Connecticut
Fair Housing Center

Testimony in Support of Senate Bill 490
An Act Providing for the Continued Operation of the Foreclosure Mediation Program

Co-Chairs Coleman and Fox, other members of the Committee, thank you for the opportunity to speak to you today. My name is Jeff Gentes and I manage the Connecticut Fair Housing Center's fair lending and foreclosure work. I am here to express the Center's strong support of Senate Bill 490, AA Providing For The Continued Operation of the Foreclosure Mediation Program.

Your work in creating the Program in 2008 at the beginning of the foreclosure crisis has helped save, according to the attached report from the Judicial Branch, more than 12,000 homes (see p. 11). Given all the immense problems thousands of Connecticut homeowners facing foreclosure have encountered when dealing with their mortgage companies, problems we at the Center hear about every day,[1] we know that many of these homeowners would have lost their homes if mediation weren't available. Because tens of thousands of homeowners are still facing foreclosure, we need to keep foreclosure mediation well beyond its June 30 sunset date, and we thank you for raising this bill.

We expect the foreclosure crisis to last another three or four years, and we expect that the vast majority of homeowners facing foreclosure will continue to represent themselves in court,

[1] The Connecticut Fair Housing Center is the only statewide nonprofit providing representation and advocacy for homeowners facing foreclosure. We have reached homeowners in at least 164 towns since 2010. In 2013, we provided individual advice, representation, and/or in-person education to about 2000 homeowners.

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without a lawyer.[2] When the crisis is over, homeowners facing a foreclosure lawsuit will still be on their own and still need mediation – perhaps even more so then, when many federal mortgage programs that have made resolution easier will have expired.

Those homeowners would be able to survive the process, and come to resolution, if foreclosure mediation were still around. Tenants in Housing Session and parties in family proceedings have long benefited from dedicated mediators. Given the Foreclosure Mediation Program's success and homeowners' need for mediation, we ask that the sunset date be eliminated altogether. The program will need fewer mediators down the road, but will still be needed. I've attached legislation that would eliminate the Program's sunset date.

Thank you for your time, for raising Senate Bill 490, and for your support of the Foreclosure Mediation Program.

[2] Even though there are now many more lawyers than before with experience representing homeowners in court, 71% of the mediations reviewed by Judicial in the last half of 2013 were self-represented.

2014

Foreclosure Mediation Program

Report to the General Assembly

Submitted Pursuant to Section 4(d) of Public Act 13-136

February 14, 2014

Office of the Chief Court Administrator
Honorable Patrick L. Carroll, III

The following report concerning the Foreclosure Mediation Program is submitted pursuant to General Statutes §§ 11-4a and 49-31n (d)(1).

Introduction

The mortgage foreclosure crisis continues to have profound effects on Connecticut homeowners, their families and children. Its impact has extended to the neighborhoods in which they live, their surrounding communities, the State's economy, and to the nation. Recognizing the need for early intervention, in 2008 the Connecticut General Assembly established the first statewide Foreclosure Mediation Program in the country, effective July 2008 pursuant to No. 08-176 of the 2008 Public Acts.[1] The Program is often cited as a model for developing and operating statewide foreclosure mediation programs across the nation based upon its structure, operational history, and positive results. Since its inception, changes to the Program have come about as a result of statutory amendments,[2] most recently by No. 13-136 of the 2013 Public Acts.

Early in the crisis, with the U.S. economy continuing to weaken and job losses multiplying, federal assistance programs such as the President's *Making Home Affordable* programs were created and then expanded in an attempt to assist homeowners in crisis and find alternatives to foreclosure. In Connecticut, the state's Emergency Mortgage Assistance Program was expanded in order to reach previously ineligible homeowners with Federal Housing Administration (FHA)-insured loans. More recently, in 2012, 49 state attorneys general and the federal government announced the National Mortgage Settlement (NMS), a joint state-federal settlement with the nation's five largest mortgage servicers[3] for alleged improper mortgage servicing practices. The NMS, totaling $25 billion, represented the largest consumer financial protection settlement in U.S. history. Connecticut's share was $190 million, a portion of which went towards state foreclosure prevention programs. Among other things, the Settlement created new mortgage loan servicing standards, irrespective of loan ownership.[4] Many of the servicing standards

[1] Public Act 08-176, *An Act Concerning Responsible Lending and Economic Security*, created the Foreclosure Mediation Program and was codified as General Statutes §§ 49-31*l* through 49-31o, inclusive.

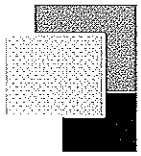
[2] See Public Acts 2009, No. 09-209; Public Acts 2011, No. 11-201.

[3] Bank of America, N.A.; CitiMortgage, Inc.; J.P. Morgan Chase Bank, N.A.; Wells Fargo & Company and Wells Fargo Bank, N.A.; and Residential Capital LLC and affiliates (formerly GMAC).

[4] Joseph A. Smith, Jr. was appointed to serve as Compliance Monitor of the NMS. His responsibilities include ensuring that there is compliance with the consumer relief and servicing standards of the Settlement. His reports can be found at www.mortgageoversight.com.

parallel requirements found in our own foreclosure mediation statute or court standing orders.[5]

Despite these various, ongoing efforts to mitigate the number of homes lost to foreclosure, Connecticut continues to see high foreclosure rates.[6] Notwithstanding these numbers, however, the Foreclosure Mediation Program continues to record positive settlement results for homeowners who complete mediation, permitting them to retain their homes or gracefully exit from them. Foreclosure Mediation Program statistics since inception and for 2013 are attached to this report.



Foreclosure Mediation

Program Summary

The traditional mediation process generally involves parties to a dispute sitting in a room together, engaged in confidential discussions which are facilitated by a third party neutral, with the goal of reaching a mutually agreeable settlement of the dispute. The parties present generally have settlement authority, and rarely rely on a "play book" of available outcomes, instead having the flexibility to craft creative solutions to their conflict.

By contrast, the foreclosure mediation landscape looks quite different. The options available to homeowners to avoid foreclosure are frequently predetermined by loan type and origination, the amount of the arrearage, the identity of the servicer and investor, and the borrower's current financial situation. Rather than to facilitate creative problem solving, the mediator's role is, in large part, to ensure that homeowners provide requested documentation and loan servicers timely and properly review them for the assistance for which they are eligible according to applicable program guidelines. Despite their duty to be unbiased,[7] mediators are required to file reports to the court of mediation sessions, which address the parties' behavior,[8] which can be used by the court to support the imposition of sanctions.[9] Reportedly, lender representatives with settlement authority are rarely present, either by phone or in person, and often those who are present lack knowledge of the file's status or loss mitigation program

[5] Mortgage Foreclosure Standing Order Federal Loss Mitigation Programs, form JD-CV-117, Rev. 8/10; Uniform Foreclosure Mediation Standing Orders.

