



General Assembly

**Amendment**

January Session, 2013

LCO No. 7551

**\*HB0635507551HD0\***

Offered by:

REP. TONG, 147<sup>th</sup> Dist.

SEN. LEONE, 27<sup>th</sup> Dist.

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To: Subst. House Bill No. 6355

File No. 286

Cal. No. 196

**"AN ACT CONCERNING HOMEOWNER PROTECTION RIGHTS."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 49-31k of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 15, 2013*):

5 As used in this section and sections 49-31l to 49-31o, inclusive, as  
6 amended by this act, and section 5 of this act:

7 (1) "Mortgagor" means: (A) The owner-occupant of one-to-four  
8 family residential real property located in this state who is also the  
9 borrower under a mortgage encumbering such residential real  
10 property, except an heir or occupying nonowner of a property  
11 encumbered by a reverse annuity mortgage, which is the primary  
12 residence of such owner-occupant, or (B) a religious organization that  
13 is (i) the owner of real property located in this state, and (ii) the

14 borrower under a mortgage encumbering such real property;

15 (2) "Residential real property" means a one-to-four family dwelling,  
16 occupied as a residence by a mortgagor;

17 (3) "Mortgagee" means the [original lender or servicer under a  
18 mortgage, or its successors or assigns, who is the holder of any  
19 mortgage] owner or servicer of the debt secured by a mortgage on  
20 residential real property or real property owned by a religious  
21 organization securing a loan made primarily for personal, family,  
22 religious or household purposes that is the subject of a foreclosure  
23 action;

24 (4) "Authority" means the Connecticut Housing Finance Authority  
25 created under section 8-244;

26 (5) "Mortgage assistance programs" means the mortgage assistance  
27 programs developed and implemented by the authority in accordance  
28 with sections 8-265cc to 8-265kk, inclusive, 8-265rr and 8-265ss; [and]

29 (6) "Religious organization" means an organization that meets the  
30 religious purposes test of Section 501(c)(3) of the Internal Revenue  
31 Code of 1986; [.]

32 (7) "Objectives of the mediation program" (A) means a  
33 determination as to whether or not the parties can reach an agreement  
34 that will (i) avoid foreclosure by means that may include consideration  
35 of any loss mitigation options available through the mortgagee, or (ii)  
36 expedite or facilitate the foreclosure in a manner acceptable to the  
37 parties, and (B) includes an expectation that all parties shall endeavor  
38 to reach such determination with reasonable speed and efficiency by  
39 participating in the mediation process in good faith, but without  
40 unreasonable and unnecessary delays; and

41 (8) "Ability to mediate" means an exhibition on the part of the  
42 relevant person of a willingness, including a reasonable ability, to  
43 participate in the mediation process in a manner consistent with the

44 objectives of the mediation program and in conformity with any  
45 obligations imposed in accordance with subdivision (2) of subsection  
46 (b) or (c), as applicable, of section 49-31n, as amended by this act,  
47 including, but not limited to, a willingness and reasonable ability to  
48 respond to questions and specify or estimate when particular decisions  
49 will be made or particular information will be furnished and, with  
50 respect to the mortgagee, a reasonable familiarity with the loan file,  
51 any loss mitigation options that are available to the mortgagor and the  
52 material issues raised in prior mediation sessions. Reasonable  
53 familiarity with such material issues may be achieved by becoming  
54 reasonably familiar with the mediator reports submitted in accordance  
55 with subdivision (4) of subsections (b) and (c) of section 49-31n, as  
56 amended by this act, to the extent such reports are available.

57 Sec. 2. Section 49-31l of the general statutes is repealed and the  
58 following is substituted in lieu thereof (*Effective July 15, 2013*):

59 (a) Prior to July 1, 2014: (1) Any action for the foreclosure of a  
60 mortgage on residential real property with a return date during the  
61 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
62 the provisions of subsection (b) of this section, and (2) any action for  
63 the foreclosure of a mortgage on (A) residential real property with a  
64 return date during the period from July 1, 2009, to June 30, 2014,  
65 inclusive, or (B) real property owned by a religious organization with a  
66 return date during the period from October 1, 2011, to June 30, 2014,  
67 inclusive, shall be subject to the provisions of subsection (c) of this  
68 section.

69 (b) (1) Prior to July 1, [2012] 2014, when a mortgagee commences an  
70 action for the foreclosure of a mortgage on residential real property  
71 with a return date during the period from July 1, 2008, to June 30, 2009,  
72 inclusive, the mortgagee shall give notice to the mortgagor of the  
73 foreclosure mediation program established in section 49-31m by  
74 attaching to the front of the foreclosure complaint that is served on the  
75 mortgagor: (A) A copy of the notice of the availability of foreclosure  
76 mediation, in such form as the Chief Court Administrator prescribes,

77 and (B) a foreclosure mediation request form, in such form as the Chief  
78 Court Administrator prescribes.

79 (2) Except as provided in subdivision (3) of this subsection, a  
80 mortgagor may request foreclosure mediation by submitting the  
81 foreclosure mediation request form to the court and filing an  
82 appearance not more than fifteen days after the return date for the  
83 foreclosure action. Upon receipt of the foreclosure mediation request  
84 form, the court shall notify each appearing party that a foreclosure  
85 mediation request form has been submitted by the mortgagor.

86 (3) The court may grant a mortgagor permission to submit a  
87 foreclosure mediation request form and file an appearance after the  
88 fifteen-day period established in subdivision (2) of this subsection, for  
89 good cause shown, [ except that no foreclosure mediation request  
90 form may be submitted and no appearance may be filed more than  
91 twenty-five days after the return date.]

92 (4) No foreclosure mediation request form may be submitted to the  
93 court under this subsection on or after July 1, [2012] 2014.

94 (5) If at any time on or after July 1, 2008, but prior to July 1, [2012]  
95 2014, the court determines that the notice requirement of subdivision  
96 (1) of this subsection has not been met, the court may, upon its own  
97 motion or upon the written motion of the mortgagor, issue an order  
98 that no judgment may enter for fifteen days during which period the  
99 mortgagor may submit a foreclosure mediation request form to the  
100 court.

101 (6) Notwithstanding any provision of the general statutes or any  
102 rule of law to the contrary, prior to July 1, [2012] 2014, no judgment of  
103 strict foreclosure nor any judgment ordering a foreclosure sale shall be  
104 entered in any action subject to the provisions of this subsection and  
105 instituted by the mortgagee to foreclose a mortgage on residential real  
106 property unless: (A) Notice to the mortgagor has been given by the  
107 mortgagee in accordance with subdivision (1) of this subsection and

108 the time for submitting a foreclosure mediation request form has  
109 expired and no foreclosure mediation request form has been  
110 submitted, or if such notice has not been given, the time for submitting  
111 a foreclosure mediation request form pursuant to subdivision (2) or (3)  
112 of this subsection has expired and no foreclosure mediation request  
113 form has been submitted, or (B) the mediation period set forth in  
114 subdivision (b) of section 49-31n has expired or has otherwise  
115 terminated, whichever is earlier.

116 (7) None of the mortgagor's or mortgagee's rights in the foreclosure  
117 action shall be waived by the mortgagor's submission of a foreclosure  
118 mediation request form to the court.

