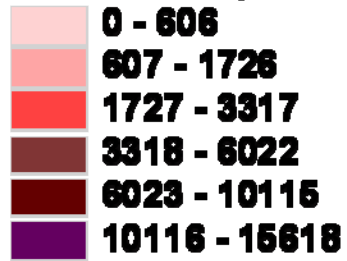


***More and more we're seeing sights like these on the New York landscape:***



# DISTRIBUTION OF ALL OWNER-OCCUPIED UNITS

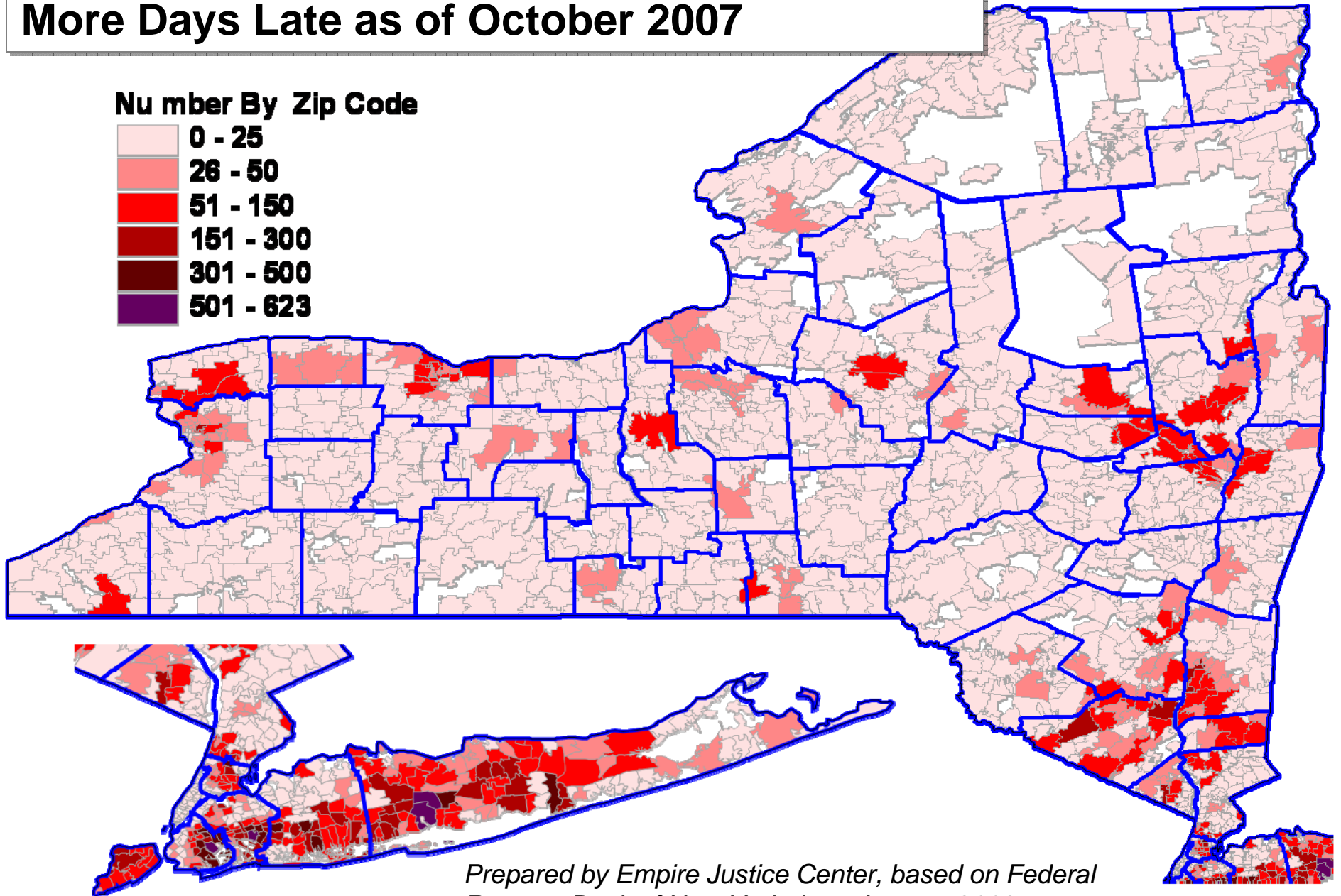
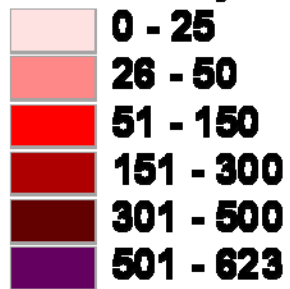
## Owner Occupied Units



Source: 2000 Census, Sf-3 Data, Table H090001  
Owner Occupied Housing Units: Total.

# Subprime Loans in Foreclosure or Thirty or More Days Late as of October 2007

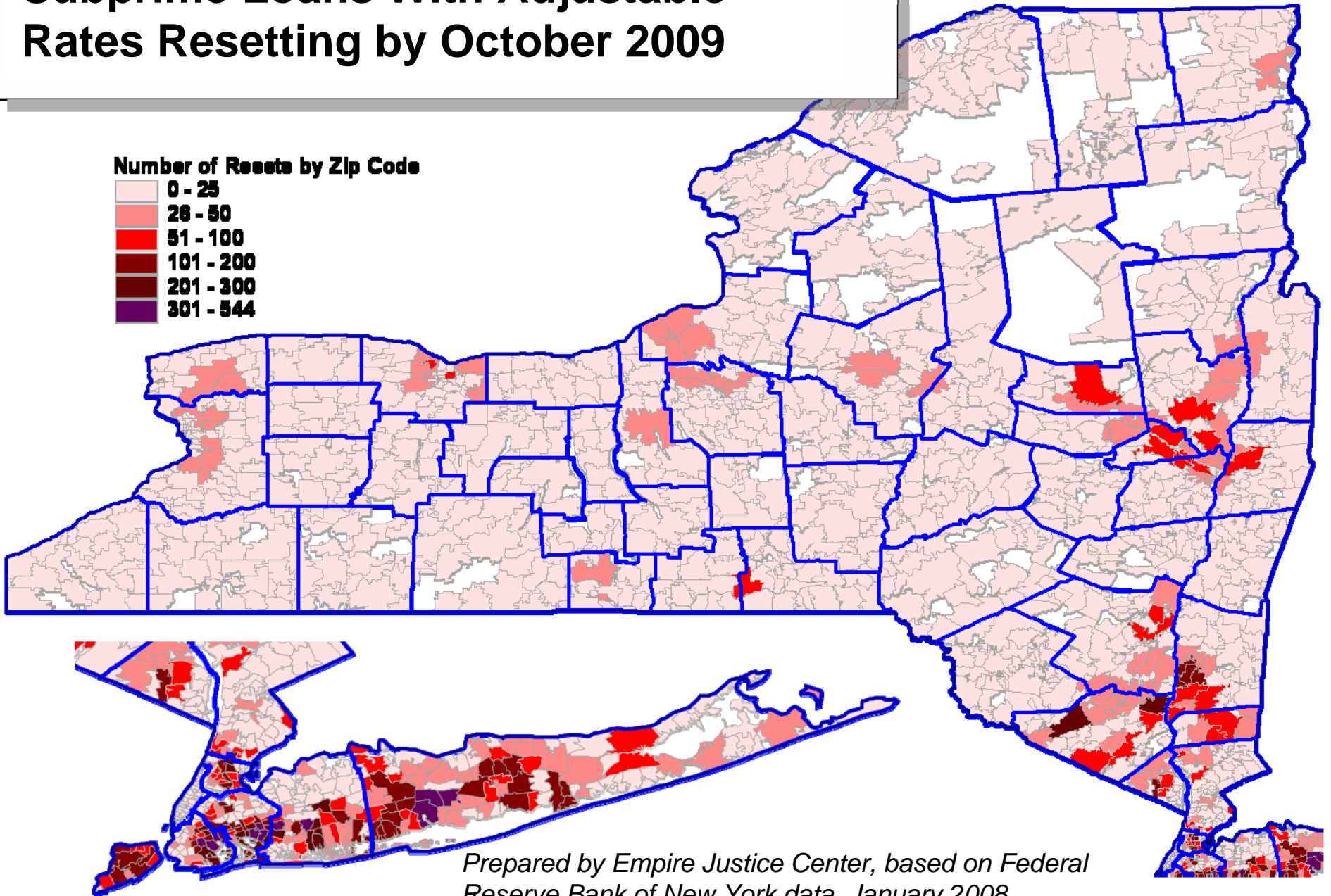
## Number By Zip Code



*Prepared by Empire Justice Center, based on Federal Reserve Bank of New York data, January 2008.*

# Subprime Loans With Adjustable Rates Resetting by October 2009

## Number of Resets by Zip Code

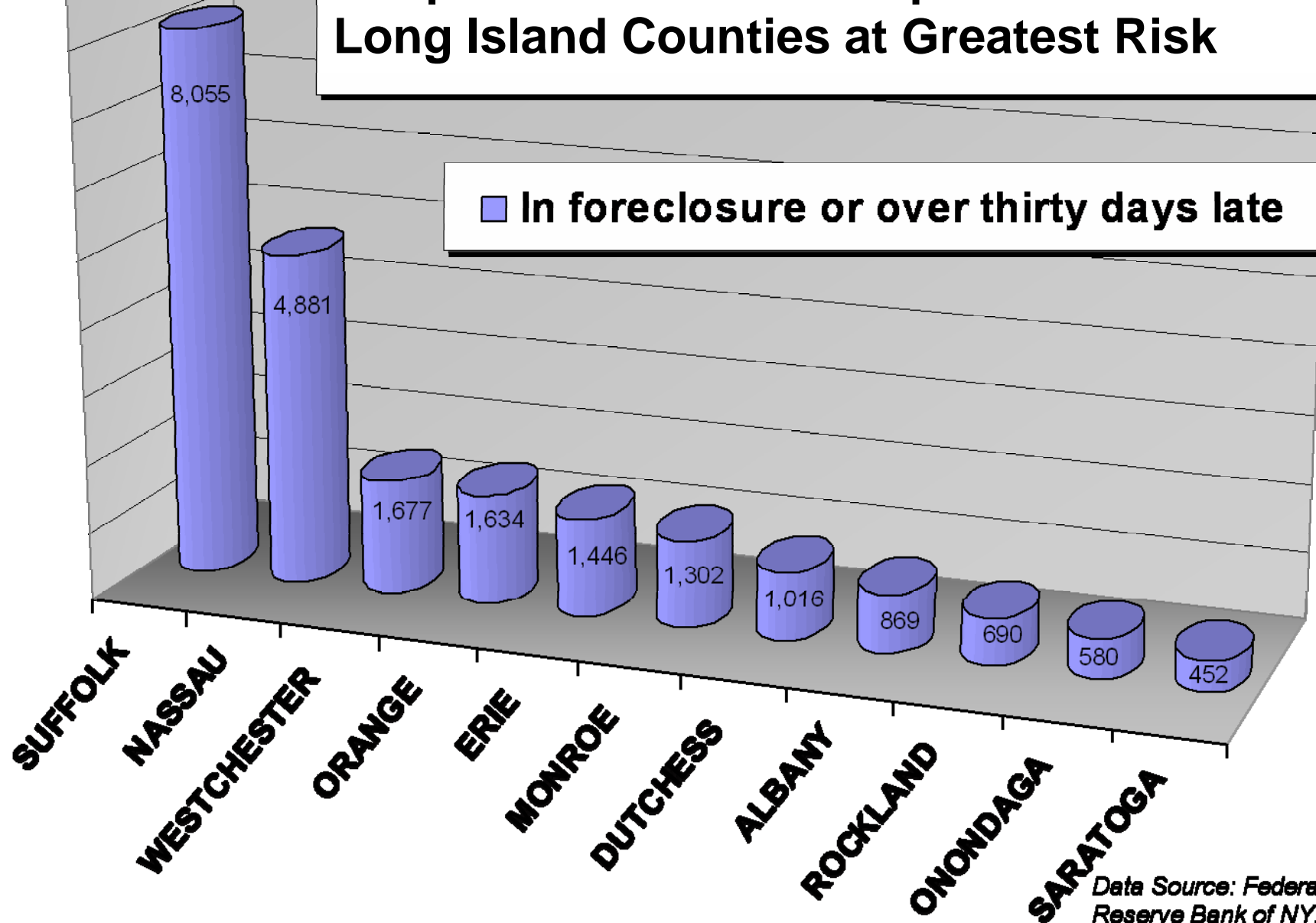


*Prepared by Empire Justice Center, based on Federal Reserve Bank of New York data, January 2008.*