[6] In 2008, a total of 11,827 foreclosure actions were filed statewide. These numbers soared to 27,241 in 2009; dropped to 21,717 in 2010; further declined to 14,782 in 2011; rose to 19,199 in 2012; and reached 21,440 in 2013. These numbers include commercial and residential mortgage foreclosures as well as actions to foreclosure tax or condominium liens.

[7] General Statutes § 49-31m

[8] General Statutes §§ 49-31n (b) (2) and 49-31n (c) (2).

[9] General Statutes §§ 49-31n (b) (2) and 49-31n (c) (2).

requirements. While lenders, homeowners, and mediators all agree that the process takes far too long, it is also indisputable that thousands of homes have been saved from foreclosure to the benefit of both parties.

Foreclosure Mediation Program Staff: The Foreclosure Mediation Program currently is staffed by one program manager, 25 mediation specialists serving the state's 14 judicial districts, 9 designated caseflow coordinators and 16 office clerks. Mediation specialists are Judicial Branch employees who are trained in mediation and all relevant aspects of the law. They have substantial knowledge of federal and state assistance programs and their respective guidelines, as well as community-based resources in each district. Most are attorneys with many years of mediation experience.

The Foreclosure Mediation Program: Public Act 13-136, effective July 15, 2013, made sweeping changes to Connecticut's mediation process, as summarized, in part, below.

- *Participation*: The Program continues its opt-in model for homeowner participation, requiring homeowners to file an Appearance and Foreclosure Mediation Certificate demonstrating Program eligibility within 15 days of the case's return date. However, the court can refer a homeowner to the Program at any time for good cause.

- *Mediation Period*: The mediation period now concludes on the earlier of 7 months from the return date or 3 mediation sessions, although the period can be extended by the court in certain circumstances. Transitional rules also may apply in certain instances to increase the number of sessions allowed.

- *Objectives of the Mediation Program*: The Program's objectives are to determine if the lender and homeowner can reach an agreement that will either avoid the foreclosure through loss mitigation, or expedite or otherwise facilitate the foreclosure. The parties are expected to pursue these objectives with reasonable speed and efficiency and in good faith without unreasonable and unnecessary delays. Loan servicers are expected to respond with a decision on a homeowner's request for assistance within 35 days of receipt of a complete financial package. If the decision is a denial, the reasons must be explained in writing. If additional information is requested or if the package is incomplete, the servicer is required to request the missing or additional information within a reasonable period of time in writing, and the 35 day response time is extended for a reasonable time.

- *Scope*: The statute now clarifies that mediation addresses all issues of the foreclosure, including the disposition of the property by other means, including short sales and deeds-in-lieu of foreclosure.

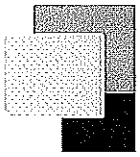
- *Premediation Process*: Homeowners whose cases have return dates on or after October 1, 2013 are required to participate in a new premediation process. In such

cases, lenders must provide the mediator and the homeowner with forms and other information within 35 days of the return date. Thereafter, the homeowner meets with the assigned mediator who reviews the completed forms and documentation, or assists in its completion. The mediator may refer the homeowner to appropriate community assistance programs and, at the conclusion of premediation, facilitates the delivery of the completed financial package to the lender's attorney. The mediator is required to file a Premediation Report indicating whether mediation with the lender will be scheduled.

- *Mediator Reports*: Effective July 15, 2013, mediators are required to file a report with the court within 3 business days after each mediation session that is held. A summary of the data collected in the mediator reports is provided later in this report.

- *Extensions of the Mediation Period*: The court must review all motions or requests to extend the mediation period and rule on the motion or request within 20 days. The mediation period may be extended if the court finds either that (i) a party engaged in a pattern or practice of conduct contrary to the objectives of the mediation program or (ii) it is highly probable that the parties will reach an agreement. An additional extension may be granted, if by agreement of the parties.

- *Sanctions*: The court may impose sanctions on a party or a party's counsel who engages in intentional, or a pattern or practice of, conduct contrary to the objectives of the mediation program. Sanctions include terminating mediation, ordering the personal appearance of a party, imposing fines, and awarding or disallowing attorneys' fees.



Data Collection Summary
From July 1, 2013 through December 31, 2013

Number of cases in mediation: There were 11,018 cases active in mediation during this period.

Number of mediation sessions held: During the period, 9,971 mediation sessions were held. This number does not include the number of sessions that were scheduled but did not go forward. It also does not include cases with return dates on or after October 1, 2013 since it is unlikely that these cases will have completed premediation. For the few that may have, mediation sessions would be scheduled outside of this reporting period.

Number of agreements reached before the conclusion of the mediation period: In 346 cases, mediators filed final reports during this timeframe indicating a settlement was reached during the mediation period. In an additional 406 cases, mediators reported that settlements were reached during an extended mediation period.

Number of continuance motions filed: A total of 4,701 continuance motions were filed during the period. Of these, 2,171 were filed by the Plaintiff and 2,528 were filed by the defendant. Two were reported as being filed by the Court.

Number of motions to modify the mediation period filed: A total of 8,686 motions were filed. Of these, 1,750 were filed by the plaintiff; 4,631 were filed by the defendant; and 2,305 were requests by the mediator.

Number of loans serviced by third parties: Mediators reported 798 cases where the loan was serviced by a third party.

Number of cases by Judicial District:

Location	*Cases*	*Location*	*Cases*
Ansonia-Milford	732	New Haven	1227
Danbury	724	New Haven at Meriden	62
Fairfield	1371	New London	732
Hartford	1608	Stamford-Norwalk	1201
Litchfield	465	Tolland	302
Middlesex	394	Waterbury	914
New Britain	848	Windham	438

Number of cases where the defendant is a self-represented party: There was at least one self-represented mortgagor in 7,819 of the 11,018 reported cases during the period (71%).

Data Collection Summary

Mediators Reports

From July 15, 2013 through August 15, 2013, mediators filed 2,105 Mediator Reports in paper format in order to comply with the statutory mandate. On August 16, 2013, changes went into effect which permitted the data to be captured and collected electronically. **Accordingly, the data reported below is only for the period August 16, 2013 through December 31, 2013, inclusive.**

1. Did the parties engage in conduct consistent with the objectives of the mediation program?

	Yes	*No*
Plaintiff:	95%	5%
Defendant:	98%	2%

Did the parties possess the ability to mediate?