119 (c) (1) Prior to July 1, 2014, when a mortgagee commences an action  
120 for the foreclosure of a mortgage on residential real property with a  
121 return date on or after July 1, 2009, or, with respect to real property  
122 owned by a religious organization, a return date on or after October 1,  
123 2011, the mortgagee shall give notice to the mortgagor of the  
124 foreclosure mediation program established in section 49-31m, as  
125 amended by this act, by attaching to the front of the writ, summons  
126 and complaint that is served on the mortgagor: (A) A copy of the  
127 notice of foreclosure mediation, in such form as the Chief Court  
128 Administrator prescribes, (B) a copy of the foreclosure mediation  
129 certificate form described in subdivision (3) of this subsection, in such  
130 form as the Chief Court Administrator prescribes, (C) a blank  
131 appearance form, in such form as the Chief Court Administrator  
132 prescribes, [and] (D) with respect to an action for the foreclosure of a  
133 mortgage on residential real property with a return date on or after  
134 October 1, 2011, to September 30, 2013, inclusive, a mediation  
135 information form and a notice containing contact information for  
136 authority-approved consumer credit counseling agencies, which form  
137 and notice shall be in such form as the Chief Court Administrator  
138 prescribes, [. Such mediation information form shall be] and which  
139 form shall be designed to elicit current financial information and such  
140 other nonfinancial information from the mortgagor as the Chief Court

141 Administrator, in consultation with representatives from the banking  
142 industry and consumer advocates, determines will [be useful to]  
143 further the objectives of the mediation [process] program. The  
144 instructions to the mediation information form shall explain that the  
145 completed mediation information form, along with accompanying  
146 documentation reasonably requested from the mortgagor by way of  
147 such instructions, shall be delivered to the mortgagee's counsel not  
148 later than fifteen business days prior to the date of the initial mediation  
149 session, as identified in the notice provided pursuant to subdivision (2)  
150 of subsection (c) of section 49-31n, as amended by this act, and (E) for  
151 an action to foreclose a mortgage on residential real property with a  
152 return date on or after October 1, 2013, the mediation information form  
153 shall instruct the mortgagor as to the objectives of the mediation  
154 program, explain the preliminary process of meeting with the  
155 mediator as described in subdivision (4) of this subsection, instruct the  
156 mortgagor to begin gathering financial documentation commonly used  
157 in foreclosure mediation for use in meeting with the mediator and in  
158 mediation, and include a notice containing contact information for  
159 authority-approved consumer counseling agencies, which shall be in  
160 such form as the Chief Court Administrator prescribes. The content of  
161 the mediation information form shall be designed by the Chief Court  
162 Administrator in consultation with representatives from the banking  
163 industry and consumer advocates.

164 (2) The court shall issue a notice of foreclosure mediation described  
165 in subdivision (3) of this subsection to the mortgagor not later than the  
166 date three business days after the date the mortgagee returns the writ  
167 to the court.

168 (3) The notice of foreclosure mediation shall instruct the mortgagor  
169 to file the appearance and foreclosure mediation certificate forms with  
170 the court not later than the date fifteen days from the return date for  
171 the foreclosure action. [Such] With respect to actions with a return date  
172 on or after October 1, 2011, to September 30, 2013, inclusive, such  
173 notice shall remind the mortgagor to deliver the completed mediation

174 information form and the accompanying documentation described in  
175 subdivision (1) of this subsection and encourage such delivery in  
176 advance of the required date. With respect to actions with a return date  
177 on or after October 1, 2013, to June 30, 2014, inclusive, such notice shall  
178 instruct the mortgagor to begin gathering financial information  
179 commonly used in foreclosure mediation for use in meeting with the  
180 mediator and in mediation. The mediation information form and  
181 accompanying documentation shall not, without the explicit written  
182 instruction of the mortgagor, be publicly available. Such notice of  
183 foreclosure mediation shall be accompanied by materials from the  
184 Department of Banking, as prescribed by the Chief Court  
185 Administrator, which shall describe the community-based resources  
186 available to the mortgagor, including authority-approved housing  
187 counseling agencies that may assist with preparation [of the mediation  
188 information form] for mediation and application for mortgage  
189 assistance programs. The foreclosure mediation certificate form shall  
190 require the mortgagor to provide sufficient information to permit the  
191 court to confirm that the defendant in the foreclosure action is a  
192 mortgagor, and to certify that said mortgagor has sent a copy of the  
193 mediation certificate form to the plaintiff in the action.

194 (4) Upon receipt of the mortgagor's appearance and foreclosure  
195 mediation certificate forms, and provided the court confirms the  
196 defendant in the foreclosure action is a mortgagor and that said  
197 mortgagor has sent a copy of the mediation certificate form to the  
198 plaintiff, the court shall [schedule a date for foreclosure mediation in  
199 accordance with subsection (c) of section 49-31n. The court shall issue  
200 notice of such mediation date to all appearing parties] assign the case  
201 to mediation and issue notice of such assignment to all appearing  
202 parties, which notice shall include an electronic mail address for all  
203 communications related to the mediation. The court shall issue such  
204 notice not earlier than the date five business days after the return date  
205 or by the date three business days after the date on which the court  
206 receives the mortgagor's appearance and foreclosure mediation  
207 certificate forms, whichever is later, except that if the court does not

208 receive the appearance and foreclosure mediation certificate forms  
209 from the mortgagor by the date fifteen days after the return date for  
210 the foreclosure action, the court shall not [schedule such mediation.]  
211 assign the case to mediation. Promptly upon receipt of the notice of  
212 assignment, but not later than the thirty-fifth day following the return  
213 date, the mortgagee or its counsel shall deliver to the mediator, via the  
214 electronic mail address provided for communications related to the  
215 mediation, and to the mortgagor, via first class, priority or overnight  
216 mail, (A) an account history identifying all credits and debits assessed  
217 to the loan account and any related escrow account in the immediately  
218 preceding twelve-month period and an itemized statement of the  
219 amount required to reinstate the mortgage loan with accompanying  
220 information, written in plain language, to explain any codes used in  
221 the history and statement which are not otherwise self-explanatory, (B)  
222 the name, business mailing address, electronic mail address, facsimile  
223 number and direct telephone number of an individual able to respond  
224 with reasonable adequacy and promptness to questions relative to the  
225 information submitted to the mediator pursuant to this subdivision,  
226 and any subsequent updates to such contact information, which shall  
227 be provided reasonably promptly to the mediator via the electronic  
228 mail address provided for communication related to the mediation, (C)  
229 all reasonably necessary forms and a list of all documentation  
230 reasonably necessary for the mortgagee to evaluate the mortgagor for  
231 common alternatives to foreclosure that are available through the  
232 mortgagee, if any, (D) a copy of the note and mortgage, (E) summary  
233 information regarding the status of any pending foreclosure avoidance  
234 efforts being undertaken by the mortgagee, (F) a copy of any loss  
235 mitigation affidavit filed with the court, and (G) at the mortgagee's  
236 option, (i) the history of foreclosure avoidance efforts with respect to  
237 the mortgagor, (ii) information regarding the condition of mortgaged  
238 property, and (iii) such other information as the mortgagee may  
239 determine is relevant to meeting the objectives of the mediation  
240 program. Following the mediator's receipt of such information, the  
241 court shall assign a mediator to the mediation and schedule a meeting  
242 with the mediator and the mortgagor and shall endeavor to schedule

243 such meeting on or prior to the forty-ninth day following the return  
244 date. The notice of such meeting shall instruct the mortgagor to  
245 complete the forms prior to the meeting and to furnish such forms  
246 together with the documentation contained in the list, as provided by  
247 the mortgagee following the filing of the foreclosure mediation  
248 certificate, at the meeting. At such meeting, the mediator shall review  
249 such forms and documentation with the mortgagor, along with the  
250 information supplied by the mortgagee, in order to discuss the options  
251 that may be available to the mortgagor, including any community-  
252 based resources, and assist the mortgagor in completing the forms and  
253 furnishing the documentation necessary for the mortgagee to evaluate  
254 the mortgagor for alternatives to foreclosure. The mediator may elect  
255 to schedule subsequent meetings with the mortgagor and determine  
256 whether any mortgagor may be excused from an in-person appearance  
257 at such subsequent meeting. As soon as practicable, but in no case later  
258 than the eighty-fourth day following the return date, the mediator  
259 shall facilitate and confirm the submission by the mortgagor of the  
260 forms and documentation to the mortgagee's counsel via electronic  
261 means and, at the mortgagee's election, directly to the mortgagee per  
262 the mortgagee's instruction, and determine, based on the mortgagor's  
263 attendance at the meetings and the extent the mortgagor completed the  
264 forms and furnished the documentation contemplated in this  
265 subdivision, or failed to perform such tasks through no material fault  
266 of the mortgagee, and file a report with the court indicating, (I)  
267 whether mediation shall be scheduled with the mortgagee, (II) whether  
268 the mortgagor attended scheduled meetings with the mediator, (III)  
269 whether the mortgagor fully or substantially completed the forms and  
270 furnished the documentation requested by the mortgagee, (IV) the  
271 date on which the mortgagee supplied the forms and documentation,  
272 and (V) any other information the mediator determines to be relevant  
273 to the objectives of the mediation program. No meeting or  
274 communication between the mediator and mortgagor under this  
275 subdivision shall be treated as an impermissible ex parte  
276 communication. If the mediator determines that the mortgagee shall  
277 participate in mediation, the court shall promptly issue notice to all