# Summarizing the Statewide Data

	<i>TOTAL</i>	<i>30+ PAST DUE</i>	<i>RESETS</i>
<b>NY State</b>	<b>141,934</b>	<b>42,013</b> (30%)	<b>31,908</b> (22%)
<b>Upstate</b>	<b>40,988</b> (28%)	<b>12,436</b> (30%)	<b>9,479</b> (30%)
<b>Long Island</b>	<b>57,865</b> (41%)	<b>16,526</b> (39%)	<b>10,868</b> (34%)
<b>NY City</b>	<b>43,081</b> (31%)	<b>13,051</b> (31%)	<b>11,561</b> (36%)

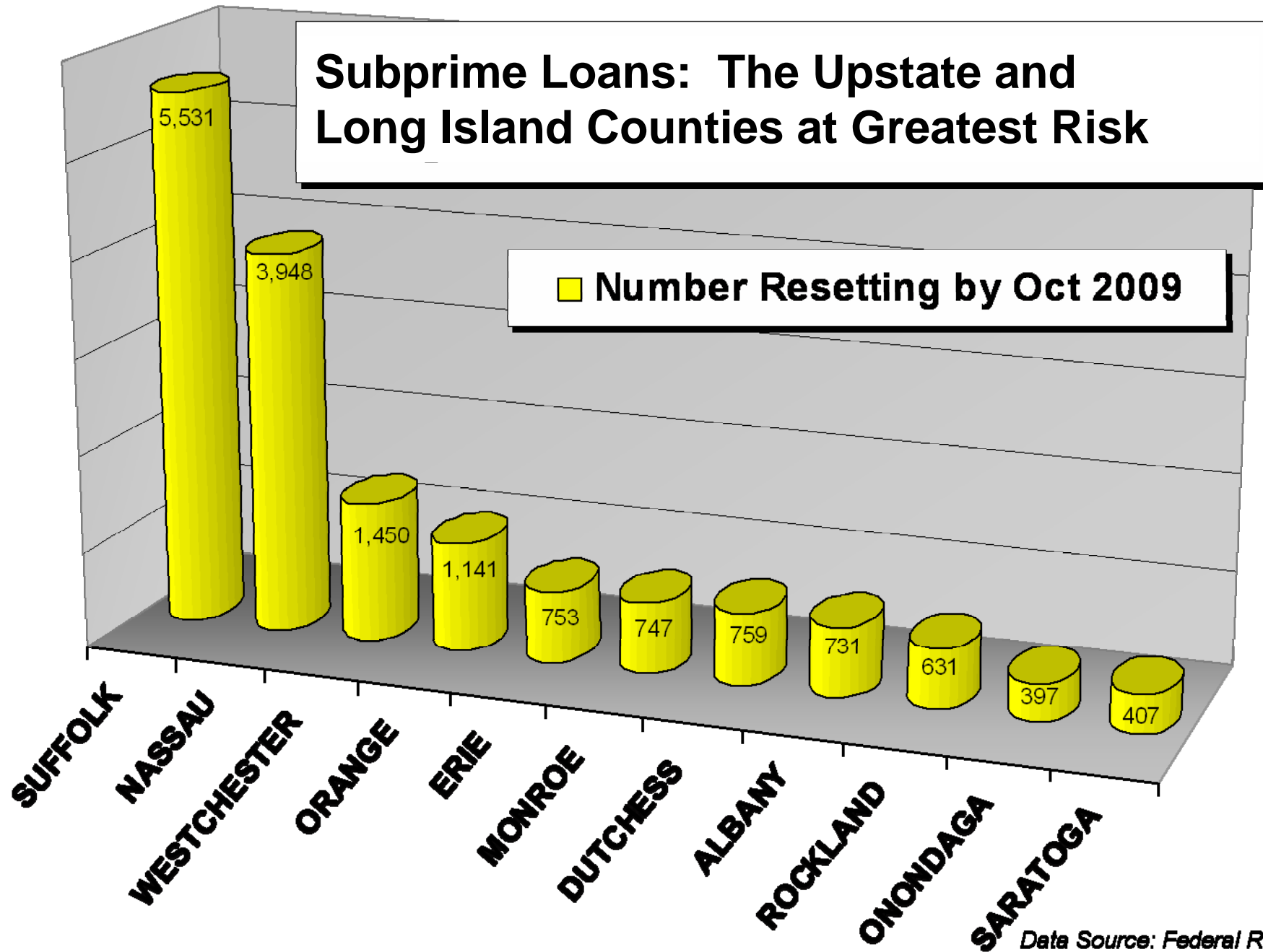
## Subprime Loans : The Upstate and Long Island Counties at Greatest Risk



Data Source: Federal Reserve Bank of NY, January 2008.

Prepared by the Empire Justice Center, March 2008.

## Subprime Loans: The Upstate and Long Island Counties at Greatest Risk



Data Source: Federal Reserve Bank of NY, January 2008.

Prepared by the Empire Justice Center, March 2008.



## Top 20 Counties – Subprime Loans 30 or more days late captured in the Federal Reserve dataset *(out of the state total of 28,248)*

1. Suffolk	(5,177)	11. Dutchess	(740)
2. <b>Queens</b>	(3,408)	12. Albany	(638)
3. Nassau	(3,232)	13. Rockland	(481)
4. <b>Kings</b>	(2,449)	14. Onondaga	(454)
5. Erie	(1,174)	15. Saratoga	(362)
6. Orange	(1,164)	16. Niagara	(318)
7. Westchester	(1,116)	17. Rensselaer	(307)
8. <b>Bronx</b>	(1,083)	18. Ulster	(302)
9. Monroe	(1,014)	19. Broome	(227)
10. <b>Richmond</b>	(844)	20. Cayuga & Fulton	(194)

*New York City boroughs are indicated in **Blue***

# Top 20 Counties – Subprime Loans Captured in the Federal Reserve Dataset Resetting by October 2009 *(out of state total of 31,908)*

1. Suffolk	(5,531)	11. Monroe	(747)
2. <b>Queens</b>	(5,130)	12. Albany	(731)
3. Nassau	(3,948)	13. Rockland	(631)
4. <b>Kings</b>	(3,556)	14. Saratoga	(407)
5. <b>Bronx</b>	(1,626)	15. Onondaga	(397)
6. Westchester	(1,450)	16. Rensselaer	(315)
7. <b>Richmond</b>	(1154)	17. Ulster	(267)
8. Orange	(1141)	18. Broome	(199)
9. Dutchess	(759)	19. Franklin	(184)
10. Erie	(753)	20. Niagara	(181)

*New York City boroughs are indicated in **Blue***

# What will be the *economic impact* on New York State if we fail to act soon?

- **125,000 homes** will be lost to foreclosure \*
  - *The tax base will decline by **\$65 billion*** \*
- Almost **3.5 million neighboring homes** will be affected, more than 1 per neighborhood \*
  - *Neighborhood properties will decline in value by an average of **\$18,000*** \*

\* Source: <http://www.responsiblelending.org/pdfs/new-york-state-info-with-fc-starts>

# What will be the *economic impact* on New York State if we fail to act soon?

*And according to the U.S. Conference of Mayors:*

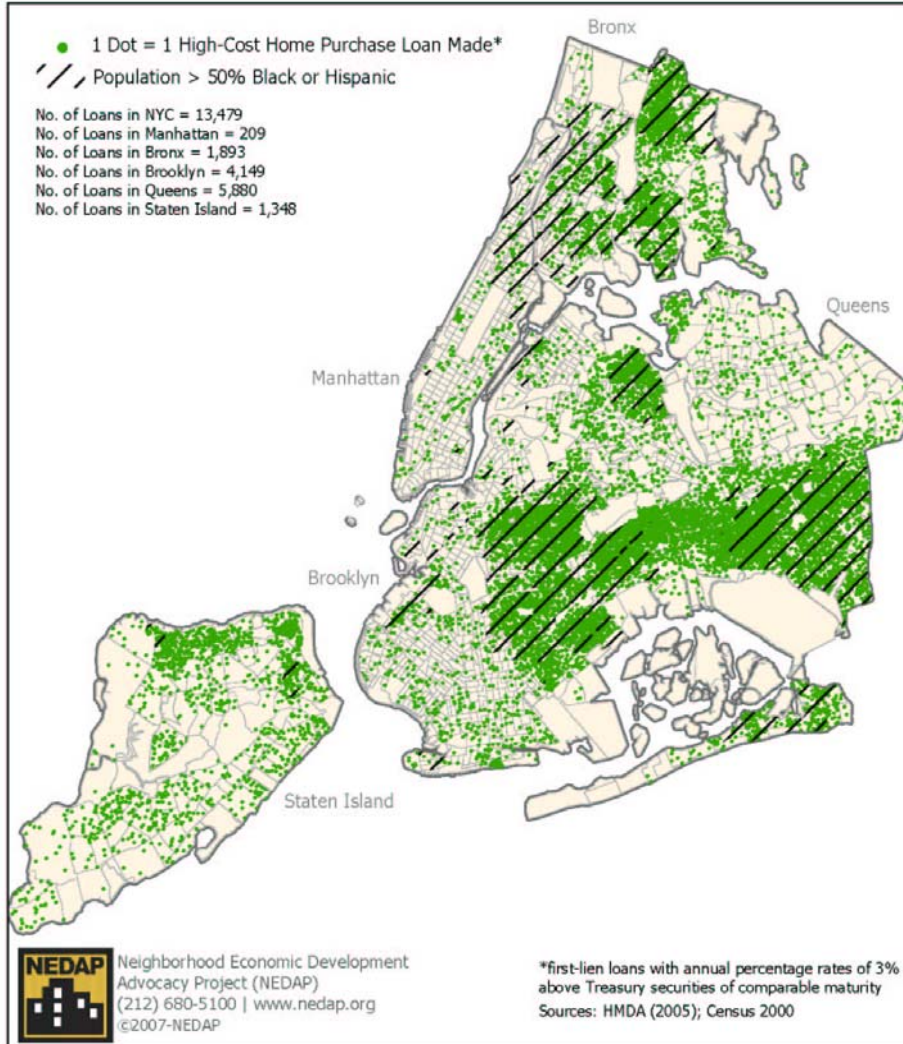
- NY is set to lose **\$830 million** in tax revenue 2008
  - **\$686 million** in local property tax growth
  - **\$97 million** in sales tax revenue
  - **\$47 million** in transfer tax revenue
  
- NY will lose nearly **\$13 billion** in gross metropolitan product as a result of the foreclosure crisis in 2008. \*

\* Source: U.S. Metro Economies: *The Mortgage Crisis*, Prepared for The United States Conference of Mayors and the Council for the New American City, Global Insight, Inc. (November 2007)