	Yes	*No*
Plaintiff:	95%	5%
Defendant:	98%	2%

2. Did the mortgagor submit a complete financial package to the mortgagee?

Yes	*No*
64%	36%

3. What foreclosure alternative has the mortgagor requested?

Alternative		*Alternative*	
loan modification	85%	reinstatement	1.6%
short sale	10%	repayment	1%
deed-in-lieu	2%	modified law day / sale date	0.4%

4. Has the mortgagor been previously evaluated for a similar request?

Yes	*28%*
prior to mediation	70%
in mediation	63%
financial circumstances change	59%

No	*72%*

5. Has the mortgagee responded to the mortgagor's request?

*Yes**	*No*	*n/a*
38%	30%	32%

*(of these, 52% were approved for assistance; 48% were denied)

Is the mediator aware of any reason to disagree with that response?

Yes	*No*
10%	90%

6. Has the mortgagor responded to the mortgagee's offer on a reasonably timely basis?

Yes	*No*	*n/a*
17%	2%	81%

7. Has the mortgagee requested additional information from the mortgagor?

Yes	*No*
57%	43%

8. Has the mortgagor supplied, on a reasonably timely basis, additional information reasonably requested by the mortgagee?

Yes	*No*	*n/a*
52%	6%	42%

9. Is the information provided by the mortgagor still current for the mortgagee's review?

Yes	*No*
69%	31%

10. Has the mortgagee provided a reasonable explanation of a denial for the foreclosure alternative requested?

Yes	*No*	*n/a*
11%	2%	87%

Is the mediator aware of any material reasons to disagree with the denial?

Yes	*No*
16%	84%

11. Has the mortgagee complied with the statutory time frames for responding to requests for decisions?

Yes	*No*
93%	7%

12. Did the parties satisfy the expectations set forth in the previous report?

	Yes	No	n/a
Plaintiff:	46%	9%	45%
Defendant:	45%	11%	44%

Is a subsequent mediation session expected to occur?

Yes	No	Don't Know
86%	5%	9%

13. Will the parties benefit from further mediation?

Yes	No
95%	5%

Additional Data Collected

The following data, applicable to this reporting period, pertains to cases which participate in the premediation process.

Number of cases in mediation with return dates from October 1, 2013 through December 31, 2013:

- 960 cases - these cases are required to participate in the premediation process.

Number of FMP 2013 non-compliance events scheduled: An FMP 2013 non-compliance event is scheduled by the FMP caseflow coordinator whenever the plaintiff has failed to provide the mediator with the required information within 35 days of the case's return date or where the documentation provided was incomplete.[10]

- 570 events were scheduled as a result of plaintiff's statutory non-compliance.

Number of Premediation meetings scheduled:

- 495 premediation meetings scheduled - In cases where plaintiff timely provided the required documentation to the mediator and homeowner, the court

[10] General Statutes § 49-31*l* (c) (4).

scheduled the first premediation meeting within 49 days of the case's return date.[11]

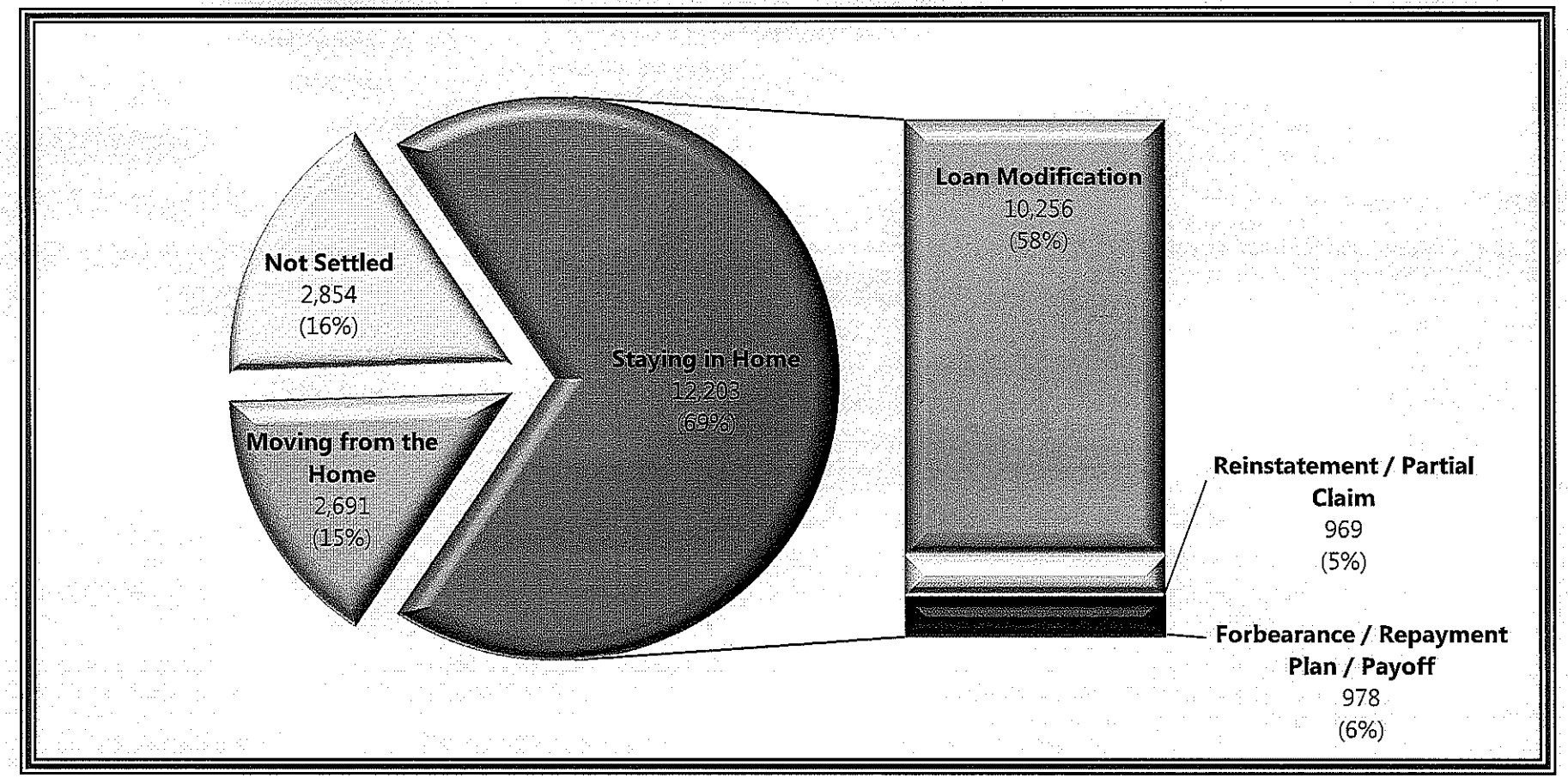
Submitted this 14th day of February, 2014

Hon. Patrick L. Carroll III
Chief Court Administrator

[11] General Statutes § 49-31*l* (c) (4).