278 parties of such determination and schedule a mediation session  
279 between the mortgagee and mortgagor in accordance with subsection  
280 (c) of section 49-31n, as amended by this act, to be held not later than  
281 five weeks following the submission to the mortgagee of the forms and  
282 documentation contemplated in this subdivision. If the mediator  
283 determines that no sessions between the mortgagee and mortgagor  
284 shall be scheduled, the court shall promptly issue notice to all parties  
285 regarding such determination and mediation shall be terminated. Any  
286 mortgagor wishing to contest such determination shall petition the  
287 court and show good cause for reinclusion in the mediation program,  
288 including, but not limited to, a material change in financial  
289 circumstances or a mistake or misunderstanding of the facts by the  
290 mediator.

291 (5) Notwithstanding the provisions of this subsection, the court may  
292 refer a foreclosure action brought by a mortgagee to the foreclosure  
293 mediation program at any time, for good cause shown, provided the  
294 mortgagor has filed an appearance in said action and further provided  
295 the court shall, not later than the date three business days after the date  
296 on which it makes such referral, send a notice to each appearing party  
297 [scheduling the first foreclosure mediation session for a date not later  
298 than the date thirty-five days from the date of such referral] assigning  
299 the case to mediation and requiring the parties to participate in the  
300 premediation process described in subdivision (4) of this subsection,  
301 with the court establishing deadlines to ensure that the premediation  
302 process is to be completed by the parties as expeditiously as the  
303 circumstances warrant and permit. When determining whether good  
304 cause exists, the court shall consider whether the parties are likely to  
305 benefit from mediation and, in the case of a referral after prior  
306 attempts at mediation have been terminated, whether there has been a  
307 material change in circumstances.

308 (6) Notwithstanding any provision of the general statutes or any  
309 rule of law, prior to July 1, 2014, (A) for the period of time which shall  
310 not exceed eight months from the return date, the mortgagor shall be

311 permitted to file an answer, special defenses or counterclaims, but no  
312 mortgagee or mortgagor shall make any motion, request or demand  
313 with respect to the other, except those motions, requests or demands  
314 that relate to the mediation program described in section 49-31m, as  
315 amended by this act, and the mediation sessions held pursuant to such  
316 program, provided (i) a mortgagor seeking to contest the court's  
317 jurisdiction may file a motion to dismiss and the mortgagee may object  
318 to such motion to dismiss in accordance with applicable law and the  
319 rules of the courts, and (ii) if the mortgagor elects to make any other  
320 motion, request or demand with respect to the mortgagee, the eight-  
321 month limit shall no longer apply to either party; and (B) no judgment  
322 of strict foreclosure nor any judgment ordering a foreclosure sale shall  
323 be entered in any action subject to the provisions of this subsection and  
324 instituted by the mortgagee to foreclose a mortgage on residential real  
325 property or real property owned by a religious organization unless: (i)  
326 The mediation period set forth in subsection (c) of section 49-31n, as  
327 amended by this act, has expired or has otherwise terminated,  
328 whichever is earlier, and, if fewer than eight months has elapsed from  
329 the return date at the time of termination, fifteen days have elapsed  
330 since such termination and any pending motion or request to extend  
331 the mediation period has been heard and denied by the court, or (ii)  
332 the mediation program is not otherwise required or available. Nothing  
333 in this subdivision shall affect any motion made or any default or  
334 judgment entered on or before June 30, 2011.

335 (7) With respect to foreclosure actions with a return date on or after  
336 July 1, 2011, to June 30, 2014, inclusive, notwithstanding any provision  
337 of the general statutes or any rule of law to the contrary, the mortgagee  
338 shall be permitted [, on or before July 1, 2014, and] following the eight-  
339 month or fifteen-day period described in subdivision (6) of this  
340 subsection, to simultaneously file, as applicable, (A) a motion for  
341 default, and (B) a motion for judgment of strict foreclosure or a motion  
342 for judgment of foreclosure by sale with respect to the mortgagor in  
343 the foreclosure action.

344 (8) None of the mortgagor's or mortgagee's rights in the foreclosure  
345 action shall be waived by participation in the foreclosure mediation  
346 program.

347 Sec. 3. Section 49-31m of the general statutes is repealed and the  
348 following is substituted in lieu thereof (*Effective July 15, 2013*):

349 The Chief Court Administrator shall establish in each judicial  
350 district a foreclosure mediation program in actions to foreclose  
351 mortgages on residential real property or real property owned by a  
352 religious organization. Such foreclosure mediation shall (1) address all  
353 issues of foreclosure, including, but not limited to, reinstatement of the  
354 mortgage, disposition of the property through means other than the  
355 foreclosure process, including short sales and deeds in lieu of  
356 foreclosure, assignment of law days, assignment of sale date,  
357 restructuring of the mortgage debt and foreclosure by decree of sale,  
358 and (2) be conducted by foreclosure mediators who (A) have a duty to  
359 be unbiased and are employed by the Judicial Branch, (B) are trained  
360 in mediation and all relevant aspects of the law, as determined by the  
361 Chief Court Administrator, (C) have knowledge of the community-  
362 based resources that are available in the judicial district in which they  
363 serve, and (D) have knowledge of the mortgage assistance programs.  
364 Such mediators may refer mortgagors who participate in the  
365 foreclosure mediation program to community-based resources when  
366 appropriate and to the mortgage assistance programs. Such mediators  
367 shall not give legal advice to any party in mediation.

368 Sec. 4. Section 49-31n of the general statutes is repealed and the  
369 following is substituted in lieu thereof (*Effective July 15, 2013*):

370 (a) Prior to July 1, 2014: (1) Any action for the foreclosure of a  
371 mortgage on residential real property with a return date during the  
372 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
373 the provisions of subsection (b) of this section, and (2) any action for  
374 the foreclosure of a mortgage on (A) residential real property with a  
375 return date during the period from July 1, 2009, to June 30, 2014,

376 inclusive, or (B) real property owned by a religious organization with a  
377 return date during the period from October 1, 2011, to June 30, 2014,  
378 inclusive, shall be subject to the provisions of subsection (c) of this  
379 section.

380 (b) (1) For any action for the foreclosure of a mortgage on residential  
381 real property with a return date during the period from July 1, 2008, to  
382 June 30, 2009, inclusive, the mediation period under the foreclosure  
383 mediation program established in section 49-31m, as amended by this  
384 act, shall commence when the court sends notice to each appearing  
385 party that a foreclosure mediation request form has been submitted by  
386 a mortgagor to the court, which notice shall be sent not later than three  
387 business days after the court receives a completed foreclosure  
388 mediation request form. The mediation period shall conclude not  
389 [more than sixty days after the return date for the foreclosure action]  
390 later than the conclusion of the third mediation session between the  
391 mortgagor and mortgagee or seven months after the return date,  
392 whichever is earlier, except that the court may, in its discretion, for  
393 good cause shown, upon the motion of any party or the mediator, (A)  
394 extend [, by not more than thirty days, or shorten the mediation period  
395 on its own motion or upon motion of any party, or (B) extend by not  
396 more than thirty days the mediation period upon written request of  
397 the mediator] the mediation period subject to the provisions of  
398 subdivision (9) of this subsection or shorten the mediation period.