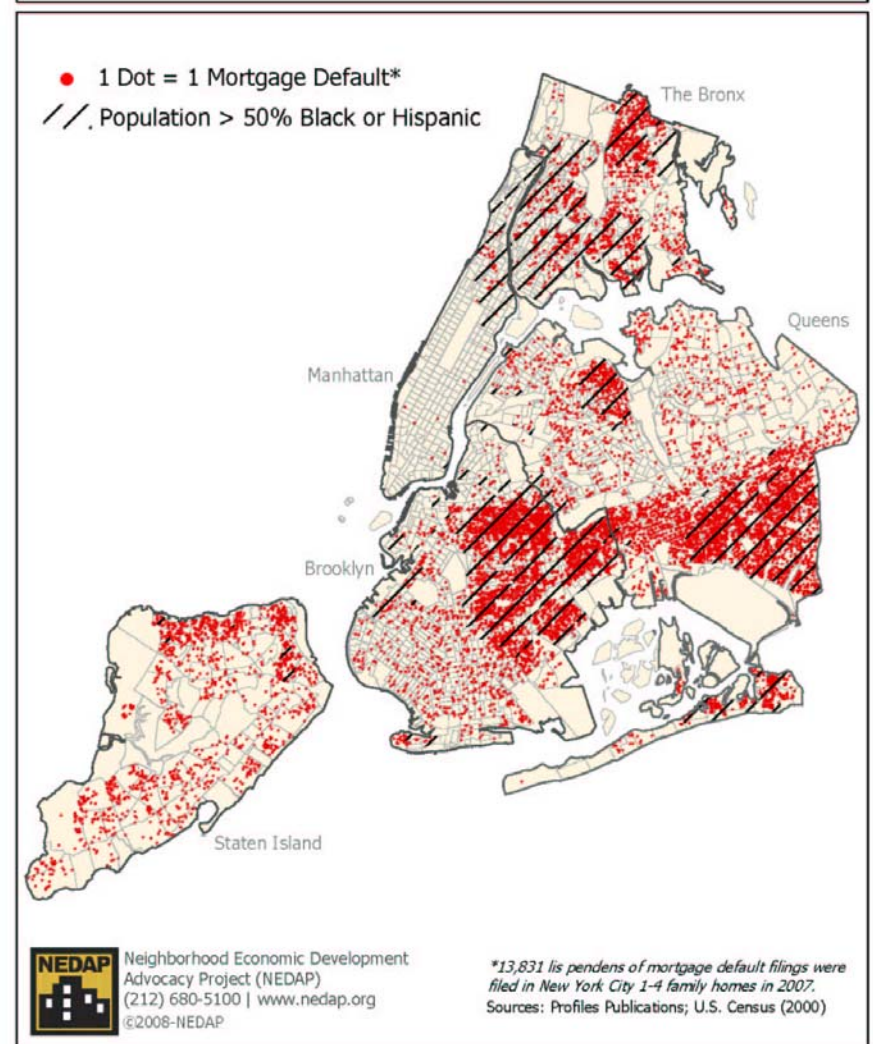
# Taking a Closer Look:

- **New York City**

## HIGH-COST HOME PURCHASE LOANS MADE - 2005 New York City

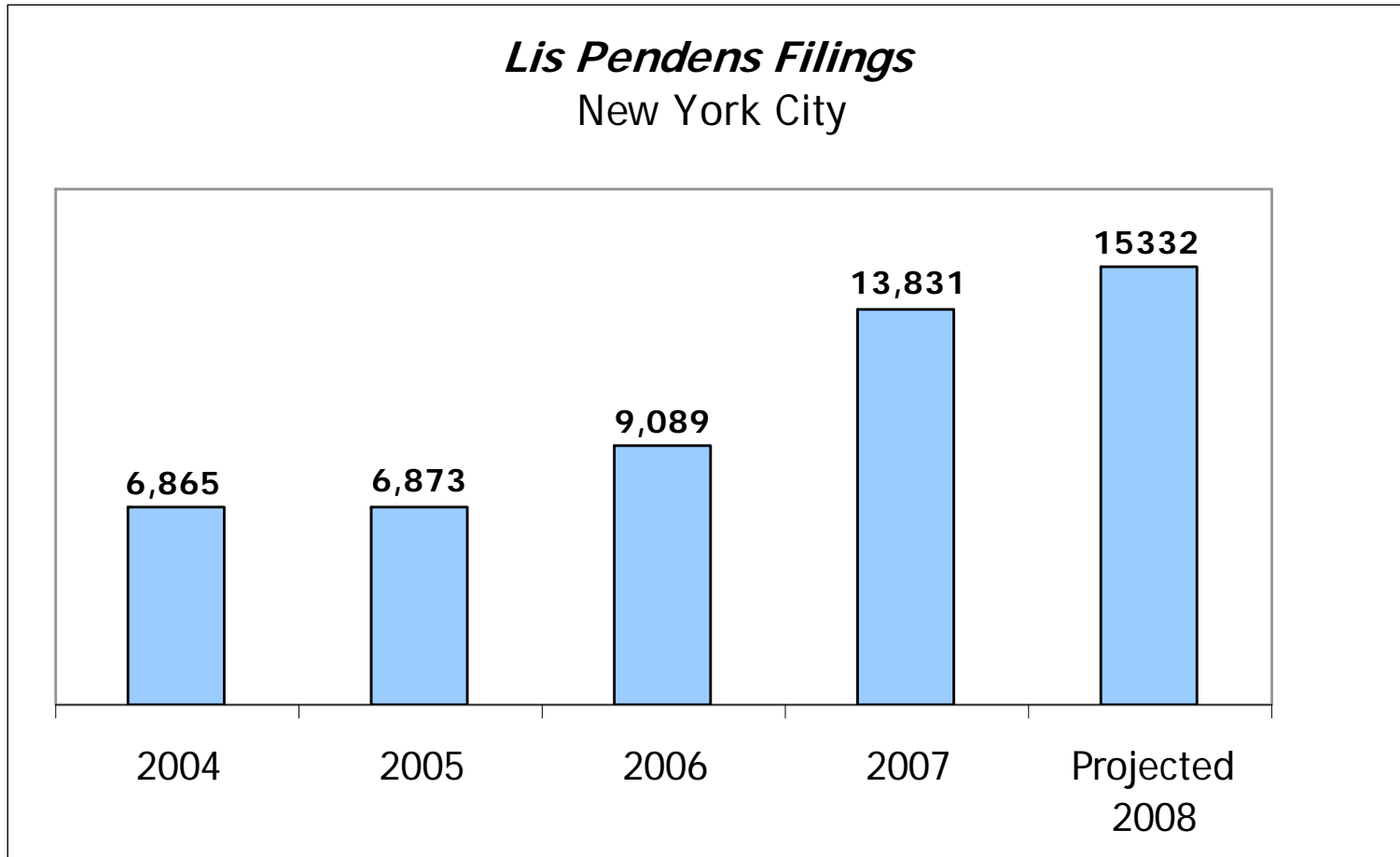


## FORECLOSURE PATTERNS - 2007 New York City



# Foreclosure Actions Filed in NYC 2004 – 2008

Created by NEDAP



# Foreclosures in NYC – 2005-2007

## 1-4 Family Homes

<u>Borough</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
<b>Queens</b>	<b>2,666</b>	<b>3,624</b>	<b>5,789</b>
<b>Brooklyn</b>	<b>2,557</b>	<b>3,307</b>	<b>4,895</b>
<b>Bronx</b>	<b>808</b>	<b>1,128</b>	<b>1,585</b>
<b>Staten Island</b>	<b>803</b>	<b>986</b>	<b>1,500</b>
<b>NYC</b>	<b>6,873</b>	<b>9,088</b>	<b>13,831</b>

*Source: NEDAP; Profiles Publications (weekly reports)*



# Taking a Closer Look:

- **Long Island**  
*(Nassau and Suffolk Counties)*

# SUFFOLK COUNTY: Delinquencies, Foreclosures and Resets

There were a total of **24,480** subprime loans captured in the Federal Reserve dataset in Suffolk County.

By October 2007, **8,055** (33%) were already in jeopardy:

- **5,177** (21%) were ***30 or more days late***
- **2,878** (12%) were ***already in foreclosure***

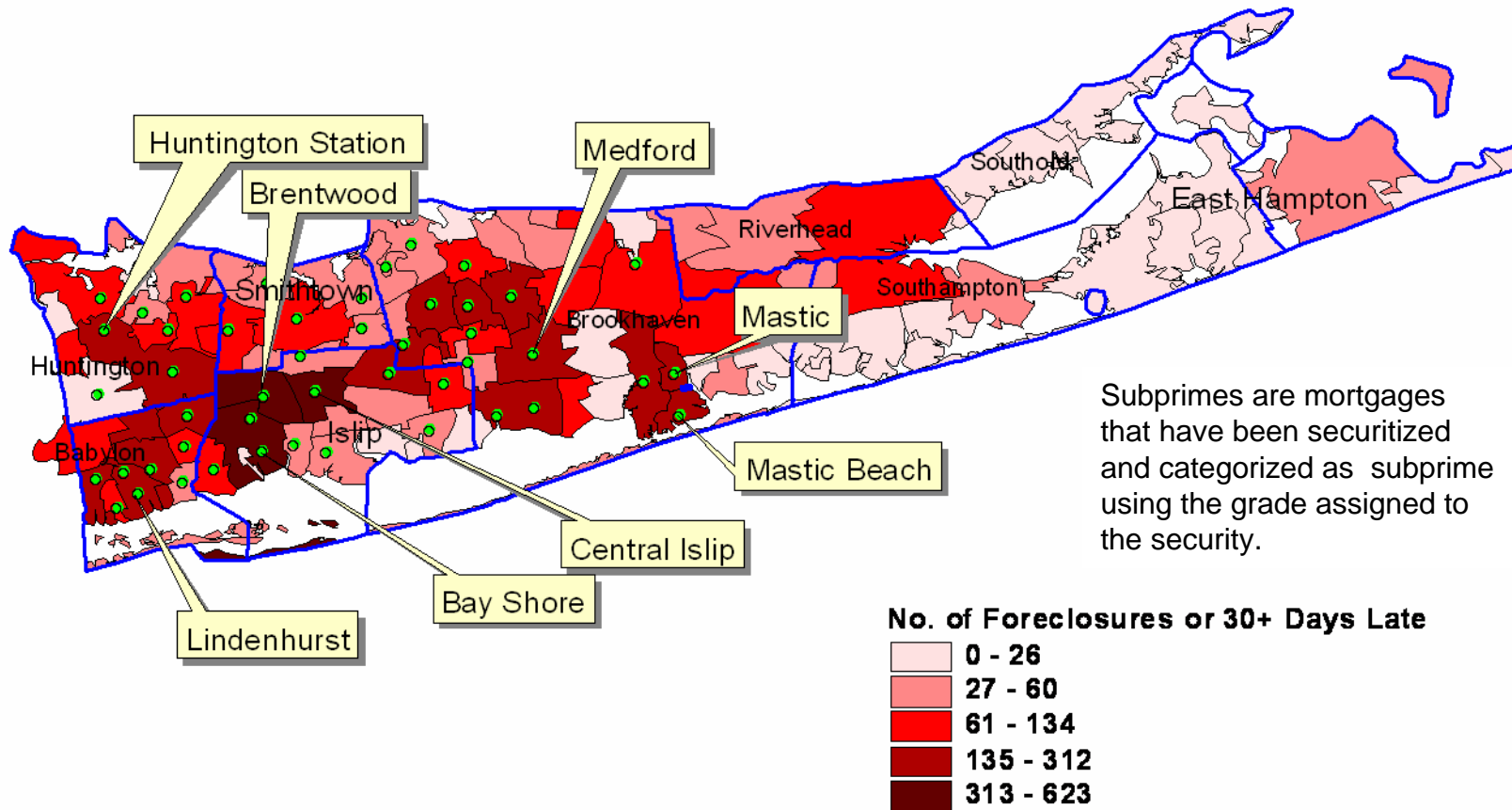
In addition, **22%** of these subprime mortgages have interest rates that will ***RESET*** by October 1, 2009.