Foreclosure Mediation Program (FMP) Results

July 1, 2008 through December 31, 2013



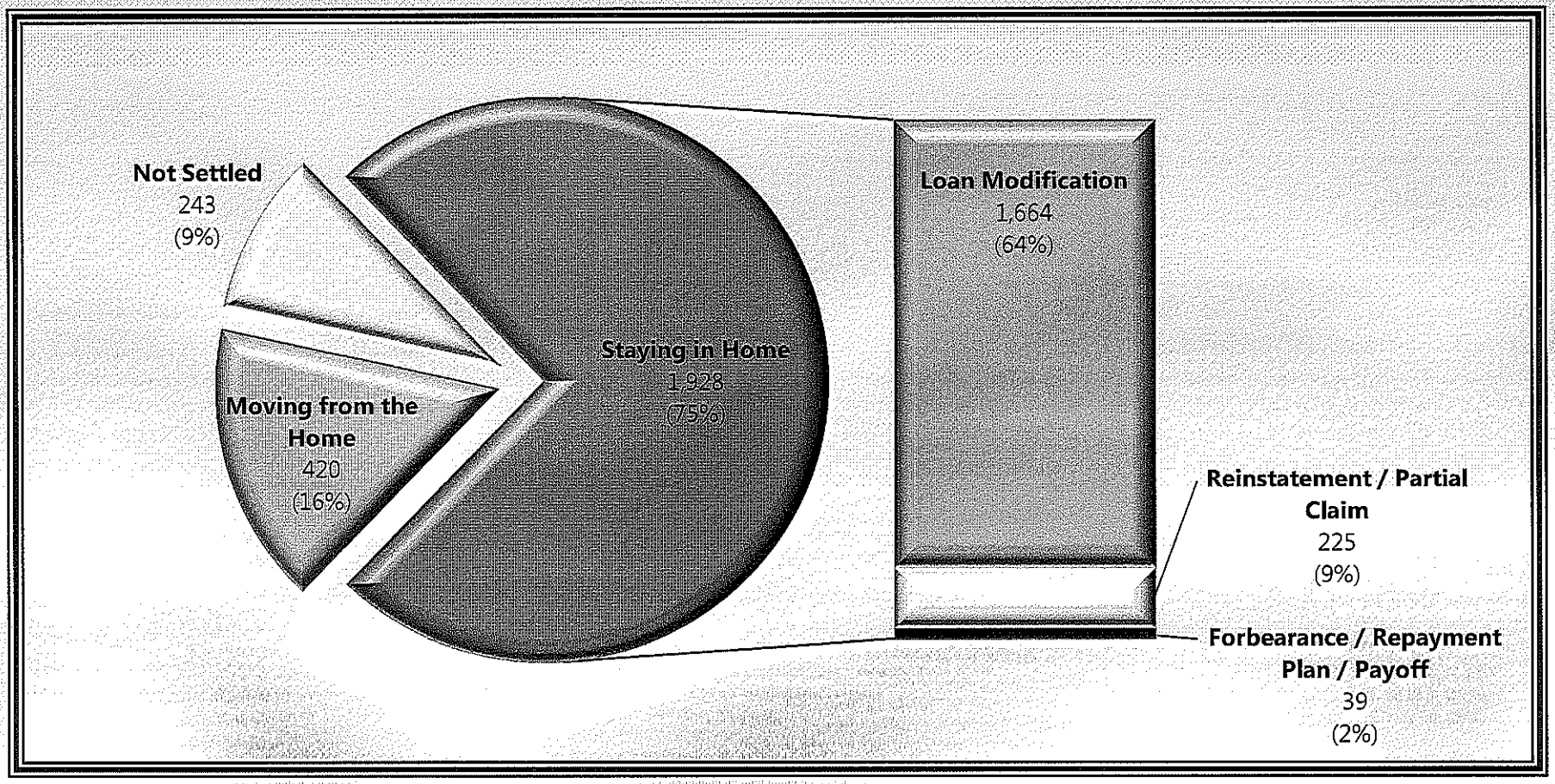
STATEWIDE, 17,748 CASES HAVE COMPLETED MEDIATION FROM JULY 1, 2008 THROUGH DECEMBER 31, 2013. THIS CHART ILLUSTRATES THE OUTCOME OF THESE CASES.

THE CATEGORY "MOVING FROM HOME" INCLUDES AGREEMENTS FOR A SALE, SHORT SALE, A DEED IN LIEU, OR AN EXTENSION OF THE LAW DAY OR SALE DATE.

THE CATEGORIES "MOVING FROM HOME" AND "STAYING IN HOME" WHEN ADDED TOGETHER RESULT IN A **SETTLEMENT RATE OF 84%.**

Foreclosure Mediation Program (FMP) Results

January 1, 2013 through December 31, 2013



STATEWIDE, 2,591 CASES HAVE COMPLETED MEDIATION FROM JANUARY 1, 2013 THROUGH DECEMBER 31, 2013. THIS CHART ILLUSTRATES THE OUTCOME OF THESE CASES.

THE CATEGORY "MOVING FROM HOME" INCLUDES AGREEMENTS FOR A SALE, SHORT SALE, A DEED IN LIEU, OR AN EXTENSION OF THE LAW DAY OR SALE DATE.

THE CATEGORIES "MOVING FROM HOME" AND "STAYING IN HOME" WHEN ADDED TOGETHER RESULT IN A **SETTLEMENT RATE OF 91%.**

General Assembly **Bill No. 490**

February Session, 2014 02762 JUD*

Introduced by:
(JUD)

AN ACT PROVIDING FOR THE CONTINUED OPERATION OF THE FORECLOSURE MEDIATION PROGRAM

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

Section 1. Section 49-31*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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

(b) (1) [Prior to July 1, 2014, when] When a mortgagee commences an action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, the mortgagee shall give notice to the mortgagor of the foreclosure mediation program established in section 49-31m by attaching to the front of the foreclosure complaint that is served on the

mortgagor: (A) A copy of the notice of the availability of foreclosure mediation, in such form as the Chief Court Administrator prescribes, and (B) a foreclosure mediation request form, in such form as the Chief Court Administrator prescribes.

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

(3) The court may grant a mortgagor permission to submit a foreclosure mediation request form and file an appearance after the fifteen-day period established in subdivision (2) of this subsection, for good cause shown.