399 (2) The first mediation session shall be held not later than fifteen  
400 business days after the court sends notice to all parties that a  
401 foreclosure mediation request form has been submitted to the court.  
402 The mortgagor and mortgagee shall appear in person at each  
403 mediation session and shall have [authority to agree to a proposed  
404 settlement] the ability to mediate, except that (A) if [the mortgagee] a  
405 party is represented by counsel, the [mortgagee's] party's counsel may  
406 appear in lieu of the [mortgagee] party to represent the [mortgagee's]  
407 party's interests at the mediation, provided [such counsel has the  
408 authority to agree to a proposed settlement] the party has the ability to

409 mediate, the mortgagor attends the first mediation session in person,  
410 and the [mortgagee] party is available (i) during the mediation session  
411 by telephone, and (ii) to participate in the mediation session by  
412 speakerphone, provided an opportunity is afforded for confidential  
413 discussions between the [mortgagee and mortgagee's] party and  
414 party's counsel, [and] (B) following the initial mediation session, if  
415 there are two or more mortgagors who are self-represented, only one  
416 mortgagor shall be required to appear in person at each subsequent  
417 mediation session unless good cause is shown, provided the other  
418 mortgagors are available (i) during the mediation session, and (ii) to  
419 participate in the mediation session by speakerphone, [provided an  
420 opportunity is afforded for confidential discussions among the  
421 mortgagors and such mortgagors' counsel. The court shall not award  
422 attorney's fees to any mortgagee for time spent in any mediation  
423 session if the court finds that such mortgagee has failed to comply with  
424 this subdivision, unless the court finds reasonable cause for such  
425 failure.] and (C) if a party suffers from a disability or other significant  
426 hardship that imposes an undue burden on such party to appear in  
427 person, the mediator may grant permission to such party to participate  
428 in the mediation session by telephone. A mortgagor's spouse, who is  
429 not a mortgagor but who lives in the subject property, may appear at  
430 each mediation session, provided all appearing mortgagors consent, in  
431 writing, to such spouse's appearance or such spouse shows good cause  
432 for his or her appearance and the mortgagors consent in writing to the  
433 disclosure of nonpublic personal information to such spouse. If the  
434 mortgagor has submitted a complete package of financial  
435 documentation in connection with a request for a particular  
436 foreclosure alternative, the mortgagee shall have thirty-five days from  
437 the receipt of the completed package to respond with a decision and, if  
438 the decision is a denial of the request, provide the reasons for such  
439 denial. If the mortgagor has, in connection with a request for a  
440 foreclosure alternative, submitted a financial package that is not  
441 complete, or if the mortgagee's evaluation of a complete package  
442 reveals that additional information is necessary to underwrite the  
443 request, the mortgagee shall request the missing or additional

444 information within a reasonable period of time of such evaluation. If  
445 the mortgagee's evaluation of a complete package reveals that  
446 additional information is necessary to underwrite the request, the  
447 thirty-five-day deadline for a response shall be extended but only for  
448 so long as is reasonable given the timing of the mortgagor's submission  
449 of such additional information and the nature and context of the  
450 required underwriting. Not later than the third business day after each  
451 mediation session held on or after the effective date of this act, the  
452 mediator shall file with the court a report indicating, to the extent  
453 applicable, (i) the extent to which each of the parties complied with the  
454 requirements set forth in this subdivision, including the requirement to  
455 engage in conduct that is consistent with the objectives of the  
456 mediation program and to possess the ability to mediate, (ii) whether  
457 the mortgagor submitted a complete package of financial  
458 documentation to the mortgagee, (iii) a general description of the  
459 foreclosure alternative being requested by the mortgagor, (iv) whether  
460 the mortgagor has previously been evaluated for similar requests,  
461 whether prior to mediation or in mediation, and, if so, whether there  
462 has been any apparent change in circumstances since a decision was  
463 made with respect to that prior evaluation, (v) whether the mortgagee  
464 has responded to the mortgagor's request for a foreclosure alternative  
465 and, if so, a description of the response and whether the mediator is  
466 aware of any material reason not to agree with the response, (vi)  
467 whether the mortgagor has responded to an offer made by the  
468 mortgagee on a reasonably timely basis, and if so, an explanation of  
469 the response, (vii) whether the mortgagee has requested additional  
470 information from the mortgagor and, if so, the stated reasons for the  
471 request and the date by which such additional information shall be  
472 submitted so that information previously submitted by the mortgagor,  
473 to the extent possible, may still be used by the mortgagee in  
474 conducting its review, (viii) whether the mortgagor has supplied, on a  
475 reasonably timely basis, any additional information that was  
476 reasonably requested by the mortgagee, and, if not, the stated reason  
477 for not doing so, (ix) if information provided by the mortgagor is no  
478 longer current for purposes of evaluating a foreclosure alternative, a

479 description of the out-of-date information and an explanation as to  
480 how and why such information is no longer current, (x) whether the  
481 mortgagee has provided a reasonable explanation of the basis for a  
482 decision to deny a request for a loss mitigation option or foreclosure  
483 alternative and whether the mediator is aware of any material reason  
484 not to agree with that decision, (xi) whether the mortgagee has  
485 complied with the timeframes set forth in this subdivision for  
486 responding to requests for decisions, (xii) if a subsequent mediation  
487 session is expected to occur, a general description of the expectations  
488 for such subsequent session and for the parties prior to such  
489 subsequent session and, if not otherwise addressed in the report,  
490 whether the parties satisfied the expectations set forth in previous  
491 reports, and (xiii) a determination of whether the parties will benefit  
492 from further mediation. The mediator shall deliver a copy of such  
493 report to each party to the mediation when the mediator files the  
494 report. The parties shall have the opportunity to submit their own  
495 supplemental information following the filing of the report, provided  
496 such supplemental information shall be submitted not later than five  
497 business days following the receipt of the mediator's report. Any  
498 request by the mortgagee to the mortgagor for additional or updated  
499 financial documentation shall be made in writing. The court may  
500 impose sanctions on any party or on counsel to a party if such party or  
501 such counsel engages in intentional or a pattern or practice of conduct  
502 during the mediation process that is contrary to the objectives of the  
503 mediation program. Any sanction that is imposed shall be  
504 proportional to the conduct and consistent with the objectives of the  
505 mediation program. Available sanctions shall include, but not be  
506 limited to, terminating mediation, ordering the mortgagor or  
507 mortgagee to mediate in person, forbidding the mortgagee from  
508 charging the mortgagor for the mortgagee's attorney's fees, awarding  
509 attorney's fees, and imposing fines. In the case of egregious  
510 misconduct, the sanctions shall be heightened. The court shall not  
511 award attorney's fees to any mortgagee for time spent in any  
512 mediation session if the court finds that such mortgagee has failed to  
513 comply with this subdivision, unless the court finds reasonable cause

514 for such failure.

515 (3) [Not later than two days after the conclusion of the first  
516 mediation session, the mediator shall determine whether the parties  
517 will benefit from further mediation. The mediator shall file with the  
518 court a report setting forth such determination and mail a copy of such  
519 report to each appearing party.] If the mediator reports to the court  
520 that the parties will not benefit from further mediation, the mediation  
521 period shall terminate automatically. If the mediator reports to the  
522 court after the first or second mediation session that the parties may  
523 benefit from further mediation, the mediation period shall continue.

524 (4) [If the mediator has submitted a report to the court that the  
525 parties may benefit from further mediation pursuant to subdivision (3)  
526 of this subsection, not more than two days after the conclusion of the  
527 mediation, but not later than the termination of the mediation period  
528 set forth in subdivision (1) of this subsection, the mediator shall file a  
529 report with the court describing the proceedings and specifying the  
530 issues resolved, if any, and any issues not resolved pursuant to the  
531 mediation. The filing of the report shall terminate the mediation period  
532 automatically.] If the mediation period concludes and certain issues  
533 have not been resolved pursuant to the mediation, the mediator may  
534 refer the mortgagor to any appropriate community-based services that  
535 are available, [in the judicial district, but any such referral shall not  
536 cause a delay in the mediation process.]