# Suffolk County Zip Codes with the Highest Foreclosure Risk

The **three zip codes** with the **highest number** of loans in foreclosure or over 30 days late were:

- **Amityville:**  
623 loans in foreclosure, and  
**11%** of the county's African American homeowners
- **Brentwood:**  
526 loans in foreclosure, and  
**8%** of the county's African American homeowners
- **Central Islip:**  
433 loans in foreclosure, and  
**11%** of the county's African American homeowners

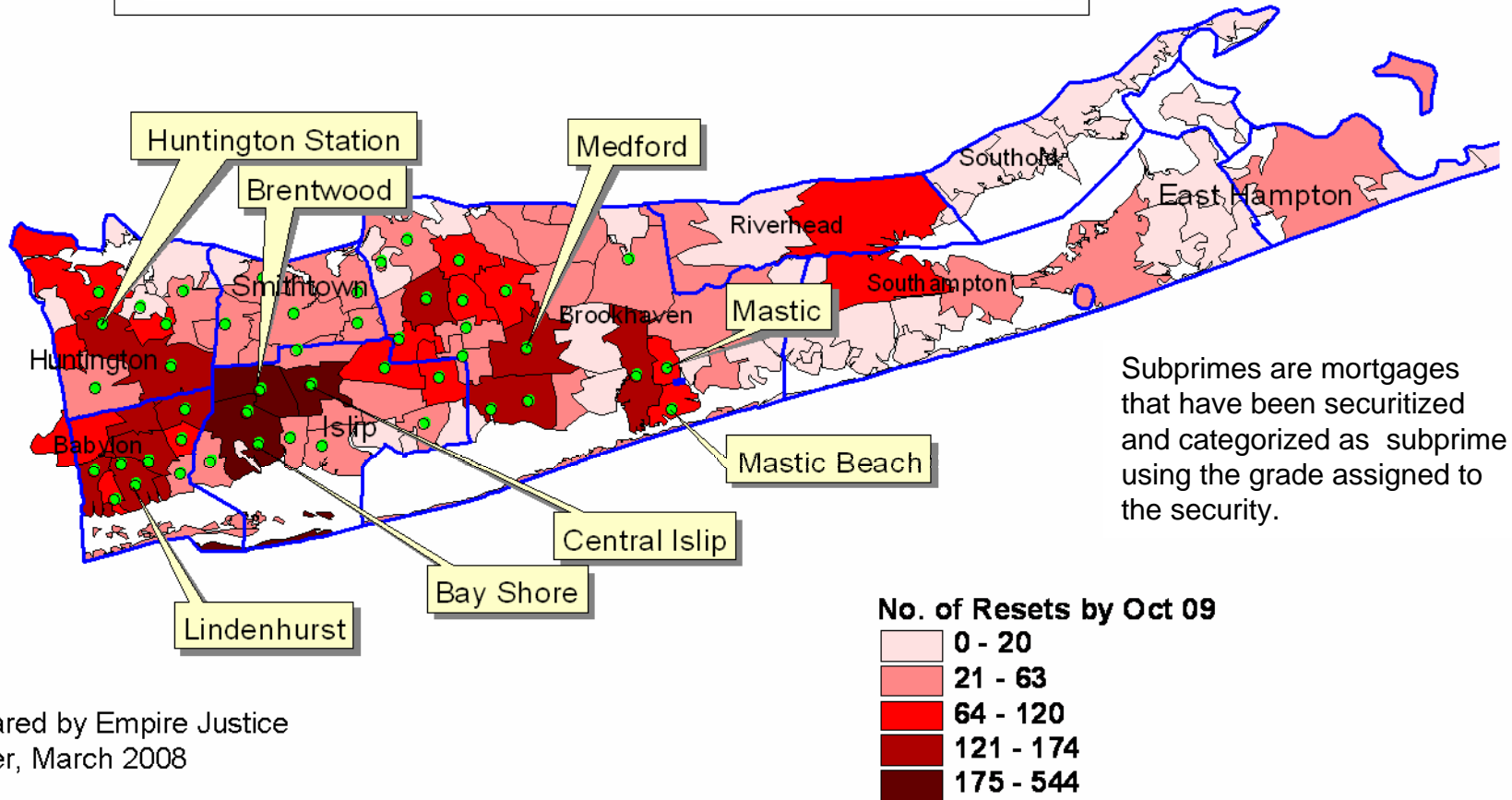
# SUFFOLK COUNTY: Subprimes Already in Foreclosure Or Over 30 Days Later



Prepared by Empire Justice  
Center, March 2008

The boundaries on this map show municipal boundaries in blue (town and city borders).  
The color-groupings are based on zip code totals, and reflect zip code boundaries in black.  
Zip Codes often cross municipal boundaries.

# SUFFLOK COUNTY: Subprimes Resetting by October 2009



Prepared by Empire Justice  
Center, March 2008

The boundaries on this map show municipal boundaries in blue (town and city borders).  
The color-groupings are based on zip code totals, and reflect zip code boundaries in black.  
Zip Codes often cross municipal boundaries.

# Suffolk County Foreclosures Impact *Minority Homeowners*

African American homeowners are ***THREE times*** more likely than white homeowners to live in the most impacted zip codes.

Of the ***8,055*** loans in jeopardy (in foreclosure or 30 days or more late) in Suffolk County:

- ***42%*** of the loans are in only ***10 out of 102*** zip codes
- ***66%*** of Suffolk County's African American homeowners live in these highly impacted zip codes
  - In contrast, only ***20%*** of Suffolk County's white homeowners live in these areas

# NASSAU COUNTY:

## Delinquencies, Foreclosures and Resets

There were a total of **16,508** subprime loans captured in the Federal Reserve dataset .

By October 2007 **4,881** (30%) were already in jeopardy:

- **3,232** (20%) were **30 or more days late**
- **1,649** (10%) were **already in foreclosure**

In addition, **24%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.

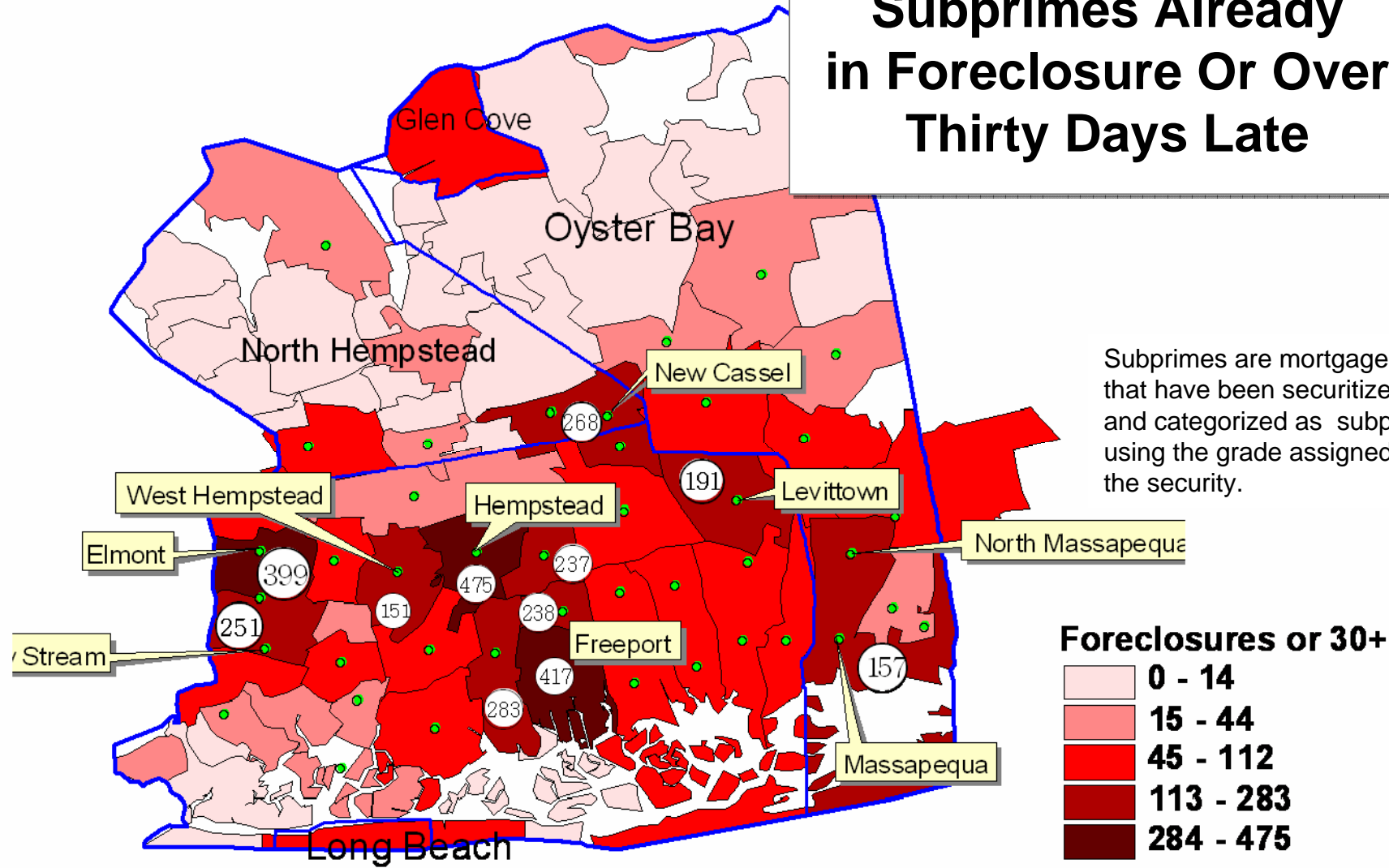
## Top Nassau County Zip Codes Impacted by Foreclosures:

The *three worst zip codes* (those with the highest number of loans in foreclosure or over 30 days late) were:

- ***Hempstead:***  
475 loans in foreclosure, and  
**18%** of the county's African American homeowners
- ***Freeport:***  
417 loans in foreclosure, and  
**12%** of the county's African American homeowners
- ***Elmont:***  
399 loans in foreclosure, and  
**12%** of the county's African American homeowners



# NASSAU COUNTY: Subprimes Already in Foreclosure Or Over Thirty Days Late

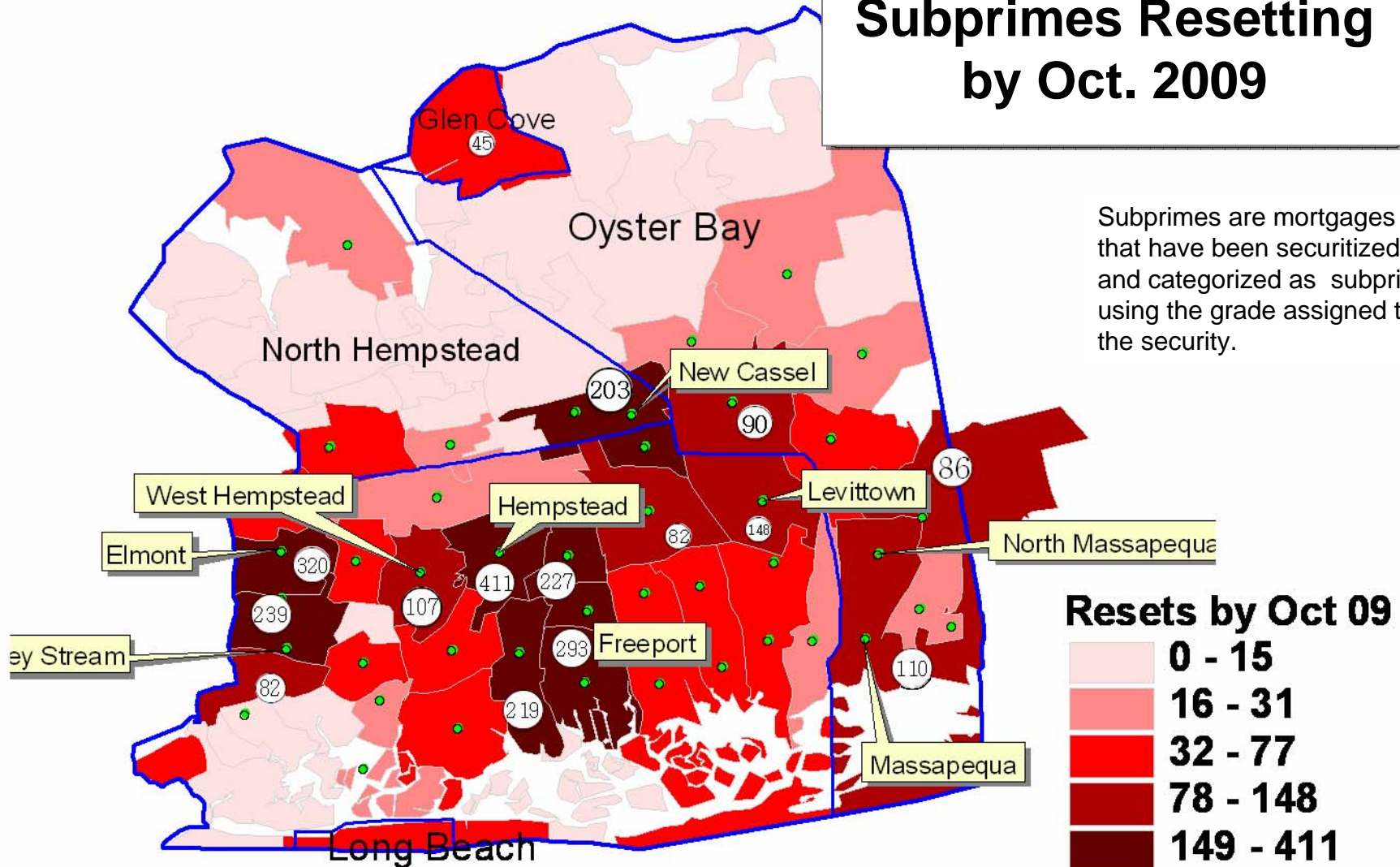


Prepared by Empire Justice Center,  
March 2008

The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in black. Zip Codes often cross municipal boundaries.