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

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

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

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

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

(c) (1) [Prior to July 1, 2014, when] When a mortgagee commences an action for the foreclosure of a mortgage on residential real property with a return date on or after July 1, 2009, or, with respect to real property owned by a religious organization, a return date on or after October 1, 2011, the mortgagee shall give notice to the mortgagor of the foreclosure mediation program established in section 49-31m by attaching to the front of the writ, summons and complaint that is served on the mortgagor: (A) A copy of the notice of foreclosure mediation, in such form as the Chief Court Administrator prescribes, (B) a copy of the foreclosure mediation certificate form described in subdivision (3) of this subsection, in such form as the Chief Court Administrator prescribes, (C) a blank appearance form, in such form as the Chief Court Administrator prescribes, (D) with respect to an action for the foreclosure of a mortgage on residential real property with a return date on or after October 1, 2011, to September 30, 2013, inclusive, a mediation information form and a notice containing contact information for authority-approved consumer credit counseling agencies, which form and notice shall be in such form as the Chief Court Administrator prescribes, and which form shall be designed to elicit current financial information and such other nonfinancial information from the mortgagor as the Chief Court Administrator, in consultation with representatives from the banking industry and consumer advocates, determines will further the objectives of the mediation program. The instructions to the mediation

information form shall explain that the completed mediation information form, along with accompanying documentation reasonably requested from the mortgagor by way of such instructions, shall be delivered to the mortgagee's counsel not later than fifteen business days prior to the date of the initial mediation session, as identified in the notice provided pursuant to subdivision (2) of subsection (c) of section 49-31n, as amended by this act, and (E) for an action to foreclose a mortgage on residential real property with a return date on or after October 1, 2013, the mediation information form shall instruct the mortgagor as to the objectives of the mediation program, explain the preliminary process of meeting with the mediator as described in subdivision (4) of this subsection, instruct the mortgagor to begin gathering financial documentation commonly used in foreclosure mediation for use in meeting with the mediator and in mediation, and include a notice containing contact information for authority-approved consumer counseling agencies, which shall be in such form as the Chief Court Administrator prescribes. The content of the mediation information form shall be designed by the Chief Court Administrator in consultation with representatives from the banking industry and consumer advocates.

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

(3) The notice of foreclosure mediation shall instruct the mortgagor to file the appearance and foreclosure mediation certificate forms with the court not later than the date fifteen days from the return date for the foreclosure action. With respect to actions with a return date on or after October 1, 2011, to September 30, 2013, inclusive, such notice shall remind the mortgagor to deliver the completed mediation information form and the accompanying documentation described in subdivision (1) of this subsection and encourage such delivery in advance of the required date. With respect to actions with a return date on or after October 1, 2013, [to June 30, 2014, inclusive,] such notice shall instruct

the mortgagor to begin gathering financial information commonly used in foreclosure mediation for use in meeting with the mediator and in mediation. The mediation information form and accompanying documentation shall not, without the explicit written instruction of the mortgagor, be publicly available. Such notice of foreclosure mediation shall be accompanied by materials from the Department of Banking, as prescribed by the Chief Court Administrator, which shall describe the community-based resources available to the mortgagor, including authority-approved housing counseling agencies that may assist with preparation for mediation and application for mortgage assistance programs. The foreclosure mediation certificate form shall require the mortgagor to provide sufficient information to permit the court to confirm that the defendant in the foreclosure action is a mortgagor, and to certify that said mortgagor has sent a copy of the mediation certificate form to the plaintiff in the action.

(4) Upon receipt of the mortgagor's appearance and foreclosure mediation certificate forms, and provided the court confirms the defendant in the foreclosure action is a mortgagor and that said mortgagor has sent a copy of the mediation certificate form to the plaintiff, the court shall assign the case to mediation and issue notice of such assignment to all appearing parties, which notice shall include an electronic mail address for all communications related to the mediation. The court shall issue such notice not earlier than the date five business days after the return date or by the date three business days after the date on which the court receives the mortgagor's appearance and foreclosure mediation certificate forms, whichever is later, except that if the court does not receive the appearance and foreclosure mediation certificate forms from the mortgagor by the date fifteen days after the return date for the foreclosure action, the court shall not assign the case to mediation. Promptly upon receipt of the notice of assignment, but not later than the thirty-fifth day following the return date, the mortgagee or its counsel shall deliver to the mediator, via the electronic mail address provided for communications related to the mediation, and to the mortgagor, via first class, priority

or overnight mail, (A) an account history identifying all credits and debits assessed to the loan account and any related escrow account in the immediately preceding twelve-month period and an itemized statement of the amount required to reinstate the mortgage loan with accompanying information, written in plain language, to explain any codes used in the history and statement which are not otherwise self-explanatory, (B) the name, business mailing address, electronic mail address, facsimile number and direct telephone number of an individual able to respond with reasonable adequacy and promptness to questions relative to the information submitted to the mediator pursuant to this subdivision, and any subsequent updates to such contact information, which shall be provided reasonably promptly to the mediator via the electronic mail address provided for communication related to the mediation, (C) all reasonably necessary forms and a list of all documentation reasonably necessary for the mortgagee to evaluate the mortgagor for common alternatives to foreclosure that are available through the mortgagee, if any, (D) a copy of the note and mortgage, (E) summary information regarding the status of any pending foreclosure avoidance efforts being undertaken by the mortgagee, (F) a copy of any loss mitigation affidavit filed with the court, and (G) at the mortgagee's option, (i) the history of foreclosure avoidance efforts with respect to the mortgagor, (ii) information regarding the condition of mortgaged property, and (iii) such other information as the mortgagee may determine is relevant to meeting the objectives of the mediation program. Following the mediator's receipt of such information, the court shall assign a mediator to the mediation and schedule a meeting with the mediator and the mortgagor and shall endeavor to schedule such meeting on or prior to the forty-ninth day following the return date. The notice of such meeting shall instruct the mortgagor to complete the forms prior to the meeting and to furnish such forms together with the documentation contained in the list, as provided by the mortgagee following the filing of the foreclosure mediation certificate, at the meeting. At such meeting, the mediator shall review such forms and documentation with the mortgagor, along with the information