537 (5) The Chief Court Administrator shall establish policies and  
538 procedures to implement this subsection. Such policies and procedures  
539 shall, at a minimum, provide that the mediator shall advise the  
540 mortgagor at the first [mediation session] meeting required by  
541 [subdivision (2) of this subsection] subdivision (4) of subsection (c) of  
542 section 49-311, as amended by this act, that [:(A) Such mediation does  
543 not suspend the mortgagor's obligation to respond to the foreclosure  
544 action; and (B)] a judgment of strict foreclosure or foreclosure by sale  
545 may cause the mortgagor to lose the residential real property to  
546 foreclosure.

547 (6) In no event shall any determination issued by a mediator under  
548 this program form the basis of an appeal of any foreclosure judgment.

549 (7) Foreclosure mediation request forms shall not be accepted by the  
550 court under this subsection on or after July 1, [2012] 2014, and the  
551 foreclosure mediation program shall terminate when all mediation has  
552 concluded with respect to any applications submitted to the court prior  
553 to July 1, 2014.

554 (8) At any time during the mediation period, the mediator may refer  
555 a mortgagor who is the owner-occupant of one-to-four family  
556 residential real property to the mortgage assistance programs, except  
557 that any such referral shall not prevent a mortgagee from proceeding  
558 to judgment when the conditions specified in subdivision (6) of  
559 subsection (b) of section 49-311, as amended by this act, have been  
560 satisfied.

561 (9) (A) The mediation period shall conclude following the third  
562 mediation session or if more than seven months have elapsed since the  
563 return date. Not later than fifteen days following the conclusion of the  
564 mediation period, and any extended mediation sessions held in  
565 accordance with this subdivision, any party may move for, or the  
566 mediator may request, an extension of the mediation period. The court  
567 shall grant only one additional mediation session per motion or  
568 request upon a finding that it is highly probable the parties will reach  
569 an agreement through mediation. The court may also grant one  
570 additional mediation session per motion or request upon a finding that  
571 any party has engaged, either intentionally or by a pattern or practice,  
572 in conduct that is contrary to the objectives of the mediation program.  
573 The court shall make its ruling not later than twenty days after the  
574 filing of such motion or request, and no judgment of strict foreclosure  
575 or any judgment ordering a foreclosure sale shall be entered until (i)  
576 the court denies the motion or request, or (ii) the conclusion of the  
577 extended mediation session, except as provided in subparagraph (B) of  
578 this subdivision. Upon the grant of an additional mediation session  
579 following the proper finding, the court shall establish an expeditious

580 deadline for such extended mediation session to occur. Such extended  
581 mediation period shall conclude following such extended mediation  
582 session.

583 (B) The mediation period may be extended for one additional  
584 mediation session without a hearing held pursuant to this subdivision  
585 provided all parties to the mediation agree that such parties would  
586 benefit from such a session and, in consultation with the mediator,  
587 establish an expeditious deadline for such session to take place.

588 (C) To determine whether to extend mediation, the court may  
589 consider all matters that have arisen in the mediation, including, but  
590 not limited to, the number of motions to extend mediation, the reasons  
591 for which an agreement has not been reached, the objectives of the  
592 mediation program, the extent to which the parties will benefit from  
593 further mediation, the reports submitted by the mediator, papers  
594 submitted in connection with any motion, and any supplemental  
595 reports submitted by a party. The court shall articulate its reasons in  
596 the order granting or denying any such motion or request to extend  
597 mediation.

598 (10) For any case pending as of October 1, 2013, in which mediation  
599 is ongoing, (A) if three or fewer sessions have been held, such case  
600 shall be treated as if no sessions have been held as of said date for  
601 purposes of subdivision (9) of this subsection, and (B) if four or more  
602 sessions have been held, then any party or the mediator may move to  
603 terminate the mediation period or extend such period in accordance  
604 with subdivision (9) of this subsection and, if no such motion to extend  
605 is made, the mediation period shall conclude after the third mediation  
606 session occurring after October 1, 2013.

607 (c) (1) For any action for the foreclosure of a mortgage on residential  
608 real property with a return date during the period from July 1, 2009, to  
609 June 30, 2014, inclusive, or for any action for the foreclosure of a  
610 mortgage on real property owned by a religious organization with a  
611 return date during the period from October 1, 2011, to June 30, 2014,

612 inclusive, the mediation period under the foreclosure mediation  
613 program established in section 49-31m, as amended by this act, shall  
614 commence when the court sends notice to each appearing party  
615 scheduling the first foreclosure mediation session. The mediation  
616 period shall conclude [not later than the date sixty days after the return  
617 date for the foreclosure action] not later than the conclusion of the  
618 third mediation session between the mortgagor and mortgagee or  
619 seven months after the return date, whichever is earlier, except that the  
620 court may, in its discretion, for good cause shown, [(A) extend, by not  
621 more than thirty days, or shorten the mediation period on its own  
622 motion or upon motion of any party, or (B) extend by not more than  
623 thirty days the mediation period upon written request of the mediator]  
624 upon the motion of any party or request by the mediator, extend the  
625 mediation period subject to the provisions of subdivision (9) of this  
626 subsection or shorten the mediation period.

627 (2) [The first mediation session shall be held not later than fifteen  
628 business days after the court sends notice to each appearing party in  
629 accordance with subdivision (4) of subsection (c) of section 49-31l. On  
630 and after October 1, 2011, the first mediation session shall be held not  
631 later than thirty-five days after the court sends notice to each  
632 appearing party in accordance with subdivision (4) of subsection (c) of  
633 this section. On and after October 1, 2011, not later than fifteen  
634 business days prior to the date of the initial mediation session, the  
635 mortgagee shall deliver to the mortgagor (A) an account history  
636 identifying all credits and debits assessed to the loan account in the  
637 immediately preceding twelve-month period, and (B) the name,  
638 business mailing address, electronic mail address, facsimile number  
639 and direct telephone number of an individual able to process requests  
640 to refinance or modify the mortgage loan at issue or otherwise take  
641 action to avoid foreclosure of the mortgage. Any updates to the  
642 information provided pursuant to subparagraph (B) of this subdivision  
643 shall be provided reasonably promptly to the mortgagor and such  
644 mortgagor's counsel.] The mortgagor and mortgagee shall appear in  
645 person at each mediation session and shall have [authority to agree to

646 a proposed settlement] the ability to mediate, except that [(i)] (A) if  
647 [the mortgagee] a party is represented by counsel, the [mortgagee's]  
648 party's counsel may appear in lieu of the [mortgagee] party to  
649 represent the [mortgagee's] party's interests at the mediation, provided  
650 [such counsel has the authority to agree to a proposed settlement] the  
651 party has the ability to mediate, the mortgagor attends the first  
652 mediation session in person and the [mortgagee] party is available [(I)]  
653 (i) during the mediation session by telephone, and [(II)] (ii) to  
654 participate in the mediation session by speakerphone, provided an  
655 opportunity is afforded for confidential discussions between the  
656 [mortgagee] party and [mortgagee's] party's counsel, [and (ii)] (B)  
657 following the initial mediation session, if there are two or more  
658 mortgagors who are self-represented, only one mortgagor shall be  
659 required to appear in person at each subsequent mediation session  
660 unless good cause is shown, provided the other mortgagors are  
661 available [(I)] (i) during the mediation session, and [(II)] (ii) to  
662 participate in the mediation session by speakerphone, [provided an  
663 opportunity is afforded for confidential discussions among the  
664 mortgagors and such mortgagors' counsel. The court shall not award  
665 attorney's fees to any mortgagee for time spent in any mediation  
666 session if the court finds that such mortgagee has failed to comply with  
667 this subdivision, unless the court finds reasonable cause for such  
668 failure.] and (C) if a party suffers from a disability or other significant  
669 hardship that imposes an undue burden on such party to appear in  
670 person, the mediator may grant permission to such party to participate  
671 in the mediation session by telephone. A mortgagor's spouse, who is  
672 not a mortgagor but who lives in the subject property, may appear at  
673 each mediation session, provided all appearing mortgagors consent, in  
674 writing, to such spouse's appearance or such spouse shows good cause  
675 for his or her appearance and the mortgagors consent, in writing, to  
676 the disclosure of nonpublic personal information to such spouse. If the  
677 mortgagor has submitted a complete package of financial  
678 documentation in connection with a request for a particular  
679 foreclosure alternative, the mortgagee shall have thirty-five days from  
680 the receipt of the completed package to respond with a decision and, if

