



# House of Representatives

**File No. 962**

General Assembly

January Session, 2019

**(Reprint of File No. 85)**

House Bill No. 6996  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 22, 2019

**AN ACT EXTENDING THE EZEQUIEL SANTIAGO FORECLOSURE  
MEDIATION PROGRAM UNTIL JUNE 30, 2023.**

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

1 Section 1. Subdivision (9) of section 8-265cc of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (9) "Foreclosure mediation program" means the [foreclosure  
5 mediation program] Ezequiel Santiago Foreclosure Mediation Program  
6 established [by] pursuant to section 49-31m, as amended by this act;  
7 and

8 Sec. 2. Section 49-24f of the general statutes is repealed and the  
9 following is substituted in lieu thereof (*Effective from passage*):

10 A mortgagee may file a motion for judgment of foreclosure by  
11 market sale on or after the ten days following the return date specified  
12 in the complaint filed in accordance with subsection (b) of section 49-  
13 24e. Upon motion of the mortgagee and with the consent of the

14 mortgagor, the court, after notice and hearing, may render a judgment  
15 of foreclosure by market sale approving the purchase and sale  
16 contract, which judgment shall be a final judgment for purposes of  
17 appeal, and appoint a person to make the sale. The only issues at such  
18 hearing shall be a finding of the fair market value of the residential real  
19 property and of any priority liens on such property and a  
20 determination of the amount of the fees and expenses of sale, including  
21 any real estate broker commissions, the person appointed to make the  
22 sale, the reasonable costs and expenses incurred by the purchaser of  
23 such property in connection with the purchase and sale contract, the  
24 mortgagee's debt and whether the mortgagee's debt together with any  
25 priority liens exceeds the fair market value of such property. Following  
26 such hearing, the court may render a supplemental judgment that  
27 specifies the persons who are entitled to proceeds from the market sale  
28 and the amount of such proceeds to which each such person is entitled.  
29 If the court denies the mortgagee's motion for the judgment of  
30 foreclosure by market sale contemplated by this section or if  
31 circumstances develop that make it reasonably likely that a sale will  
32 not be consummated in accordance with the judgment of foreclosure  
33 by market sale entered pursuant to this section, then, subject to the  
34 provisions of sections 49-31k to 49-31o, inclusive, (1) the mortgagor  
35 may, if eligible, petition for inclusion in the [foreclosure mediation  
36 program] Ezequiel Santiago Foreclosure Mediation Program set forth  
37 in sections 49-31k to 49-31o, inclusive, provided the mortgagor did not  
38 substantially contribute to the events leading to such denial or  
39 circumstances and, in order to grant such petition, the court shall (A)  
40 give consideration to any testimony or affidavits the parties may  
41 submit in support of or in opposition to such petition, and (B) find that  
42 (i) such petition is not motivated primarily by a desire to delay the  
43 entry of a judgment of a foreclosure, and (ii) it is highly probable the  
44 parties will reach an agreement through mediation, and (2) the  
45 mortgagee shall have the right to request the entry of a judgment of  
46 foreclosure in accordance with the other provisions of law, including  
47 the provisions governing strict foreclosure.

48 Sec. 3. Section 49-30v of the general statutes is repealed and the  
49 following is substituted in lieu thereof (*Effective from passage*):

50 If the court does not enter a judgment of loss mitigation, then the  
51 modification or conveyance contemplated by the mortgagor and  
52 mortgagee under section 49-30q, 49-30r or 49-30s shall not be  
53 consummated. Nothing in this section shall be construed as  
54 prohibiting a consensual modification of a mortgage or conveyance  
55 from being consummated outside of the judicial process. In the event  
56 of such nonentry:

57 (1) The mortgagor may, if eligible, petition for inclusion in the  
58 [foreclosure mediation program] Ezequiel Santiago Foreclosure  
59 Mediation Program established pursuant to section 49-31m, as  
60 amended by this act, provided the mortgagor did not substantially  
61 contribute to the events leading to the nonentry or other circumstances  
62 resulting in the nonentry. In determining whether to grant such  
63 petition, the court shall give consideration to any testimony or  
64 affidavits the parties may submit in support of or in opposition to such  
65 petition. The court may grant such petition upon a determination that  
66 (A) such petition is not motivated primarily by a desire to delay entry  
67 of a judgment of foreclosure, and (B) it is highly probable the parties  
68 will reach an agreement through mediation; and

69 (2) The mortgagee shall have the right to request the entry of a  
70 judgment of foreclosure in accordance with the other provisions of  
71 law, including the provisions governing strict foreclosure.