supplied by the mortgagee, in order to discuss the options that may be available to the mortgagor, including any community-based resources, and assist the mortgagor in completing the forms and furnishing the documentation necessary for the mortgagee to evaluate the mortgagor for alternatives to foreclosure. The mediator may elect to schedule subsequent meetings with the mortgagor and determine whether any mortgagor may be excused from an in-person appearance at such subsequent meeting. As soon as practicable, but in no case later than the eighty-fourth day following the return date, the mediator shall facilitate and confirm the submission by the mortgagor of the forms and documentation to the mortgagee's counsel via electronic means and, at the mortgagee's election, directly to the mortgagee per the mortgagee's instruction, and determine, based on the mortgagor's attendance at the meetings and the extent the mortgagor completed the forms and furnished the documentation contemplated in this subdivision, or failed to perform such tasks through no material fault of the mortgagee, and file a report with the court indicating, (I) whether mediation shall be scheduled with the mortgagee, (II) whether the mortgagor attended scheduled meetings with the mediator, (III) whether the mortgagor fully or substantially completed the forms and furnished the documentation requested by the mortgagee, (IV) the date on which the mortgagee supplied the forms and documentation, and (V) any other information the mediator determines to be relevant to the objectives of the mediation program. No meeting or communication between the mediator and mortgagor under this subdivision shall be treated as an impermissible ex parte communication. If the mediator determines that the mortgagee shall participate in mediation, the court shall promptly issue notice to all parties of such determination and schedule a mediation session between the mortgagee and mortgagor in accordance with subsection (c) of section 49-31n, as amended by this act, to be held not later than five weeks following the submission to the mortgagee of the forms and documentation contemplated in this subdivision. If the mediator determines that no sessions between the mortgagee and mortgagor shall be scheduled, the court shall promptly issue notice to all parties

regarding such determination and mediation shall be terminated. Any mortgagor wishing to contest such determination shall petition the court and show good cause for reinclusion in the mediation program, including, but not limited to, a material change in financial circumstances or a mistake or misunderstanding of the facts by the mediator.

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

(6) Notwithstanding any provision of the general statutes or any rule of law, [prior to July 1, 2014,] (A) for the period of time which shall not exceed eight months from the return date, the mortgagor shall be permitted to file an answer, special defenses or counterclaims, but no mortgagee or mortgagor shall make any motion, request or demand with respect to the other, except those motions, requests or demands that relate to the mediation program described in section 49-31m and the mediation sessions held pursuant to such program, provided (i) a mortgagor seeking to contest the court's jurisdiction may file a motion to dismiss and the mortgagee may object to such motion to dismiss in accordance with applicable law and the rules of the courts, and (ii) if the mortgagor elects to make any other motion, request or demand

with respect to the mortgagee, the eight-month limit shall no longer apply to either party; and (B) no judgment of strict foreclosure nor any judgment ordering a foreclosure sale shall be entered in any action subject to the provisions of this subsection and instituted by the mortgagee to foreclose a mortgage on residential real property or real property owned by a religious organization unless: (i) The mediation period set forth in subsection (c) of section 49-31n, as amended by this act, has expired or has otherwise terminated, whichever is earlier, and, if fewer than eight months has elapsed from the return date at the time of termination, fifteen days have elapsed since such termination and any pending motion or request to extend the mediation period has been heard and denied by the court, or (ii) the mediation program is not otherwise required or available. Nothing in this subdivision shall affect any motion made or any default or judgment entered on or before June 30, 2011.

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

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

Section 2. Section 49-31n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) [Prior to July 1, 2014:] (1) Any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to

the provisions of subsection (b) of this section, and (2) any action for the foreclosure of a mortgage on (A) residential real property with a return date [during the period from] on or after July 1, 2009 [, to June 30, 2014, inclusive,] or (B) real property owned by a religious organization with a return date [during the period from] on or after October 1, 2011 [, to June 30, 2014, inclusive,] shall be subject to the provisions of subsection (c) of this section.

(b) (1) For any action for the foreclosure of a mortgage on residential real property with a return date during the period from July 1, 2008, to June 30, 2009, inclusive, the mediation period under the foreclosure mediation program established in section 49-31m shall commence when the court sends notice to each appearing party that a foreclosure mediation request form has been submitted by a mortgagor to the court, which notice shall be sent not later than three business days after the court receives a completed foreclosure mediation request form. The mediation period shall conclude not later than the conclusion of the third mediation session between the mortgagor and mortgagee or seven months after the return date, whichever is earlier, except that the court may, in its discretion, for good cause shown, upon the motion of any party or the mediator, (A) extend the mediation period subject to the provisions of subdivision (9) of this subsection or shorten the mediation period.

(2) The first mediation session shall be held not later than fifteen business days after the court sends notice to all parties that a foreclosure mediation request form has been submitted to the court. The mortgagor and mortgagee shall appear in person at each mediation session and shall have the ability to mediate, except that (A) if a party is represented by counsel, the party's counsel may appear in lieu of the party to represent the party's interests at the mediation, provided the party has the ability to mediate, the mortgagor attends the first mediation session in person, and the party is available (i) during the mediation session by telephone, and (ii) to participate in the mediation session by speakerphone, provided an opportunity is afforded for confidential discussions between the party and party's

counsel, (B) following the initial mediation session, if there are two or more mortgagors who are self-represented, only one mortgagor shall be required to appear in person at each subsequent mediation session unless good cause is shown, provided the other mortgagors are available (i) during the mediation session, and (ii) to participate in the mediation session by speakerphone, and (C) if a party suffers from a disability or other significant hardship that imposes an undue burden on such party to appear in person, the mediator may grant permission to such party to participate in the mediation session by telephone. A mortgagor's spouse, who is not a mortgagor but who lives in the subject property, may appear at each mediation session, provided all appearing mortgagors consent, in writing, to such spouse's appearance or such spouse shows good cause for his or her appearance and the mortgagors consent in writing to the disclosure of nonpublic personal information to such spouse. If the mortgagor has submitted a complete package of financial documentation in connection with a request for a particular foreclosure alternative, the mortgagee shall have thirty-five days from the receipt of the completed package to respond with a decision and, if the decision is a denial of the request, provide the reasons for such denial. If the mortgagor has, in connection with a request for a foreclosure alternative, submitted a financial package that is not complete, or if the mortgagee's evaluation of a complete package reveals that additional information is necessary to underwrite the request, the mortgagee shall request the missing or additional information within a reasonable period of time of such evaluation. If the mortgagee's evaluation of a complete package reveals that additional information is necessary to underwrite the request, the thirty-five-day deadline for a response shall be extended but only for so long as is reasonable given the timing of the mortgagor's submission of such additional information and the nature and context of the required underwriting. Not later than the third business day after each mediation session held on or after June 18, 2013, the mediator shall file with the court a report indicating, to the extent applicable, (i) the extent to which each of the parties complied with the requirements set forth in this subdivision, including the requirement to