681 the decision is a denial of the request, provide the reasons for such  
682 denial. If the mortgagor has, in connection with a request for a  
683 foreclosure alternative, submitted a financial package that is not  
684 complete, or if the mortgagee's evaluation of a complete package  
685 reveals that additional information is necessary to underwrite the  
686 request, the mortgagee shall request the missing or additional  
687 information within a reasonable period of time of such evaluation. If  
688 the mortgagee's evaluation of a complete package reveals that  
689 additional information is necessary to underwrite the request, the  
690 thirty-five-day deadline for a response shall be extended but only for  
691 so long as is reasonable given the timing of the mortgagor's submission  
692 of such additional information and the nature and context of the  
693 required underwriting. Not later than the third business day after each  
694 mediation session, the mediator shall file with the court a report  
695 indicating, to the extent applicable, (i) the extent to which each of the  
696 parties complied with the requirements set forth in this subdivision,  
697 including the requirement to engage in conduct that is consistent with  
698 the objectives of the mediation program and to possess the ability to  
699 mediate, (ii) whether the mortgagor submitted a complete package of  
700 financial documentation to the mortgagee, (iii) a general description of  
701 the foreclosure alternative being requested by the mortgagor, (iv)  
702 whether the mortgagor has previously been evaluated for similar  
703 requests, whether prior to mediation or in mediation, and, if so,  
704 whether there has been any apparent change in circumstances since a  
705 decision was made with respect to that prior evaluation, (v) whether  
706 the mortgagee has responded to the mortgagor's request for a  
707 foreclosure alternative and, if so, a description of the response and  
708 whether the mediator is aware of any material reason not to agree with  
709 the response, (vi) whether the mortgagor has responded to an offer  
710 made by the mortgagee on a reasonably timely basis, and if so, an  
711 explanation of the response, (vii) whether the mortgagee has requested  
712 additional information from the mortgagor and, if so, the stated  
713 reasons for the request and the date by which such additional  
714 information shall be submitted so that information previously  
715 submitted by the mortgagor, to the extent possible, may still be used

716 by the mortgagee in conducting its review, (viii) whether the  
717 mortgagor has supplied, on a reasonably timely basis, any additional  
718 information that was reasonably requested by the mortgagee, and, if  
719 not, the stated reason for not doing so, (ix) if information provided by  
720 the mortgagor is no longer current for purposes of evaluating a  
721 foreclosure alternative, a description of the out-of-date information  
722 and an explanation as to how and why such information is no longer  
723 current, (x) whether the mortgagee has provided a reasonable  
724 explanation of the basis for a decision to deny a request for a loss  
725 mitigation option or foreclosure alternative and whether the mediator  
726 is aware of any material reason not to agree with that decision, (xi)  
727 whether the mortgagee has complied with the timeframes set forth in  
728 this subdivision for responding to requests for decisions, (xii) if a  
729 subsequent mediation session is expected to occur, a general  
730 description of the expectations for such subsequent session and for the  
731 parties prior to such subsequent session and, if not otherwise  
732 addressed in the report, whether the parties satisfied the expectations  
733 set forth in previous reports, and (xiii) a determination of whether the  
734 parties will benefit from further mediation. The mediator shall deliver  
735 a copy of such report to each party to the mediation when the mediator  
736 files the report. The parties shall have the opportunity to submit their  
737 own supplemental information following the filing of the report,  
738 provided such supplemental information shall be submitted not later  
739 than five business days following the receipt of the mediator's report.  
740 Any request by the mortgagee to the mortgagor for additional or  
741 updated financial documentation shall be made in writing. The court  
742 may impose sanctions on any party or on counsel to a party if such  
743 party or such counsel engages in intentional or a pattern or practice of  
744 conduct during the mediation process that is contrary to the objectives  
745 of the mediation program. Any sanction that is imposed shall be  
746 proportional to the conduct and consistent with the objectives of the  
747 mediation program. Available sanctions shall include, but not be  
748 limited to, terminating mediation, ordering the mortgagor or  
749 mortgagee to mediate in person, forbidding the mortgagee from  
750 charging the mortgagor for the mortgagee's attorney's fees, awarding

751 attorney's fees, and imposing fines. In the case of egregious  
752 misconduct, the sanctions shall be heightened. The court shall not  
753 award attorney's fees to any mortgagee for time spent in any  
754 mediation session if the court finds that such mortgagee has failed to  
755 comply with this subdivision, unless the court finds reasonable cause  
756 for such failure.

757 (3) [Not later than two days after the conclusion of the first  
758 mediation session, the mediator shall determine whether the parties  
759 will benefit from further mediation. The mediator shall file with the  
760 court a report setting forth such determination and mail a copy of such  
761 report to each appearing party.] If the mediator reports to the court  
762 that the parties will not benefit from further mediation, the mediation  
763 period shall terminate automatically. If the mediator reports to the  
764 court after the first or second mediation session that the parties may  
765 benefit from further mediation, the mediation period shall continue.  
766 [Either party's failure to comply with the documentation requirements  
767 of this section or section 49-311 shall not be grounds for terminating the  
768 mediation period before a second mediation session is conducted.]

769 (4) [If the mediator has submitted a report to the court that the  
770 parties may benefit from further mediation pursuant to subdivision (3)  
771 of this subsection, not more than two days after the conclusion of the  
772 mediation, but not later than the termination of the mediation period  
773 set forth in subdivision (1) of this subsection, the mediator shall file a  
774 report with the court describing the proceedings and specifying the  
775 issues resolved, if any, and any issues not resolved pursuant to the  
776 mediation. The filing of the report shall terminate the mediation period  
777 automatically.] If the mediation period concludes and certain issues  
778 have not been resolved pursuant to the mediation, the mediator may  
779 refer the mortgagor to any appropriate community-based services that  
780 are available in the judicial district, but any such referral shall not  
781 cause a delay in the mediation process.

782 (5) The Chief Court Administrator shall establish policies and  
783 procedures to implement this subsection. Such policies and procedures

784 shall, at a minimum, provide that the mediator shall advise the  
785 mortgagor at the first [mediation session] meeting required by  
786 [subdivision (2) of this subsection] subdivision (4) of subsection (c) of  
787 section 49-311, as amended by this act, that: (A) Such mediation does  
788 not suspend the mortgagor's obligation to respond to the foreclosure  
789 action beyond the limited time frame described in subdivision (6) of  
790 subsection (c) of section 49-311, as amended by this act; and (B) a  
791 judgment of strict foreclosure or foreclosure by sale may cause the  
792 mortgagor to lose the residential real property or real property owned  
793 by a religious organization to foreclosure.

794 (6) In no event shall any determination issued by a mediator under  
795 this program form the basis of an appeal of any foreclosure judgment.

796 (7) The foreclosure mediation program shall terminate when all  
797 mediation has concluded with respect to any foreclosure action with a  
798 return date during the period from July 1, 2009, to June 30, 2014,  
799 inclusive.

800 (8) At any time during the mediation period, the mediator may refer  
801 a mortgagor who is the owner-occupant of one-to-four family  
802 residential real property to the mortgage assistance programs, except  
803 that any such referral shall not prevent a mortgagee from proceeding  
804 to judgment when the conditions specified in subdivision (6) of  
805 subsection (c) of section 49-311, as amended by this act, have been  
806 satisfied.