# NASSAU COUNTY: Subprimes Resetting by Oct. 2009

Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.



The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in white and gray. Zip Codes often cross municipal boundaries.

# Nassau County Foreclosures Impact *Minority* Homeowners

African American homeowners are ***FOUR times*** more likely than white homeowners to live in the most impacted zip codes.

Of the ***4,881*** loans that are in foreclosure (or 30 or more days late) in Nassau County:

- ***60%*** (2,916) are concentrated in ***10 out of 67*** zip codes
- ***85%*** of Nassau County's African American homeowners live in these 10 zip codes
  - Only ***20%*** of all of the white homeowners live in these same neighborhoods.

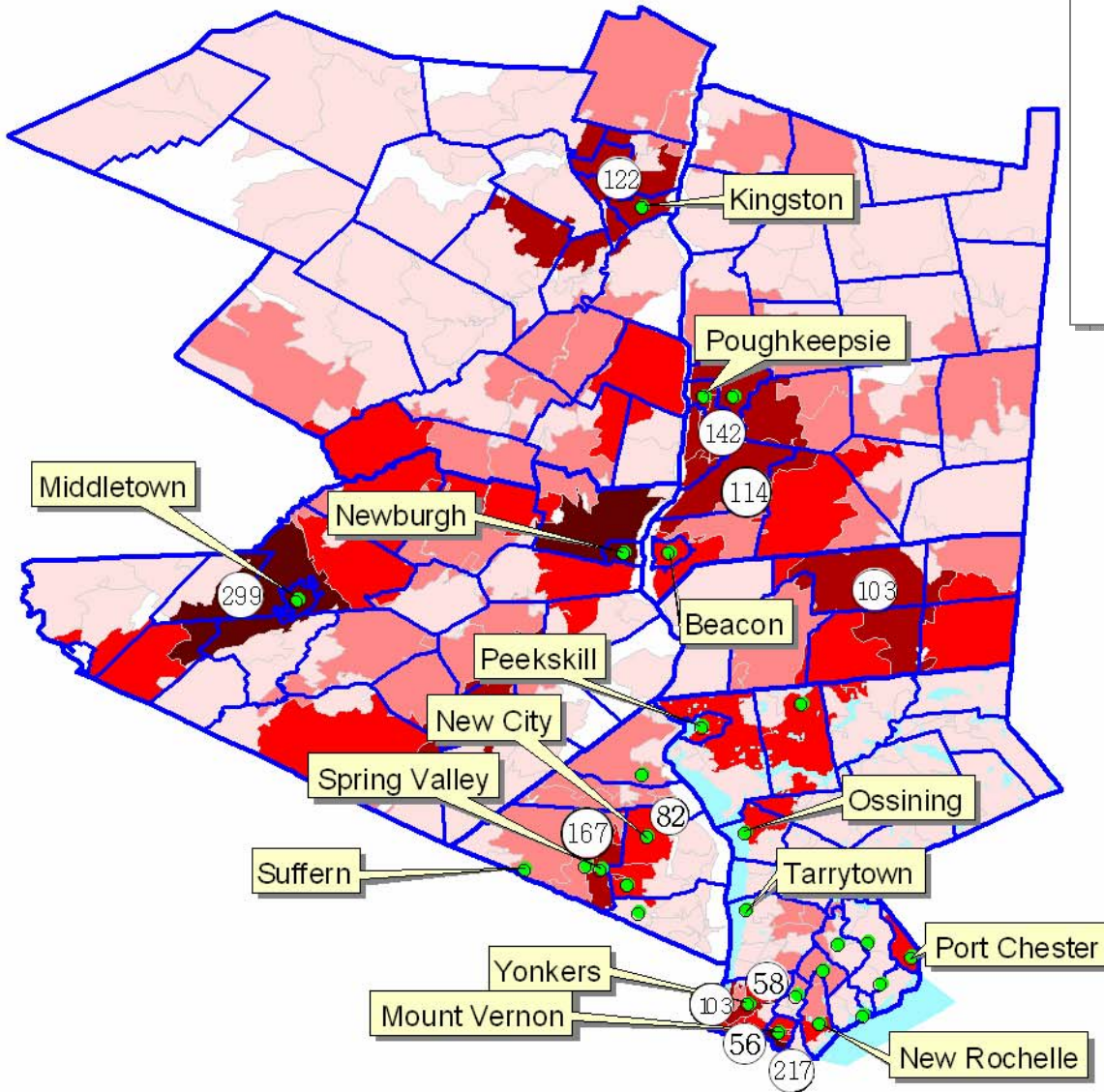
**42%** of Nassau County's African American homeowners live in the *three neighborhoods most impacted* by foreclosures

# Taking a Closer Look:

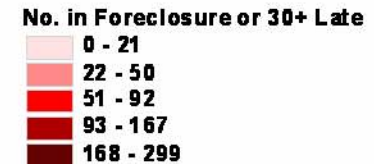
- **Hudson Valley**

*(Westchester, Orange, Dutchess and Rockland Counties)*

# HUDSON VALLEY: Subprimes In Foreclosure or Over 30 Days Late (by Zip Code)



Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.



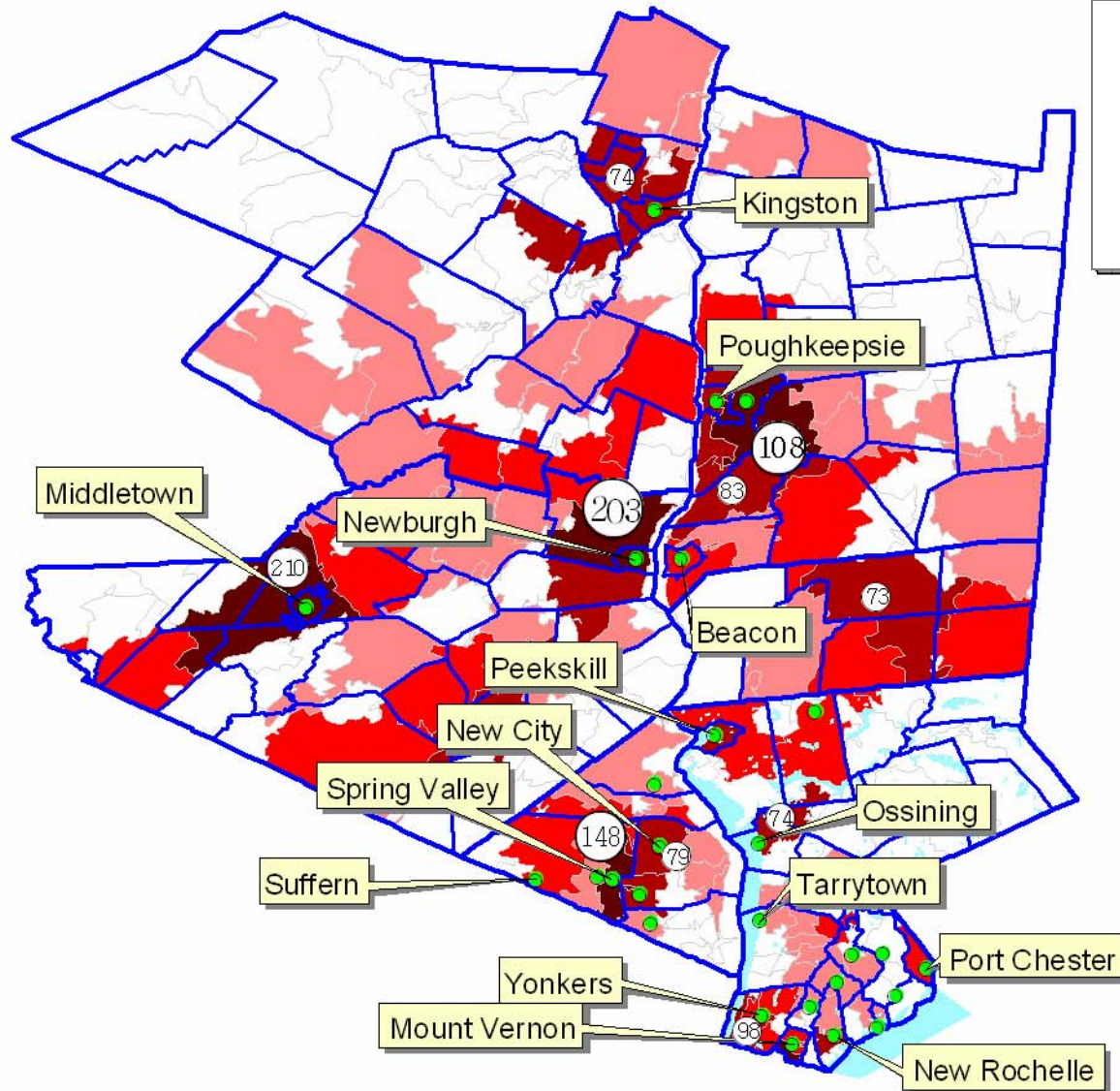
Prepared by Empire Justice Center,  
March 2008

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The color-groupings are based on zip code totals, and reflect zip code boundaries.

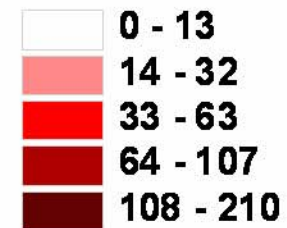
Zip Codes often cross municipal boundaries. (Portions of the zip codes that cross out of Westchester, Rockland, Putnam, Dutchess, Ulster and Sullivan counties have been deleted).

# HUDSON VALLEY: Subprimes Resetting by Oct 2009 (by Zip Code)



Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

## Number Resetting



Prepared by Empire Justice Center,  
March 2008

The boundaries on this map show municipal boundaries (town and city borders).

The color-groupings are based on zip code totals, and reflect zip code boundaries.

Zip Codes often cross municipal boundaries. (Portions of the zip codes that cross out of Westchester, Rockland, Putnam, Dutchess, Ulster and Sullivan counties have been deleted).

# WESTCHESTER COUNTY: Delinquencies, Foreclosures and Resets

There were a total of **6,533** subprime loans made in Westchester County captured in the Federal Reserve dataset.

By October 2007, **1,677** (26%) were in jeopardy:

- **1,116** (17%) were over 30 days late
- **561** (8.5%) were already in foreclosure

In addition, **22%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.



# ORANGE COUNTY:

## Delinquencies, Foreclosures and Resets

There were a total of **5,192** subprime loans made in Orange County captured in the Federal Reserve dataset .

By October 2007 **1,634** (31%) were in jeopardy:

- **1,164** (22%) were **30 days or more late**
- **470** (9%) were in **already in foreclosure**

In addition, **22%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.

# DUTCHESS COUNTY:

## Delinquencies, Foreclosures and Resets

There were a total of **3,569** subprime loans made in Dutchess County captured in the Federal Reserve dataset.

By October 2007, **1,016** (28%) were in jeopardy:

- **740** (20%) were **30 days or more late**
- **276** (8%) were **already in foreclosure**

In addition, **21%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.

# ROCKLAND COUNTY:

## Delinquencies, Foreclosures and Resets

There were a total of **2,512** subprime loans made in Rockland County captured in the Federal Reserve dataset .

By October 2007, **690** (28%) were in jeopardy:

- **481** (19%) were ***30 days or more late***
- **209** (8%) were ***already in foreclosure***

In addition **25%** of these subprime mortgages have interest rates that will ***RESET*** by October 1, 2009.