72 Sec. 4. Section 49-31l of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective from passage*):

74 (a) Prior to July 1, [2019] 2023: (1) Any action for the foreclosure of a  
75 mortgage on residential real property with a return date during the  
76 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
77 the provisions of subsection (b) of this section, and (2) any action for  
78 the foreclosure of a mortgage on (A) residential real property with a  
79 return date during the period from July 1, 2009, to June 30, [2019] 2023,

80 inclusive, or (B) real property owned by a religious organization with a  
81 return date during the period from October 1, 2011, to June 30, [2019]  
82 2023, inclusive, shall be subject to the provisions of subsection (c) of  
83 this section.

84 (b) (1) Prior to July 1, [2019] 2023, when a mortgagee commences an  
85 action for the foreclosure of a mortgage on residential real property  
86 with a return date during the period from July 1, 2008, to June 30, 2009,  
87 inclusive, the mortgagee shall give notice to the mortgagor of the  
88 [foreclosure mediation program] Ezequiel Santiago Foreclosure  
89 Mediation Program established [in] pursuant to section 49-31m, as  
90 amended by this act, by attaching to the front of the foreclosure  
91 complaint that is served on the mortgagor: (A) A copy of the notice of  
92 the availability of foreclosure mediation, in such form as the Chief  
93 Court Administrator prescribes, and (B) a foreclosure mediation  
94 request form, in such form as the Chief Court Administrator  
95 prescribes.

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

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

107 (4) No foreclosure mediation request form may be submitted to the  
108 court under this subsection on or after July 1, [2019] 2023.

109 (5) If at any time on or after July 1, 2008, but prior to July 1, [2019]  
110 2023, the court determines that the notice requirement of subdivision  
111 (1) of this subsection has not been met, the court may, upon its own

112 motion or upon the written motion of the mortgagor, issue an order  
113 that no judgment may enter for fifteen days during which period the  
114 mortgagor may submit a foreclosure mediation request form to the  
115 court.

116 (6) Notwithstanding any provision of the general statutes or any  
117 rule of law to the contrary, prior to July 1, [2019] 2023, no judgment of  
118 strict foreclosure nor any judgment ordering a foreclosure sale shall be  
119 entered in any action subject to the provisions of this subsection and  
120 instituted by the mortgagee to foreclose a mortgage on residential real  
121 property unless: (A) Notice to the mortgagor has been given by the  
122 mortgagee in accordance with subdivision (1) of this subsection and  
123 the time for submitting a foreclosure mediation request form has  
124 expired and no foreclosure mediation request form has been  
125 submitted, or if such notice has not been given, the time for submitting  
126 a foreclosure mediation request form pursuant to subdivision (2) or (3)  
127 of this subsection has expired and no foreclosure mediation request  
128 form has been submitted, or (B) the mediation period set forth in  
129 subsection (b) of section 49-31n, as amended by this act, has expired or  
130 has otherwise terminated, whichever is earlier.

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

134 (c) (1) Prior to July 1, [2019] 2023, when a mortgagee commences an  
135 action for the foreclosure of a mortgage on residential real property  
136 with a return date on or after July 1, 2009, or, with respect to real  
137 property owned by a religious organization, a return date on or after  
138 October 1, 2011, the mortgagee shall give notice to the mortgagor of  
139 the [foreclosure mediation program] Ezequiel Santiago Foreclosure  
140 Mediation Program established [in] pursuant to section 49-31m, as  
141 amended by this act, by attaching to the front of the writ, summons  
142 and complaint that is served on the mortgagor: (A) A copy of the  
143 notice of foreclosure mediation, in such form as the Chief Court  
144 Administrator prescribes, (B) a copy of the foreclosure mediation

