



General Assembly

January Session, 2013

**Committee Bill No. 453**

LCO No. 5094



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE ASSESSMENT OF ATTORNEY'S FEES IN FORECLOSURE MEDIATION PROCEEDINGS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (4) of subsection (b) of section 49-31n of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective October 1, 2013*):

4 (4) If the mediator has submitted a report to the court that the  
5 parties may benefit from further mediation pursuant to subdivision (3)  
6 of this subsection, not more than two days after the conclusion of the  
7 mediation, but not later than the termination of the mediation period  
8 set forth in subdivision (1) of this subsection, the mediator shall file a  
9 report with the court describing the proceedings and specifying the  
10 issues resolved, if any, and any issues not resolved pursuant to the  
11 mediation. The filing of the report shall terminate the mediation period  
12 automatically. If certain issues have not been resolved pursuant to the  
13 mediation, the mediator may refer the mortgagor to any appropriate  
14 community-based services that are available in the judicial district, but  
15 any such referral shall not cause a delay in the mediation process. The  
16 court shall not award attorney's fees to any mortgagee for legal

17 services rendered after the conclusion of a third mediation session for  
18 purposes of participating in the mediation process.

19 Sec. 2. Subdivision (4) of subsection (c) of section 49-31n of the  
20 general statutes is repealed and the following is substituted in lieu  
21 thereof (*Effective October 1, 2013*):

22 (4) If the mediator has submitted a report to the court that the  
23 parties may benefit from further mediation pursuant to subdivision (3)  
24 of this subsection, not more than two days after the conclusion of the  
25 mediation, but not later than the termination of the mediation period  
26 set forth in subdivision (1) of this subsection, the mediator shall file a  
27 report with the court describing the proceedings and specifying the  
28 issues resolved, if any, and any issues not resolved pursuant to the  
29 mediation. The filing of the report shall terminate the mediation period  
30 automatically. If certain issues have not been resolved pursuant to the  
31 mediation, the mediator may refer the mortgagor to any appropriate  
32 community-based services that are available in the judicial district, but  
33 any such referral shall not cause a delay in the mediation process. The  
34 court shall not award attorney's fees to any mortgagee for legal  
35 services rendered after the conclusion of a third mediation session for  
36 purposes of participating in the mediation process.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	49-31n(b)(4)
Sec. 2	<i>October 1, 2013</i>	49-31n(c)(4)

**Statement of Purpose:**

To prohibit mortgagees from recouping attorney's fees for legal services rendered after a third mediation session.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. FASANO, 34th Dist.

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