# Taking a Closer Look:

- **Greater Capital District**

*(Albany, Schenectady, Rensselaer, and Saratoga Counties)*

# CAPITAL DISTRICT:

## Delinquencies, Foreclosures and Resets

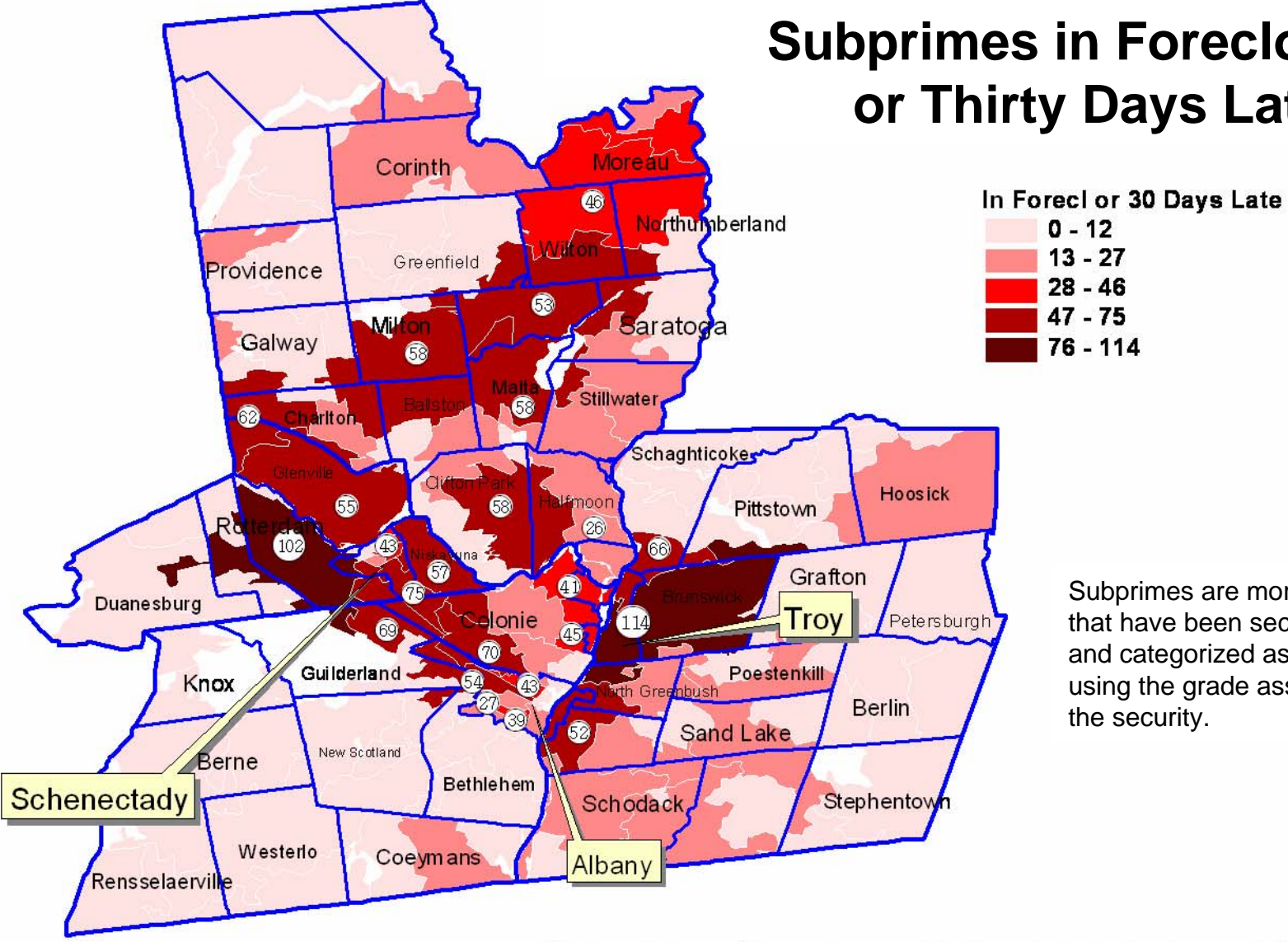
There were a total of **6,499** subprime loans originated in Albany, Schenectady, Rensselaer and Saratoga Counties captured in the Federal Reserve dataset .

By October 2007, **1,811** (28%) were in jeopardy:

- **1,358** (21%) were ***30 or more days late***
- **453** (7%) were in ***already in foreclosure***

In addition, **23%** of these subprime mortgages have interest rates that will ***RESET*** by October 1, 2009.

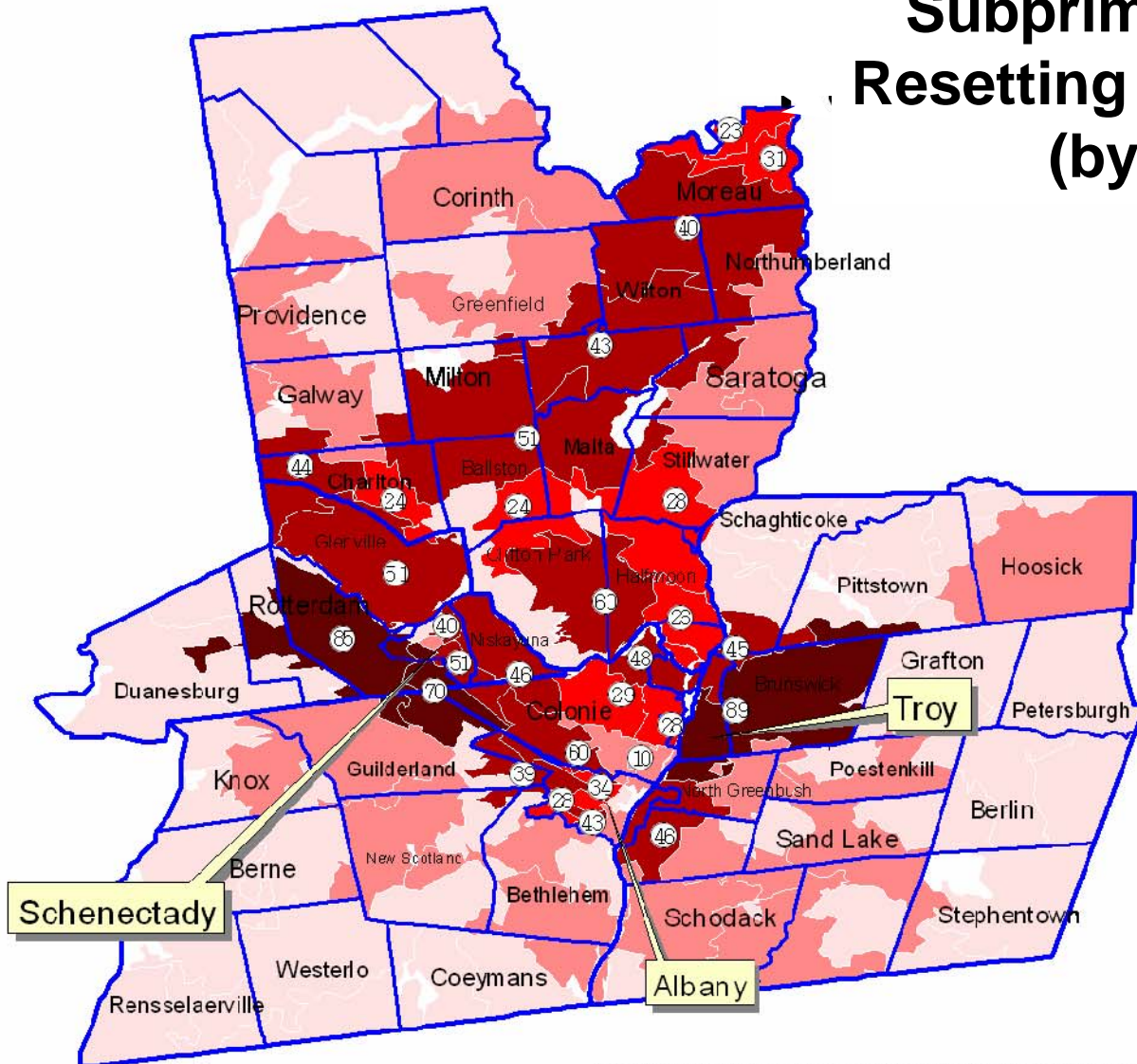
# CAPITAL DISTRICT: Subprimes in Foreclosure or Thirty Days Late



Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

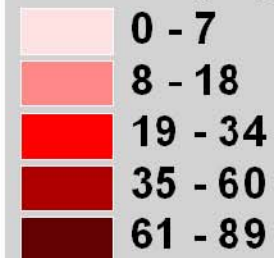
The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in white. Zip Codes often cross municipal boundaries.

# CAPTIAL DISTRICT: Subprimes With ARMS Resetting by October 2009 (by zip code)



Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

## Resetting by Oct 09



The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in white. Zip Codes often cross municipal boundaries.

# Taking a Closer Look:

- **Buffalo Area**  
*(Erie and Niagara Counties)*



# ERIE COUNTY:

## Delinquencies, Foreclosures and Resets

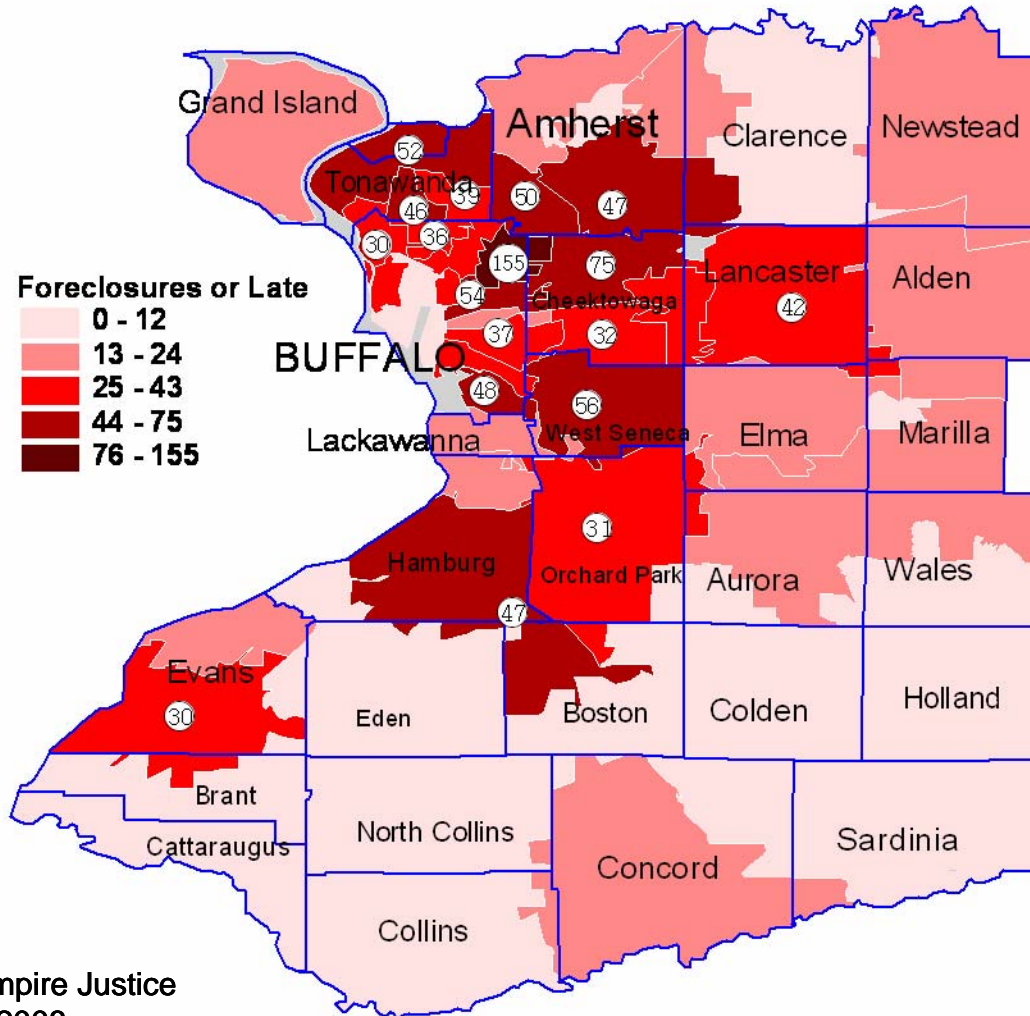
There were a total of **5,404** subprime loans made in Erie County captured in the Federal Reserve dataset .

By October 2007, **1,446** (27%) were in jeopardy:

- **1,174** (22%) were *over 30 days late*
- **272** (5%) were in *already in foreclosure*

In addition, **27%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.