145 certificate form described in subdivision (3) of this subsection, in such  
146 form as the Chief Court Administrator prescribes, (C) a blank  
147 appearance form, in such form as the Chief Court Administrator  
148 prescribes, (D) with respect to an action for the foreclosure of a  
149 mortgage on residential real property with a return date on or after  
150 October 1, 2011, to September 30, 2013, inclusive, a mediation  
151 information form and a notice containing contact information for  
152 authority-approved consumer credit counseling agencies, which form  
153 and notice shall be in such form as the Chief Court Administrator  
154 prescribes, and which form shall be designed to elicit current financial  
155 information and such other nonfinancial information from the  
156 mortgagor as the Chief Court Administrator, in consultation with  
157 representatives from the banking industry and consumer advocates,  
158 determines will further the objectives of the mediation program. The  
159 Chief Court Administrator shall develop a premediation review  
160 protocol pursuant to which the mediator shall request that any  
161 documents submitted to the mediator for initial review that are  
162 incomplete, contain errors or are likely to be found unacceptable by the  
163 mortgagee be completed or corrected and that the completed or  
164 corrected documents be resubmitted to the mediator for review. Such  
165 premediation review, including any recommendations to complete or  
166 correct documents, shall not be construed to be the practice of law on  
167 behalf of any party to the mediation or the provision of legal advice by  
168 the mediator. The instructions to the mediation information form shall  
169 explain that the completed mediation information form, along with  
170 accompanying documentation reasonably requested from the  
171 mortgagor by way of such instructions, shall be delivered to the  
172 mortgagee's counsel not later than fifteen business days prior to the  
173 date of the initial mediation session, as identified in the notice  
174 provided pursuant to subdivision (2) of subsection (c) of section 49-  
175 31n, as amended by this act, and (E) for an action to foreclose a  
176 mortgage on residential real property with a return date on or after  
177 October 1, 2013, the mediation information form shall instruct the  
178 mortgagor as to the objectives of the mediation program, explain the  
179 preliminary process of meeting with the mediator as described in

180 subdivision (4) of this subsection, instruct the mortgagor to begin  
181 gathering financial documentation commonly used in foreclosure  
182 mediation for use in meeting with the mediator and in mediation, and  
183 include a notice containing contact information for authority-approved  
184 consumer counseling agencies, which shall be in such form as the  
185 Chief Court Administrator prescribes. The content of the mediation  
186 information form shall be designed by the Chief Court Administrator  
187 in consultation with representatives from the banking industry and  
188 consumer advocates.

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

193 (3) The notice of foreclosure mediation shall instruct the mortgagor  
194 to file the appearance and foreclosure mediation certificate forms with  
195 the court not later than the date fifteen days from the return date for  
196 the foreclosure action. With respect to actions with a return date  
197 during the period from October 1, 2011, to September 30, 2013,  
198 inclusive, such notice shall remind the mortgagor to deliver the  
199 completed mediation information form and the accompanying  
200 documentation described in subdivision (1) of this subsection and  
201 encourage such delivery in advance of the required date. With respect  
202 to actions with a return date during the period from October 1, 2013, to  
203 June 30, [2019] 2023, inclusive, such notice shall instruct the mortgagor  
204 to begin gathering financial information commonly used in foreclosure  
205 mediation for use in meeting with the mediator and in mediation. The  
206 mediation information form and accompanying documentation shall  
207 not, without the explicit written instruction of the mortgagor, be  
208 publicly available. Such notice of foreclosure mediation shall be  
209 accompanied by materials from the Department of Banking, as  
210 prescribed by the Chief Court Administrator, which shall describe the  
211 community-based resources available to the mortgagor, including  
212 authority-approved housing counseling agencies that may assist with  
213 preparation for mediation and application for mortgage assistance

