



General Assembly

Amendment

February Session, 2014

LCO No. 3988

SB0037303988SR0

Offered by:
SEN. FASANO, 34th Dist.

To: Subst. Senate Bill No. 373

File No. 386

Cal. No. 243

**"AN ACT CONCERNING THE UNIFORM COMMERCIAL CODE,
THE ELECTRONIC FUND TRANSFER ACT AND THE ISSUANCE
OF SUBPOENAS ON A NONPARTY WITNESS."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subdivision (1) of subsection (c) of section 49-311 of the
4 2014 supplement to the general statutes is repealed and the following
5 is substituted in lieu thereof (*Effective October 1, 2014*):

6 (c) (1) Prior to July 1, 2014, when a mortgagee commences an action
7 for the foreclosure of a mortgage on residential real property with a
8 return date on or after July 1, 2009, or, with respect to real property
9 owned by a religious organization, a return date on or after October 1,
10 2011, the mortgagee shall give notice to the mortgagor of the
11 foreclosure mediation program established in section 49-31m by
12 attaching to the front of the writ, summons and complaint that is
13 served on the mortgagor: (A) A copy of the notice of foreclosure
14 mediation, in such form as the Chief Court Administrator prescribes,

15 (B) a copy of the foreclosure mediation certificate form described in
16 subdivision (3) of this subsection, in such form as the Chief Court
17 Administrator prescribes, (C) a blank appearance form, in such form as
18 the Chief Court Administrator prescribes, (D) with respect to an action
19 for the foreclosure of a mortgage on residential real property with a
20 return date on or after October 1, 2011, to September 30, 2013,
21 inclusive, a mediation information form and a notice containing
22 contact information for authority-approved consumer credit
23 counseling agencies, which form and notice shall be in such form as
24 the Chief Court Administrator prescribes, and which form shall be
25 designed to elicit current financial information and such other
26 nonfinancial information from the mortgagor as the Chief Court
27 Administrator, in consultation with representatives from the banking
28 industry and consumer advocates, determines will further the
29 objectives of the mediation program. The Chief Court Administrator
30 shall develop a premediation review protocol pursuant to which the
31 mediator shall request that any documents submitted to the mediator
32 for initial review that are incomplete, contain errors or are likely to be
33 found unacceptable by the mortgagee be completed or corrected and
34 that the completed or corrected documents be resubmitted to the
35 mediator for review. Such premediation review, including any
36 recommendations to complete or correct documents, shall not be
37 construed to be the practice of law on behalf of any party to the
38 mediation or the provision of legal advice by the mediator. The
39 instructions to the mediation information form shall explain that the
40 completed mediation information form, along with accompanying
41 documentation reasonably requested from the mortgagor by way of
42 such instructions, shall be delivered to the mortgagee's counsel not
43 later than fifteen business days prior to the date of the initial mediation
44 session, as identified in the notice provided pursuant to subdivision (2)
45 of subsection (c) of section 49-31n, and (E) for an action to foreclose a
46 mortgage on residential real property with a return date on or after
47 October 1, 2013, the mediation information form shall instruct the
48 mortgagor as to the objectives of the mediation program, explain the
49 preliminary process of meeting with the mediator as described in

50 subdivision (4) of this subsection, instruct the mortgagor to begin
51 gathering financial documentation commonly used in foreclosure
52 mediation for use in meeting with the mediator and in mediation, and
53 include a notice containing contact information for authority-approved
54 consumer counseling agencies, which shall be in such form as the
55 Chief Court Administrator prescribes. The content of the mediation
56 information form shall be designed by the Chief Court Administrator
57 in consultation with representatives from the banking industry and
58 consumer advocates."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2014	49-311(c)(1)