## ERIE COUNTY: In Foreclosure or More Than 30 Days Late (by Zip Code)

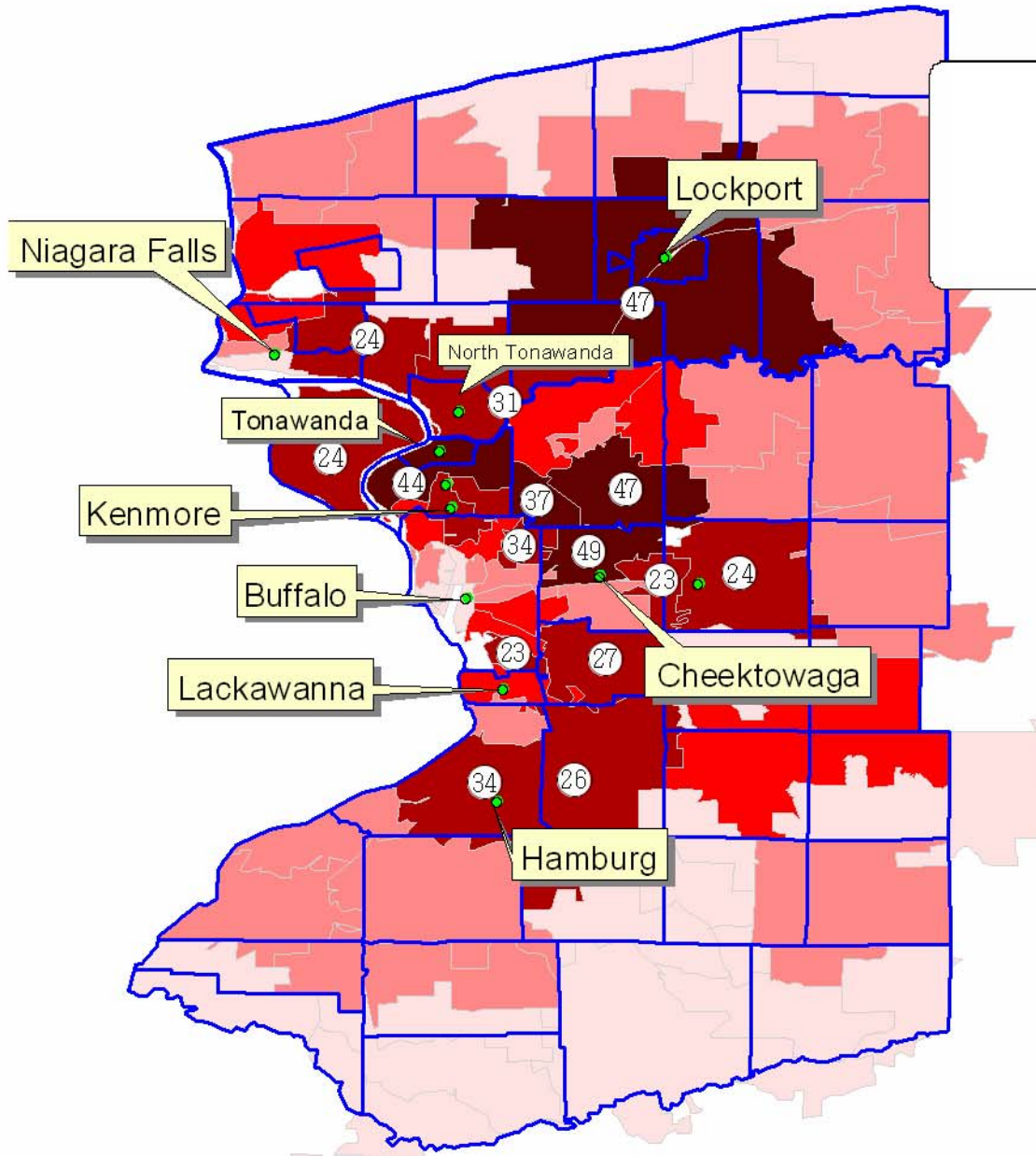


Based upon 2006 mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

Prepared by Empire Justice Center, March 2008

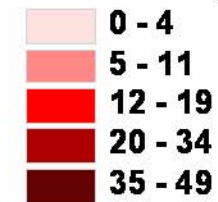
The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in white. Zip Codes often cross municipal boundaries.

## ERIE AND NIAGARA: Subprimes Resetting by October 2009



Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

### No. Resetting by Oct 09



The boundaries on this map show municipal boundaries in blue (town and city borders). The color-groupings are based on zip code totals, and reflect zip code boundaries in white. Zip Codes often cross municipal boundaries.

## ERIE COUNTY:

### Neighborhood Impact – Zip Code 14215

Zip Code 14215 crosses the border between Buffalo and Cheektowaga.

**ONE-THIRD of ALL African American homeowners** in Erie County (6,053 out of 17,857) **live in Zip Code 14215.**

Between 1990 and 2000, there was a **huge increase** in the population of African Americans here, perhaps because the area offers **safer neighborhoods** and access to different **schools.**

Zip Code 14215 is the **hardest hit** zip code in Erie County:

- It has **8.4%** of all subprime loans made in Erie County as captured in the Federal Reserve dataset.
- There were **454** new subprime loans. (Other zip codes were not close at all.)
- **155** of these loans were already in **foreclosure or delinquent** by October 2007.

# ERIE COUNTY:

## Neighborhood Impact

- After 14215 and 14208, the next two highest rate\* zip codes in Erie county, Zip Codes **14214** and **14211**, account for another **25 %** of all of the African American homeowners in Erie County.
- Taken together these four zip codes include over **71%** of the County's African American homeowners.
- In contrast, these four zip codes account for only **8.7%** of all of the homeowner units in Erie County, and even more remarkably . . .
- these four zip codes account for **only 3.4% of all of the White, non-Latino homeowners** in Erie County.

*\*Excluding East Concord which had only 14 subprime loans.*

***What do the Federal Reserve Data Set loan numbers for Zip Code 14215 tell us about the racial impact of the subprime crisis?***

The decennial census data establishes definitively that Zip Code 14215 had become ***an important housing choice destination for minority home buyers and renters*** between 1990 and 2000. It had become home to 1/3 of all African American homeowners in Erie County.

***A disproportionate share of the homeowners in this zip code were targeted by subprime lenders.*** Many were put into unaffordable predatory loans that drain their hard-earned equity and jeopardize their homeownership.

***These delinquencies and foreclosures affect not only the homeowners in trouble, but all residents of the area.*** The problem will get still worse as mortgages with adjustable rates reset by October 2009.

***The subprime foreclosure crisis in Zip Code 14215 is undercutting the progress made in asset-building by African American homeowners there since the early 1990s. The crisis also jeopardizes gains in increasing minority homeownership in Buffalo and Erie County.***

# Taking a Closer Look:

- **Rochester Area**  
*(Monroe County)*

# MONROE COUNTY:

## Delinquencies, Foreclosures and Resets

There were a total of **4,707** subprime loans made in Monroe County captured in the Federal Reserve dataset .

By October 2007, **1,302** loans (28%) were in jeopardy:

- **1,014** (22%) were *over 30 days late*
- **288** (6%) were *already in foreclosure*

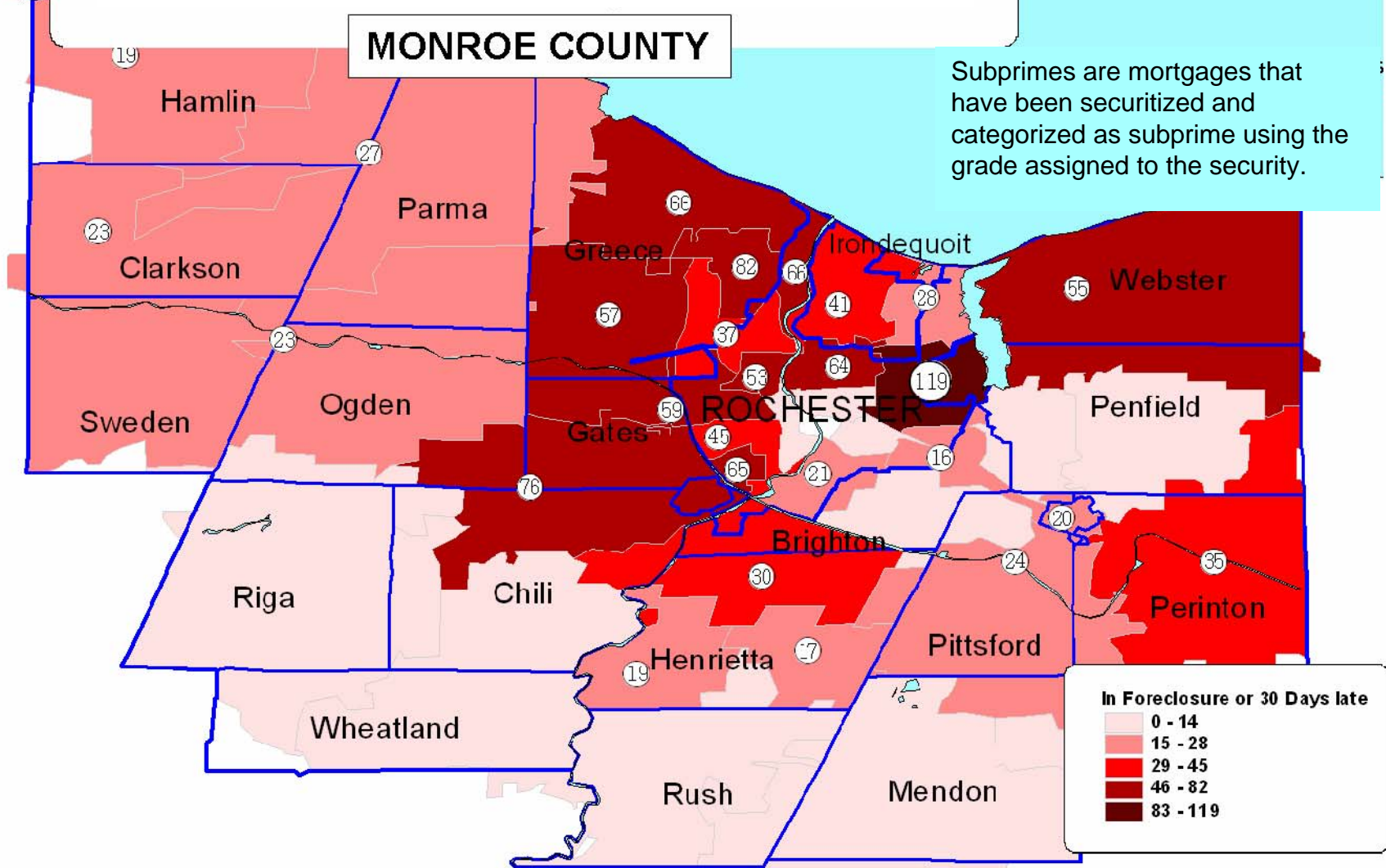
In addition, **16%** of these subprime mortgages have interest rates that will **RESET** by October 1, 2009.



# Subprimes Already in Foreclosure or Over 30 Days Late

## MONROE COUNTY

Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.