214 programs. The foreclosure mediation certificate form shall require the  
215 mortgagor to provide sufficient information to permit the court to  
216 confirm that the defendant in the foreclosure action is a mortgagor,  
217 and to certify that said mortgagor has sent a copy of the mediation  
218 certificate form to the plaintiff in the action. With respect to actions  
219 with a return date on or after October 1, 2015, in order to ensure that  
220 all necessary consents to the disclosure of nonpublic personal financial  
221 information have been provided to the mortgagee, such that a spouse  
222 may be considered a permitted successor-in-interest, the court shall  
223 confirm that the foreclosure mediation certificate submitted by (A) the  
224 spouse or former spouse provides consent to the full disclosure by the  
225 mortgagee of such spouse's or former spouse's nonpublic personal  
226 financial information to any other person who is obligated as a  
227 borrower on the note, to the extent the mortgagee has such  
228 information, and (B) any other person who is a mortgagor provides  
229 consent to the full disclosure by the mortgagee of such person's  
230 nonpublic personal financial information to such spouse or former  
231 spouse, to the extent the mortgagee has such information. If a  
232 foreclosure mediation certificate is not submitted by a mortgagor,  
233 other than a spouse or former spouse claiming to be a permitted  
234 successor-in-interest, the court shall confirm, in lieu of the  
235 requirements of subparagraph (B) of this subdivision, that the  
236 foreclosure mediation certificate submitted by the spouse or former  
237 spouse contains a statement, signed by the spouse or former spouse,  
238 certifying that all persons who are obligated on the note have  
239 otherwise given documentation to the mortgagee which allows for the  
240 full disclosure by the mortgagee of such person's nonpublic personal  
241 information to the spouse or former spouse, to the extent the  
242 mortgagee has such information. Such a certification may be rebutted  
243 conclusively by the mortgagee if the mortgagee submits a written  
244 statement to the court in which the mortgagee certifies that, based  
245 upon reasonable belief, the mortgagee does not possess such  
246 documentation.

247 (4) Upon receipt of the mortgagor's appearance and foreclosure



248 mediation certificate forms, and provided the court confirms the  
249 defendant in the foreclosure action is a mortgagor and that said  
250 mortgagor has sent a copy of the mediation certificate form to the  
251 plaintiff, the court shall assign the case to mediation and issue notice of  
252 such assignment to all appearing parties, which notice shall include an  
253 electronic mail address for all communications related to the  
254 mediation. The court shall issue such notice not earlier than the date  
255 five business days after the return date or by the date three business  
256 days after the date on which the court receives the mortgagor's  
257 appearance and foreclosure mediation certificate forms, whichever is  
258 later, except that if the court does not receive the appearance and  
259 foreclosure mediation certificate forms from the mortgagor by the date  
260 fifteen days after the return date for the foreclosure action, the court  
261 shall not assign the case to mediation. Promptly upon receipt of the  
262 notice of assignment, but not later than the thirty-fifth day following  
263 the return date, the mortgagee or its counsel shall deliver to the  
264 mediator, via the electronic mail address provided for communications  
265 related to the mediation, and to the mortgagor, via first class, priority  
266 or overnight mail, (A) an account history identifying all credits and  
267 debits assessed to the loan account and any related escrow account in  
268 the immediately preceding twelve-month period and an itemized  
269 statement of the amount required to reinstate the mortgage loan with  
270 accompanying information, written in plain language, to explain any  
271 codes used in the history and statement which are not otherwise self-  
272 explanatory, (B) the name, business mailing address, electronic mail  
273 address, facsimile number and direct telephone number of an  
274 individual able to respond with reasonable adequacy and promptness  
275 to questions relative to the information submitted to the mediator  
276 pursuant to this subdivision, and any subsequent updates to such  
277 contact information, which shall be provided reasonably promptly to  
278 the mediator via the electronic mail address provided for  
279 communication related to the mediation, (C) current versions of all  
280 reasonably necessary forms and a list of all documentation reasonably  
281 necessary for the mortgagee to evaluate the mortgagor for common  
282 alternatives to foreclosure that are available through the mortgagee, if