engage in conduct that is consistent with the objectives of the mediation program and to possess the ability to mediate, (ii) whether the mortgagor submitted a complete package of financial documentation to the mortgagee, (iii) a general description of the foreclosure alternative being requested by the mortgagor, (iv) whether the mortgagor has previously been evaluated for similar requests, whether prior to mediation or in mediation, and, if so, whether there has been any apparent change in circumstances since a decision was made with respect to that prior evaluation, (v) whether the mortgagee has responded to the mortgagor's request for a foreclosure alternative and, if so, a description of the response and whether the mediator is aware of any material reason not to agree with the response, (vi) whether the mortgagor has responded to an offer made by the mortgagee on a reasonably timely basis, and if so, an explanation of the response, (vii) whether the mortgagee has requested additional information from the mortgagor and, if so, the stated reasons for the request and the date by which such additional information shall be submitted so that information previously submitted by the mortgagor, to the extent possible, may still be used by the mortgagee in conducting its review, (viii) whether the mortgagor has supplied, on a reasonably timely basis, any additional information that was reasonably requested by the mortgagee, and, if not, the stated reason for not doing so, (ix) if information provided by the mortgagor is no longer current for purposes of evaluating a foreclosure alternative, a description of the out-of-date information and an explanation as to how and why such information is no longer current, (x) whether the mortgagee has provided a reasonable explanation of the basis for a decision to deny a request for a loss mitigation option or foreclosure alternative and whether the mediator is aware of any material reason not to agree with that decision, (xi) whether the mortgagee has complied with the time frames set forth in this subdivision for responding to requests for decisions, (xii) if a subsequent mediation session is expected to occur, a general description of the expectations for such subsequent session and for the parties prior to such subsequent session and, if not otherwise addressed in the report,

whether the parties satisfied the expectations set forth in previous reports, and (xiii) a determination of whether the parties will benefit from further mediation. The mediator shall deliver a copy of such report to each party to the mediation when the mediator files the report. The parties shall have the opportunity to submit their own supplemental information following the filing of the report, provided such supplemental information shall be submitted not later than five business days following the receipt of the mediator's report. Any request by the mortgagee to the mortgagor for additional or updated financial documentation shall be made in writing. The court may impose sanctions on any party or on counsel to a party if such party or such counsel engages in intentional or a pattern or practice of conduct during the mediation process that is contrary to the objectives of the mediation program. Any sanction that is imposed shall be proportional to the conduct and consistent with the objectives of the mediation program. Available sanctions shall include, but not be limited to, terminating mediation, ordering the mortgagor or mortgagee to mediate in person, forbidding the mortgagee from charging the mortgagor for the mortgagee's attorney's fees, awarding attorney's fees, and imposing fines. In the case of egregious misconduct, the sanctions shall be heightened. The court shall not award attorney's fees to any mortgagee for time spent in any mediation session if the court finds that such mortgagee has failed to comply with this subdivision, unless the court finds reasonable cause for such failure.

(3) If the mediator reports to the court that the parties will not benefit from further mediation, the mediation period shall terminate automatically. If the mediator reports to the court after the first or second mediation session that the parties may benefit from further mediation, the mediation period shall continue.

(4) If the mediation period concludes and certain issues have not been resolved pursuant to the mediation, the mediator may refer the mortgagor to any appropriate community-based services that are available.

(5) The Chief Court Administrator shall establish policies and procedures to implement this subsection. Such policies and procedures shall, at a minimum, provide that the mediator shall advise the mortgagor at the first meeting required by subdivision (4) of subsection (c) of section 49-31*l*, as amended by this act, that a judgment of strict foreclosure or foreclosure by sale may cause the mortgagor to lose the residential real property to foreclosure.

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

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

(8)] At any time during the mediation period, the mediator may refer a mortgagor who is the owner-occupant of one-to-four family residential real property to the mortgage assistance programs, except that any such referral shall not prevent a mortgagee from proceeding to judgment when the conditions specified in subdivision (6) of subsection (b) of section 49-31*l*, as amended by this act, have been satisfied.

[(9)] (8) (A) The mediation period shall conclude following the third mediation session or if more than seven months have elapsed since the return date. Not later than fifteen days following the conclusion of the mediation period, and any extended mediation sessions held in accordance with this subdivision, any party may move for, or the mediator may request, an extension of the mediation period. The court shall grant only one additional mediation session per motion or request upon a finding that it is highly probable the parties will reach an agreement through mediation. The court may also grant one additional mediation session per motion or request upon a finding that any party has engaged, either intentionally or by a pattern or practice,

in conduct that is contrary to the objectives of the mediation program. The court shall make its ruling not later than twenty days after the filing of such motion or request, and no judgment of strict foreclosure or any judgment ordering a foreclosure sale shall be entered until (i) the court denies the motion or request, or (ii) the conclusion of the extended mediation session, except as provided in subparagraph (B) of this subdivision. Upon the grant of an additional mediation session following the proper finding, the court shall establish an expeditious deadline for such extended mediation session to occur. Such extended mediation period shall conclude following such extended mediation session.

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

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

[(10)] (9) For any case pending as of October 1, 2013, in which mediation is ongoing, (A) if three or fewer sessions have been held, such case shall be treated as if no sessions have been held as of said date for purposes of subdivision (9) of this subsection, and (B) if four or more sessions have been held, then any party or the mediator may move to terminate the mediation period or extend such period in accordance with subdivision (9) of this subsection and, if no such

motion to extend is made, the mediation period shall conclude after the third mediation session occurring after October 1, 2013.

(c) (1) For any action for the foreclosure of a mortgage on residential real property with a return date [during the period from] on or after July 1, 2009 [, to June 30, 2014, inclusive,] or for any action for the foreclosure of a mortgage on real property owned by a religious organization with a return date [during the period from] on or after October 1, 2011 [, to June 30, 2014, inclusive,] the mediation period under the foreclosure mediation program established in section 49-31m shall commence when the court sends notice to each appearing party scheduling the first foreclosure mediation session. The mediation period shall conclude not later than the conclusion of the third mediation session between the mortgagor and mortgagee or seven months after the return date, whichever is earlier, except that the court may, in its discretion, for good cause shown, upon the motion of any party or request by the mediator, extend the mediation period subject to the provisions of subdivision (9) of this subsection or shorten the mediation period.