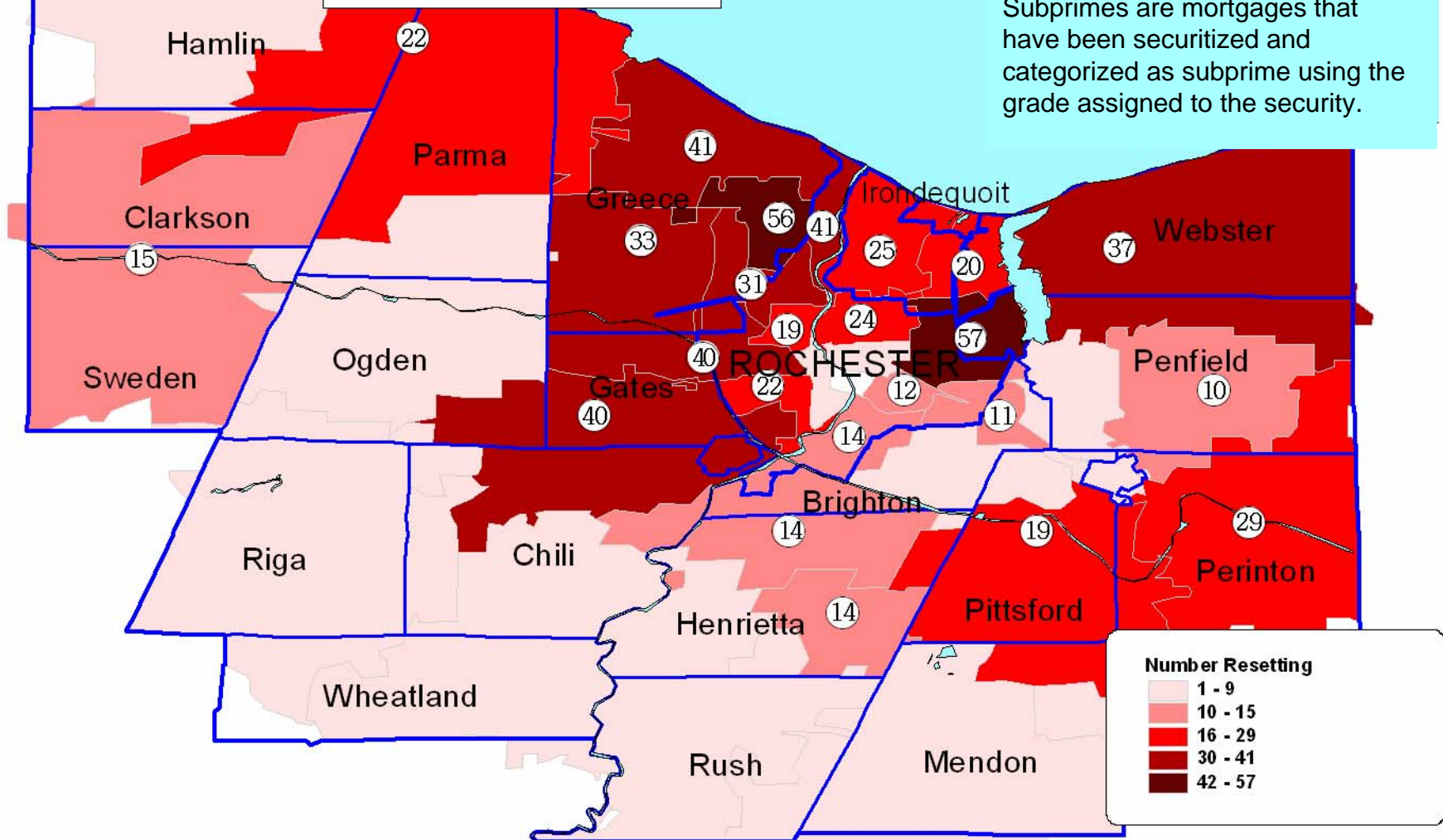


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# Subprimes Resetting by October 1, 2009

## MONROE COUNTY

Subprimes are mortgages that have been securitized and categorized as subprime using the grade assigned to the security.



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**Zip Codes often cross municipal boundaries.**

# Rochester Foreclosures

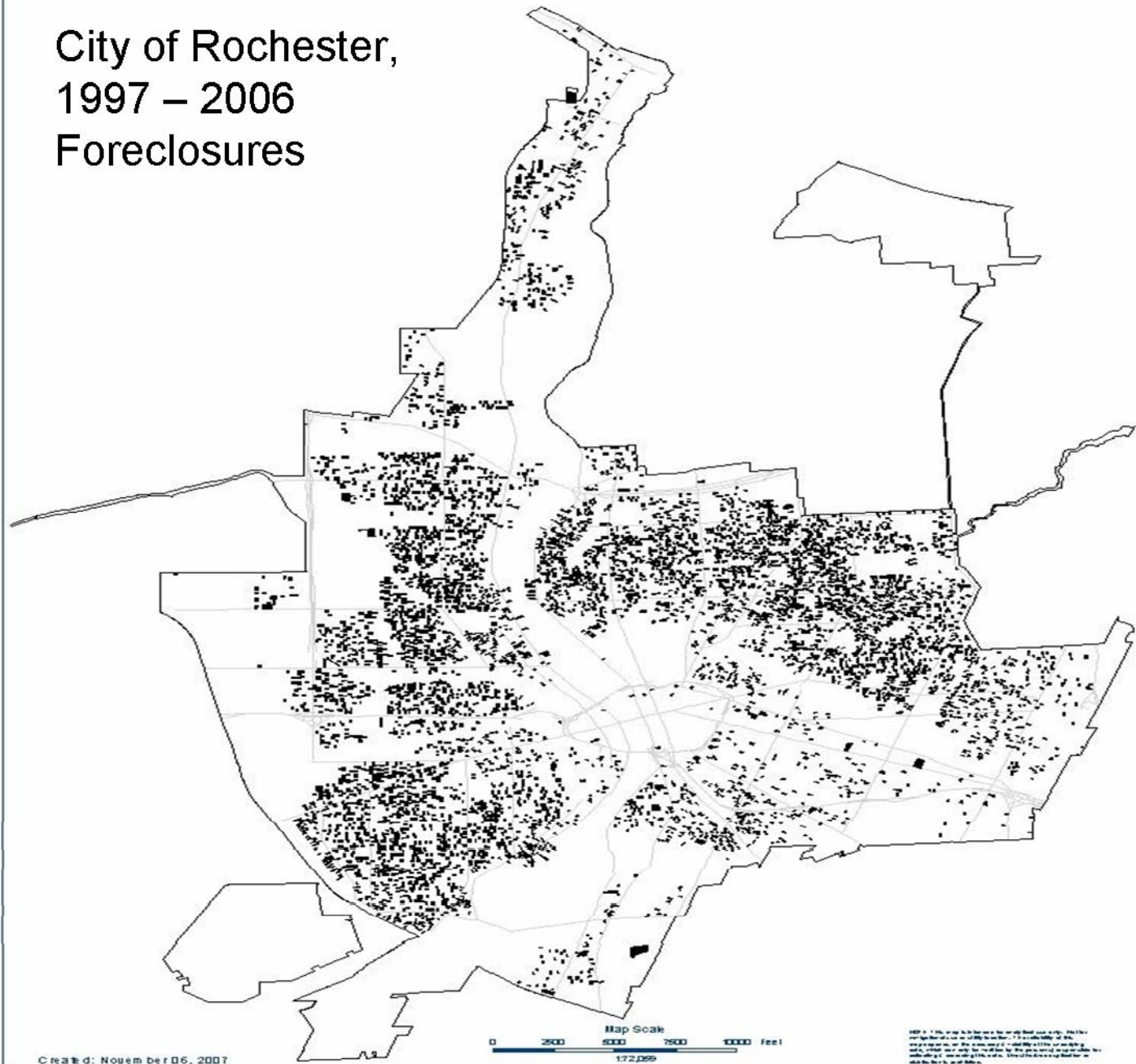
Subprime loans going into foreclosure will exacerbate a *decade old problem* –

-- there were **13,384 foreclosures** in the City of Rochester between 1997 and 2007

Rochester cannot afford to lose any more homes to foreclosure given the population decline and the large concentration of vacant homes already in many city neighborhoods.

*The following map shows the accumulated impact of nearly ten years of actual foreclosures*

**City of Rochester,  
1997 – 2006  
Foreclosures**



**Source:  
City of  
Rochester**

# What do we need to do in order to reduce foreclosures?



According to Treasury **Secretary Henry M. Paulson**, only **2% to 3%** of homeowners in trouble actually seek assistance from their lenders.

To stop properties from being foreclosed, we need:

## **RESOURCES**

- Housing counselors and legal services are critical to help homeowners work with lenders.
- Homeowners are more likely to reach out to non-profit or government agencies than their lenders for help.

## **PROGRAMS**

- New refinancing powers and tools are needed in order to modify loans so homeowners can get into mortgages they can afford.

## Lender Action Needed

***Lenders need to acknowledge and accept that it is critical that they reduce the amounts borrowers owe. Here's why it's in their own best interest to do so:***

- Many loans are under collateralized because the home appraisals were too high.
- Especially when a house is overvalued, banks lose as much as **50%** of the face value of the loan if the house is sold in foreclosure.
- If lenders won't reduce the debt owed on mortgages facing default, the numbers of foreclosures will increase, and housing prices will continue to fall. As credit gets even tighter, housing prices drop even further.

***By working through trained advocates, whom homeowners trust to modify their loans, lenders will be better able to preserve their investments.***

Regardless of who is at fault, rewriting loans to make them work benefits **ALL OF US**, not just the homeowners.

- For every foreclosure *neighboring homes* lose **\$7,000 to \$18,000** in value.
- When communities lose **property tax revenue**, everyone's taxes go up.
- Rental housing, already in low quantity in most communities, will become further stressed as the need increases to accommodate displaced families.

## 2008 NYS Legislative Changes

**\$25 million** was allocated in the 2008 budget to provide direct assistance to homeowners in subprime loans:

- Funding will go to non-profit agencies that provide **direct housing counseling and legal services** to homeowners with subprime loans.
- **NYS Department of Housing and Community Renewal** (DHCR) is charged with distributing the funding. They are currently in the RFP process.



# 2008 NYS Legislative Changes: Governor's Program Bill on Foreclosure Prevention and Subprime Lending\*

*This new law will address **two** important goals:*

- 1) Preventing foreclosures** by providing safeguards and additional protections for homeowners with subprime loans in default; *and*
- 2) Providing prospective relief** by creating a framework for more responsible lending.

*\*Signed into law by Governor Paterson on August 5, 2008.*

# 2008 Foreclosure Prevention and Subprime Lending Act

**The first goal:** Preventing foreclosures by providing safeguards and additional protections for homeowners in default:

***Before** a foreclosure action is filed . . .*

- Starting 9/1/08, lenders will be required to send a **pre-foreclosure notice** to subprime borrowers at least 90 days before initiating a foreclosure proceeding.
- The notice must include referrals and contact information for five **counseling agencies** in the homeowner's region they can contact for assistance.

# 2008 Foreclosure Prevention and Subprime Lending Act

. . . And **after** a foreclosure action has been filed:

- Plaintiffs filing foreclosure actions must **affirmatively allege they are the owner and holder of the mortgage** or have been delegated authority by the owner and holder to file the lawsuit; *and*
- For actions filed after 9/1/08, a **mandatory settlement conference** will be scheduled within 60 days of the filing of the complaint to which the lender must appear and the borrower may appear even if an answer has not been filed.

*\*Note: For **pending foreclosure actions**, homeowners will have a right to request a settlement conference. Notices will be sent from the court instructing them of this right.*



## **2008 Foreclosure Prevention and Subprime Lending Act**

Both the *pre-foreclosure* conferences and the *post-filing* mandatory settlement conferences need to be geared toward

***LOSS MITIGATION WORKOUTS***

that reflect the *real value* of properties  
in order to reach

***LONG TERM SOLUTIONS.***



# 2008 Foreclosure Prevention and Subprime Lending Act

**The second goal:** Providing prospective relief by creating a framework for more responsible lending:

- Requires subprime lenders to verify that borrowers can **afford** to repay their loans even after the interest rate may adjust.
- Prohibits predatory lending practices including negatively amortizing loans, prepayment penalties and the refinancing of loans to a **borrower's detriment**.
- Requires subprime lenders to **escrow taxes and insurance** payments.
- Creates a **legal duty** for mortgage brokers to act with good faith and in the interest of borrowers.

# 2008 Foreclosure Prevention and Subprime Lending Act

## *Additional Provisions:*

- Requires ***mortgage loan servicers*** to be registered with and regulated by the banking department.
- Criminalizes ***mortgage fraud***.
- Regulates ***distressed property consultants***.

# ***About the Empire Justice Center:***

- Empire Justice Center is a statewide, multi-issue, multi-strategy, non-profit law firm focused on changing the “systems” within which poor and low income families live.
- With a focus on poverty law, Empire Justice undertakes research and training, acts as an informational clearinghouse, and provides litigation backup to local legal services programs and community based organizations.
- As an advocacy organization, Empire Justice engages in legislative and administrative advocacy on behalf of those impacted by poverty and discrimination.
- As a non-profit law firm, Empire Justice provides legal assistance to those in need and undertakes impact litigation in order to protect and defend the rights of disenfranchised New Yorkers.



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