



**STATE OF CONNECTICUT  
JUDICIAL BRANCH**

**EXTERNAL AFFAIRS DIVISION**

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Testimony of the Deborah J. Fuller

**Banks Committee Public Hearing  
February 24, 2009**

**House Bill 6484, An Act Concerning Emergency Mortgage Relief**

**Senate Bill 952, An Act Setting a Presumptive Hourly Rate  
for Committee Fees in Foreclosure Matters**

**House Bill 6368, AAC Implementation of the S.A.F.E. Mortgage Licensing Statutes**

I would like to take this opportunity to let the Committee know of the Judicial Branch's position on three of the bills that are before the Committee today.

**House Bill 6484, An Act Concerning Emergency Mortgage Relief**

It is unclear how the procedures outlined in this proposal would interact with the Foreclosure Mediation Program that went into effect last July. Would the emergency mortgage relief be in lieu of mediation? What would happen if a motion for emergency mortgage relief is made after mediation has commenced? Could a mediator refer the parties to a judge for an order of emergency mortgage relief? These and other questions need to be answered if this bill is to move forward. We would be happy to work with the Committee to help make this proposal more workable.

**Senate Bill 952, An Act Setting a Presumptive Hourly Rate  
for Committee Fees in Foreclosure Matters**

The Judicial Branch is opposed to this provision, which would limit the hourly fee for Committee of Sale in foreclosure actions to \$100.00. We believe that the judges should have discretion in determining the amount of the fee, and that this proposal would serve as a disincentive for attorneys to take on this work. While we share the concern about overburdening defendants with high fees and costs, we believe that judges should have the ability to make the determination of what is reasonable based on the equities of the case.

Therefore, we would respectfully request that the Committee take no action on this proposal.

**House Bill 6368, AAC Implementation of the  
S.A.F.E. Mortgage Licensing Statutes**

The Judicial Branch has some technical concerns with this proposal. Section 21, as drafted, is inconsistent with existing statutes that govern the erasure of criminal records and prohibit the disclosure of non-conviction information. While it purports to provide the Commissioner with access to non-conviction data, the bill does not amend existing law that prohibits the Judicial Branch from releasing such information. We would respectfully suggest that these sections should be amended to allow this disclosure, should this bill move forward.

Thank you for your consideration of the Judicial Branch's concerns.