807 (9) (A) The mediation period shall conclude following the third  
808 mediation session or if more than seven months have elapsed since the  
809 return date. Not later than fifteen days following the conclusion of the  
810 mediation period, and any subsequent extended mediation sessions  
811 held in accordance with this subdivision, any party may move for, or  
812 the mediator may request, an extension of the mediation period. The  
813 court shall grant only one additional mediation session per motion or  
814 request upon a finding that it is highly probable the parties will reach  
815 an agreement through mediation. The court may also grant one

816 additional mediation session per motion or request upon a finding that  
817 any party has engaged, either intentionally or by a pattern or practice,  
818 in conduct that is contrary to the objectives of the mediation program.  
819 The court shall make its ruling not later than twenty days after the  
820 filing of such motion or request, and no judgment of strict foreclosure  
821 or any judgment ordering a foreclosure sale shall be entered until (i)  
822 the court denies the motion or request, or (ii) the conclusion of the  
823 subsequent extended mediation session, except as provided in  
824 subparagraph (B) of this subdivision. Upon the grant of an additional  
825 mediation session following the proper finding, the court shall  
826 establish a reasonably expeditious deadline for such subsequent  
827 extended mediation session to occur. Such extended mediation period  
828 shall conclude following such subsequent extended mediation session.

829 (B) The mediation period may be extended for one additional  
830 mediation session without a hearing held pursuant to this subdivision  
831 provided all parties to the mediation agree that such parties would  
832 benefit from such a session and, in consultation with the mediator,  
833 establish a reasonably expeditious deadline for such session to take  
834 place.

835 (C) To determine whether to extend mediation, the court may  
836 consider all matters that have arisen in the mediation, including, but  
837 not limited to, the number of motions to extend mediation, the reasons  
838 for which an agreement has not been reached, the objectives of the  
839 mediation program, the extent to which the parties will benefit from  
840 further mediation, the reports submitted by the mediator, papers  
841 submitted in connection with any motion, and any supplemental  
842 reports submitted by a party. The court shall articulate its reasons in  
843 the order granting or denying any such motion or request to extend  
844 mediation.

845 (10) For any case pending as of October 1, 2013, in which mediation  
846 is ongoing, (A) if three or fewer sessions have been held, such case  
847 shall be treated as if no sessions have been held as of said date for  
848 purposes of subdivision (9) of this subsection, and (B) if four or more

849 sessions have been held, then any party or the mediator may move to  
850 terminate the mediation period or extend such period in accordance  
851 with subdivision (9) of this subsection and, if no such motion to extend  
852 is made, the mediation period shall conclude after the third mediation  
853 session occurring after October 1, 2013.

854 (d) (1) Not later than February 14, 2014, the Chief Court  
855 Administrator shall submit, in accordance with the provisions of  
856 section 11-4a, to the joint standing committee of the General Assembly  
857 having cognizance of matters relating to banks, a summary regarding  
858 the mediation program and a general summary of the data collected in  
859 the reports submitted pursuant to subdivision (2) of subsections (b)  
860 and (c) of this section from July 1, 2013, to December 31, 2013,  
861 inclusive. Such summaries shall include, but not be limited to, the  
862 aggregate data regarding the number of cases in mediation, the  
863 number of mediation sessions held, the number of agreements reached  
864 before the conclusion of the mediation period, the number of motions  
865 or requests for an extension or continuance and the identity of the  
866 party that made such a motion or request, whether the loan at issue  
867 was serviced by a third party, the judicial district in which the  
868 mediation took place and whether the mortgagor was self-represented.

869 (2) Not later than February 14, 2015, the Chief Court Administrator  
870 shall submit, in accordance with the provisions of section 11-4a, to the  
871 joint standing committee of the General Assembly having cognizance  
872 of matters relating to banks, a summary of the reports submitted from  
873 July 1, 2013, to December 31, 2014, inclusive, pursuant to subdivision  
874 (2) of subsections (b) and (c) of this section. The detailed data points for  
875 such summary, including data to be collected but not reported, shall be  
876 developed by the Chief Court Administrator in consultation with  
877 representatives from the Governor's office, the banking industry and  
878 consumer advocates.

879 Sec. 5. (NEW) (Effective July 15, 2013) (a) In a foreclosure action, the  
880 mortgagee may, notwithstanding any other law or rule to the contrary,  
881 file a motion for judgment of foreclosure simultaneously with a motion

882 for default for failure to appear, if such mortgagee proves, by clear and  
883 convincing evidence and the use of a proper affidavit, that the real  
884 property that is the subject of the foreclosure action is not occupied by  
885 a mortgagor, tenant or other occupant and not less than three of the  
886 following conditions exist:

887 (1) Statements of neighbors, delivery persons or government  
888 employees indicating that the property is vacant and abandoned;

889 (2) Windows or entrances to the property that are boarded up or  
890 closed off or multiple window panes that are damaged, broken or  
891 unrepaired;

892 (3) Doors to the property are smashed through, broken off,  
893 unhinged or continuously unlocked;

894 (4) Risk to the health, safety or welfare of the public or any  
895 adjoining or adjacent property owners that exists due to acts of  
896 vandalism, loitering, criminal conduct or the physical destruction of  
897 the property;

898 (5) An order by municipal authorities declaring the property to be  
899 unfit for occupancy and to remain vacant and unoccupied;

900 (6) The mortgagee secured or winterized the property due to the  
901 property being deemed vacant and unprotected or in danger of  
902 freezing; or

903 (7) A written statement issued by any mortgagor or tenant  
904 expressing the clear intent of all occupants to abandon the property.

905 (b) A foreclosure action shall not proceed under the expedited  
906 procedures contemplated under subsection (a) of this section if there is  
907 on the property (1) an unoccupied building undergoing construction,  
908 renovation or rehabilitation that is (A) proceeding diligently toward  
909 completion, and (B) in compliance with all applicable ordinances,  
910 codes, regulations and statutes, (2) a secure building occupied on a

911 seasonal basis, or (3) a secure building that is the subject of a probate  
912 action to quiet title or other ownership dispute.

913 Sec. 6. Section 49-10 of the general statutes is repealed and the  
914 following is substituted in lieu thereof (*Effective July 15, 2013*):

915 (a) As used in this section, "mortgage debt" means a debt or other  
916 obligation secured by mortgage, assignment of rent or assignment of  
917 interest in a lease.

918 (b) Whenever any mortgage debt is assigned by an instrument in  
919 writing containing a sufficient description to identify the mortgage,  
920 assignment of rent or assignment of interest in a lease, given as  
921 security for the mortgage debt, and that assignment has been executed,  
922 attested and acknowledged in the manner prescribed by law for the  
923 execution, attestation and acknowledgment of deeds of land, the title  
924 held by virtue of the mortgage, assignment of rent or assignment of  
925 interest in a lease, shall vest in the assignee. An instrument  
926 substantially in the following form is sufficient for such assignment:

927 Know all Men by these Presents, That .... of .... in the county of ....  
928 and state of .... does hereby grant, bargain, sell, assign, transfer and set  
929 over a certain (mortgage, assignment of rent or assignment of interest  
930 in a lease) from .... to .... dated .... and recorded in the records of the  
931 town of .... county of .... and state of Connecticut, in book .... at page ....

932 In Witness Whereof .... have hereunto set .... hand and seal, this ....  
933 day of .... A.D. ....

934 Signed, sealed and delivered

935 in the presence of

936 (SEAL)

937 (Acknowledged)

938 (c) In addition to the requirements of subsection (b) of this section,

939 whenever an assignment of any residential mortgage loan (1) made by  
940 a lending institution organized under the laws of or having its  
941 principal office in any other state, and (2) secured by mortgage on  
942 residential real estate located in this state is made in writing, the  
943 instrument shall contain the name and business or mailing address of  
944 all parties to such assignment.

945 (d) If a mortgage debt is assigned, a party obliged to pay such  
946 mortgage debt may discharge it, to the extent of the payment, by  
947 paying the assignor until the party obliged to pay receives sufficient  
948 notice in accordance with subsection (f) of this section that the  
949 mortgage debt has been assigned and that payment is to be made to  
950 the assignee. In addition to such notice, if requested by the party  
951 obliged to pay, the assignee shall furnish reasonable proof that the  
952 assignment has been made, and until the assignee does so, the party  
953 obliged to pay may pay the assignor. For purposes of this subsection,  
954 "reasonable proof" means (1) written notice of assignment signed by  
955 both the assignor and the assignee, (2) a copy of the assignment  
956 instrument, or (3) other proof of the assignment as agreed to by the  
957 party obliged to pay such mortgage debt.