(2) The mortgagor and mortgagee shall appear in person at each mediation session and shall have the ability to mediate, except that (A) if a party is represented by counsel, the party's counsel may appear in lieu of the party to represent the party's interests at the mediation, provided the party has the ability to mediate, the mortgagor attends the first mediation session in person and the party is available (i) during the mediation session by telephone, and (ii) to participate in the mediation session by speakerphone, provided an opportunity is afforded for confidential discussions between the party and party's counsel, (B) following the initial mediation session, if there are two or more mortgagors who are self-represented, only one mortgagor shall be required to appear in person at each subsequent mediation session unless good cause is shown, provided the other mortgagors are available (i) during the mediation session, and (ii) to participate in the mediation session by speakerphone, and (C) if a party suffers from a disability or other significant hardship that imposes an undue burden

on such party to appear in person, the mediator may grant permission to such party to participate in the mediation session by telephone. A mortgagor's spouse, who is not a mortgagor but who lives in the subject property, may appear at each mediation session, provided all appearing mortgagors consent, in writing, to such spouse's appearance or such spouse shows good cause for his or her appearance and the mortgagors consent, in writing, to the disclosure of nonpublic personal information to such spouse. If the mortgagor has submitted a complete package of financial documentation in connection with a request for a particular foreclosure alternative, the mortgagee shall have thirty-five days from the receipt of the completed package to respond with a decision and, if the decision is a denial of the request, provide the reasons for such denial. If the mortgagor has, in connection with a request for a foreclosure alternative, submitted a financial package that is not complete, or if the mortgagee's evaluation of a complete package reveals that additional information is necessary to underwrite the request, the mortgagee shall request the missing or additional information within a reasonable period of time of such evaluation. If the mortgagee's evaluation of a complete package reveals that additional information is necessary to underwrite the request, the thirty-five-day deadline for a response shall be extended but only for so long as is reasonable given the timing of the mortgagor's submission of such additional information and the nature and context of the required underwriting. Not later than the third business day after each mediation session, the mediator shall file with the court a report indicating, to the extent applicable, (i) the extent to which each of the parties complied with the requirements set forth in this subdivision, including the requirement to engage in conduct that is consistent with the objectives of the mediation program and to possess the ability to mediate, (ii) whether the mortgagor submitted a complete package of financial documentation to the mortgagee, (iii) a general description of the foreclosure alternative being requested by the mortgagor, (iv) whether the mortgagor has previously been evaluated for similar requests, whether prior to mediation or in mediation, and, if so, whether there has been any apparent change in circumstances since

a decision was made with respect to that prior evaluation, (v) whether the mortgagee has responded to the mortgagor's request for a foreclosure alternative and, if so, a description of the response and whether the mediator is aware of any material reason not to agree with the response, (vi) whether the mortgagor has responded to an offer made by the mortgagee on a reasonably timely basis, and if so, an explanation of the response, (vii) whether the mortgagee has requested additional information from the mortgagor and, if so, the stated reasons for the request and the date by which such additional information shall be submitted so that information previously submitted by the mortgagor, to the extent possible, may still be used by the mortgagee in conducting its review, (viii) whether the mortgagor has supplied, on a reasonably timely basis, any additional information that was reasonably requested by the mortgagee, and, if not, the stated reason for not doing so, (ix) if information provided by the mortgagor is no longer current for purposes of evaluating a foreclosure alternative, a description of the out-of-date information and an explanation as to how and why such information is no longer current, (x) whether the mortgagee has provided a reasonable explanation of the basis for a decision to deny a request for a loss mitigation option or foreclosure alternative and whether the mediator is aware of any material reason not to agree with that decision, (xi) whether the mortgagee has complied with the time frames set forth in this subdivision for responding to requests for decisions, (xii) if a subsequent mediation session is expected to occur, a general description of the expectations for such subsequent session and for the parties prior to such subsequent session and, if not otherwise addressed in the report, whether the parties satisfied the expectations set forth in previous reports, and (xiii) a determination of whether the parties will benefit from further mediation. The mediator shall deliver a copy of such report to each party to the mediation when the mediator files the report. The parties shall have the opportunity to submit their own supplemental information following the filing of the report, provided such supplemental information shall be submitted not later than five business days following the receipt of the mediator's report.

Any request by the mortgagee to the mortgagor for additional or updated financial documentation shall be made in writing. The court may impose sanctions on any party or on counsel to a party if such party or such counsel engages in intentional or a pattern or practice of conduct during the mediation process that is contrary to the objectives of the mediation program. Any sanction that is imposed shall be proportional to the conduct and consistent with the objectives of the mediation program. Available sanctions shall include, but not be limited to, terminating mediation, ordering the mortgagor or mortgagee to mediate in person, forbidding the mortgagee from charging the mortgagor for the mortgagee's attorney's fees, awarding attorney's fees, and imposing fines. In the case of egregious misconduct, the sanctions shall be heightened. The court shall not award attorney's fees to any mortgagee for time spent in any mediation session if the court finds that such mortgagee has failed to comply with this subdivision, unless the court finds reasonable cause for such failure.

(3) If the mediator reports to the court that the parties will not benefit from further mediation, the mediation period shall terminate automatically. If the mediator reports to the court after the first or second mediation session that the parties may benefit from further mediation, the mediation period shall continue.

(4) If the mediation period concludes and certain issues have not been resolved pursuant to the mediation, the mediator may refer the mortgagor to any appropriate community-based services that are available in the judicial district, but any such referral shall not cause a delay in the mediation process.

(5) The Chief Court Administrator shall establish policies and procedures to implement this subsection. Such policies and procedures shall, at a minimum, provide that the mediator shall advise the mortgagor at the first meeting required by subdivision (4) of subsection (c) of section 49-31*l*, as amended by this act, that: (A) Such mediation does not suspend the mortgagor's obligation to respond to

the foreclosure action beyond the limited time frame described in subdivision (6) of subsection (c) of section 49-31*l*, as amended by this act; and (B) a judgment of strict foreclosure or foreclosure by sale may cause the mortgagor to lose the residential real property or real property owned by a religious organization to foreclosure.

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

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

(8)] At any time during the mediation period, the mediator may refer a mortgagor who is the owner-occupant of one-to-four family residential real property to the mortgage assistance programs, except that any such referral shall not prevent a mortgagee from proceeding to judgment when the conditions specified in subdivision (6) of subsection (c) of section 49-31*l*, as amended by this act, have been satisfied.

[(9)](8) (A) The mediation period shall conclude following the third mediation session or if more than seven months have elapsed since the return date. Not later than fifteen days following the conclusion of the mediation period, and any subsequent extended mediation sessions held in accordance with this subdivision, any party may move for, or the mediator may request, an extension of the mediation period. The court shall grant only one additional mediation session per motion or request upon a finding that it is highly probable the parties will reach an agreement through mediation. The court may also grant one additional mediation session per motion or request upon a finding that any party has engaged, either intentionally or by a pattern or practice, in conduct that is contrary to the objectives of the mediation program. The court shall make its ruling not later than twenty days after the filing of such motion or request, and no judgment of strict foreclosure

or any judgment ordering a foreclosure sale shall be entered until (i) the court denies the motion or request, or (ii) the conclusion of the subsequent extended mediation session, except as provided in subparagraph (B) of this subdivision. Upon the grant of an additional mediation session following the proper finding, the court shall establish a reasonably expeditious deadline for such subsequent extended mediation session to occur. Such extended mediation period shall conclude following such subsequent extended mediation session.

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	49-31*l*
Sec. 2	*from passage*	49-31n

Statement of Purpose:
To eliminate the June 30, 2014 sunset date on the Foreclosure Mediation Program.