958 (e) If a mortgage debt is assigned, a party obliged to pay such  
959 mortgage debt who, in good faith and without sufficient notice of the  
960 assignment in accordance with subsection (f) of this section, executes  
961 with the assignor a modification or extension of the mortgage,  
962 assignment of rent or assignment of interest in a lease, shall have the  
963 benefit of such modification or extension, provided, the assignee shall  
964 acquire corresponding rights under the modified or extended  
965 mortgage, assignment of rent or assignment of interest in a lease. The  
966 assignment may provide that modification or extension of the  
967 mortgage, assignment of rent or assignment of interest in a lease,  
968 signed by the assignor after execution of the assignment, is a breach by  
969 the assignor of the assignor's contract with the assignee.

970 (f) Notice of assignment is sufficient for purposes of subsections (d)  
971 and (e) of this section if the assignee notifies a party obliged to pay the

972 mortgage debt (1) by mailing to the party obliged to pay, at the party's  
973 last billing address, a notice of the assignment identifying the  
974 instrument and mortgage debt assigned, the party obliged to pay such  
975 debt, the names of the assignor and assignee, the date of the  
976 assignment, and the name and address of the person to whom  
977 payments should be made, (2) by giving notice of the assignment  
978 pursuant to 12 USC Section 2605, Section 6 of the federal Real Estate  
979 Settlement Procedures Act of 1974 and the regulations promulgated  
980 pursuant to said section, as from time to time amended, or (3) by  
981 giving actual notice of the assignment, reasonably identifying the  
982 rights assigned, in any other manner. No signature on any such notice  
983 is necessary to give sufficient notice of the assignment under this  
984 subsection and such notice may include any other information.

985 (g) Recordation of an assignment of mortgage debt is not sufficient  
986 notice of the assignment to the party obliged to pay for purposes of  
987 subsection (d) or (e) of this section.

988 (h) Notwithstanding the provisions concerning remittance and  
989 retention of fees set forth in section 7-34a, as amended by this act, the  
990 recording fees paid in accordance with said section by a nominee of a  
991 mortgagee, as defined in subdivision (2) of subsection (a) of said  
992 section, shall be allocated as follows: The town clerk shall remit one  
993 hundred ten dollars of such fees to the state, such fees shall be  
994 deposited into the General Fund and, upon deposit in the General  
995 Fund, thirty-six dollars of such fees shall be credited to the community  
996 investment account established pursuant to section 4-66aa. The town  
997 clerk shall retain forty-nine dollars of such fees, thirty-nine dollars of  
998 which shall become part of the general revenue of such municipality  
999 and ten dollars of which shall be deposited into the town clerk fund.  
1000 The town clerk shall retain any fees for additional pages beyond the  
1001 first page in accordance with the provisions of subdivision (2) of  
1002 subsection (a) of said section.

1003 [(h)] (i) An assignment executed in accordance with this section  
1004 shall operate to assign the interest of the assignor in the mortgage

1005 which is the subject of the assignment, even if such interest is, in fact,  
1006 acquired by the assignor after executing such assignment or does not  
1007 appear of record until after the execution of such assignment. Nothing  
1008 in this subsection shall be construed to limit the effect of any  
1009 assignment of mortgage debt recorded before, on or after October 1,  
1010 2006.

1011 Sec. 7. Subsection (a) of section 7-34a of the general statutes is  
1012 repealed and the following is substituted in lieu thereof (*Effective July*  
1013 *15, 2013*):

1014 (a) (1) Town clerks shall receive, for recording any document, ten  
1015 dollars for the first page and five dollars for each subsequent page or  
1016 fractional part thereof, a page being not more than eight and one-half  
1017 by fourteen inches. Town clerks shall receive, for recording the  
1018 information contained in a certificate of registration for the practice of  
1019 any of the healing arts, five dollars. Town clerks shall receive, for  
1020 recording documents conforming to, or substantially similar to, section  
1021 47-36c, which are clearly entitled "statutory form" in the heading of  
1022 such documents, as follows: For the first page of a warranty deed, a  
1023 quitclaim deed, a mortgage deed, or an assignment of mortgage, ten  
1024 dollars; for each additional page of such documents, five dollars; and  
1025 for each assignment of mortgage, subsequent to the first two  
1026 assignments, two dollars. Town clerks shall receive, for recording any  
1027 document with respect to which certain data must be submitted by  
1028 each town clerk to the Secretary of the Office of Policy and  
1029 Management in accordance with section 10-261b, two dollars in  
1030 addition to the regular recording fee. Any person who offers any  
1031 written document for recording in the office of any town clerk, which  
1032 document fails to have legibly typed, printed or stamped directly  
1033 beneath the signatures the names of the persons who executed such  
1034 document, the names of any witnesses thereto and the name of the  
1035 officer before whom the same was acknowledged, shall pay one dollar  
1036 in addition to the regular recording fee. Town clerks shall receive, for  
1037 recording any deed, except a mortgage deed, conveying title to real

1038 estate, which deed does not contain the current mailing address of the  
1039 grantee, five dollars in addition to the regular recording fee. Town  
1040 clerks shall receive, for filing any document, five dollars; for receiving  
1041 and keeping a survey or map, legally filed in the town clerk's office,  
1042 five dollars; and for indexing such survey or map, in accordance with  
1043 section 7-32, five dollars, except with respect to indexing any such  
1044 survey or map pertaining to a subdivision of land as defined in section  
1045 8-18, in which event town clerks shall receive fifteen dollars for each  
1046 such indexing. Town clerks shall receive, for a copy, in any format, of  
1047 any document either recorded or filed in their offices, one dollar for  
1048 each page or fractional part thereof, as the case may be; for certifying  
1049 any copy of the same, two dollars; for making a copy of any survey or  
1050 map, the actual cost thereof; and for certifying such copy of a survey or  
1051 map, two dollars. Town clerks shall receive, for recording the  
1052 commission and oath of a notary public, ten dollars; and for certifying  
1053 under seal to the official character of a notary, two dollars.

1054 (2) Notwithstanding any other provision of this subsection and in  
1055 accordance with subsection (h) of section 49-10, as amended by this  
1056 act, town clerks shall receive from a nominee of a mortgagee for the  
1057 recording of any document, including, but not limited to, a warranty  
1058 deed, a quitclaim deed, a mortgage deed, or an assignment of  
1059 mortgage, except an assignment of mortgage in which the nominee of  
1060 a mortgagee appears as assignor, as follows: For the first page of such  
1061 warranty deed, quitclaim deed, mortgage deed, or assignment of  
1062 mortgage, one hundred sixteen dollars; for each additional page of  
1063 such deed or assignment, five dollars; and for each assignment of  
1064 mortgage, subsequent to the first two assignments, two dollars. For  
1065 purposes of this subdivision, "nominee of a mortgagee" means any  
1066 person who (A) serves as mortgagee in the land records for a mortgage  
1067 loan registered on a national electronic database that tracks changes in  
1068 mortgage servicing and beneficial ownership interests in residential  
1069 mortgage loans on behalf of its members, and (B) is a nominee or agent  
1070 for the owner of the promissory note or the subsequent buyer,  
1071 transferee or beneficial owner of such note."

|   |                      |             |
|---|----------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                      |             |
| Section 1   | <i>July 15, 2013</i> | 49-31k      |
| Sec. 2  | <i>July 15, 2013</i> | 49-31l      |
| Sec. 3  | <i>July 15, 2013</i> | 49-31m      |
| Sec. 4  | <i>July 15, 2013</i> | 49-31n      |
| Sec. 5  | <i>July 15, 2013</i> | New section |
| Sec. 6  | <i>July 15, 2013</i> | 49-10       |
| Sec. 7  | <i>July 15, 2013</i> | 7-34a(a)    |