283 any, (D) a copy of the note and mortgage, including any agreements  
284 modifying such documents, (E) summary information regarding the  
285 status of any pending foreclosure avoidance efforts being undertaken  
286 by the mortgagee, (F) a copy of any loss mitigation affidavit filed with  
287 the court, and (G) at the mortgagee's option, (i) the history of  
288 foreclosure avoidance efforts with respect to the mortgagor, (ii)  
289 information regarding the condition of mortgaged property, and (iii)  
290 such other information as the mortgagee may determine is relevant to  
291 meeting the objectives of the mediation program. Following the  
292 mediator's receipt of such information, the court shall assign a  
293 mediator to the mediation and schedule a meeting with the mediator  
294 and all mortgagors who are relevant and necessary to the mediation  
295 and to any agreement being contemplated in connection with the  
296 mediation and shall endeavor to hold such meeting on or prior to the  
297 forty-ninth day following the return date. The notice of such meeting  
298 shall instruct the mortgagor to complete the forms prior to the meeting  
299 and to furnish such forms together with the documentation contained  
300 in the list, as provided by the mortgagee following the filing of the  
301 foreclosure mediation certificate, at the meeting. At such meeting, the  
302 mediator shall review such forms and documentation with the  
303 mortgagor, along with the information supplied by the mortgagee, in  
304 order to discuss the options that may be available to the mortgagor,  
305 including any community-based resources, and assist the mortgagor in  
306 completing the forms and furnishing the documentation necessary for  
307 the mortgagee to evaluate the mortgagor for alternatives to  
308 foreclosure. The mediator may elect to schedule subsequent meetings  
309 with the mortgagor and determine whether any mortgagor may be  
310 excused from an in-person appearance at such subsequent meeting.  
311 The mediator may excuse any mortgagor from attending such meeting  
312 or any subsequent meetings, provided the mortgagor shows good  
313 cause for nonattendance. Such good cause may include, but is not  
314 limited to, the mortgagor no longer owning the home pursuant to a  
315 judgment of marital dissolution and related transfer via deed, or no  
316 longer residing in the home and not being a necessary party to any  
317 agreement being contemplated in connection with the mediation. As

318 soon as practicable, but in no case later than the eighty-fourth day  
319 following the return date, or the extended deadline if such an extended  
320 deadline is established pursuant to this subdivision, the mediator shall  
321 facilitate and confirm the submission by the mortgagor of the forms  
322 and documentation to the mortgagee's counsel via electronic means  
323 and, at the mortgagee's election, directly to the mortgagee per the  
324 mortgagee's instruction, and determine, based on the participating  
325 mortgagor's attendance at the meetings and the extent the mortgagor  
326 completed the forms and furnished the documentation contemplated  
327 in this subdivision, or failed to perform such tasks through no material  
328 fault of the mortgagee, and file a report with the court indicating, (I)  
329 whether mediation shall be scheduled with the mortgagee, (II) whether  
330 the mortgagor attended scheduled meetings with the mediator, (III)  
331 whether the mortgagor fully or substantially completed the forms and  
332 furnished the documentation requested by the mortgagee, (IV) the  
333 date on which the mortgagee supplied the forms and documentation,  
334 and (V) any other information the mediator determines to be relevant  
335 to the objectives of the mediation program. The mediator may file, and  
336 the court may grant, a motion for extension of the premediation period  
337 beyond the eighty-fourth day following the return date if good cause  
338 can be shown for such an extension. Any such motion shall be filed,  
339 with a copy simultaneously sent to the mortgagee and as soon as  
340 practicable to the mortgagor, not later than the eighty-fourth day  
341 following the return date. The mortgagee and mortgagor shall each  
342 have five business days from the day the motion was filed to file an  
343 objection or supplemental papers, and the court shall issue its ruling,  
344 without a hearing, not later than ten business days from the date the  
345 motion was filed. If the court determines that good cause exists for an  
346 extension, the court shall therewith establish an extended deadline so  
347 that the premediation period shall end as soon thereafter as may be  
348 practicable, but not later than thirty-five days from the date of the  
349 ruling, taking into account the complexity of the mortgagor's financial  
350 circumstances, the mortgagee's documentation requirements, and the  
351 timeliness of the mortgagee's and mortgagor's compliance with their  
352 respective premediation obligations. If the court denies the mediator's

353 motion, the extended deadline for purposes of this subdivision shall be  
354 three days after the court rules on the motion. No meeting or  
355 communication between the mediator and mortgagor under this  
356 subdivision shall be treated as an impermissible ex parte  
357 communication. If the mediator determines that the mortgagee shall  
358 participate in mediation, the court shall promptly issue notice to all  
359 parties of such determination and schedule a mediation session  
360 between the mortgagee and all mortgagors who are relevant and  
361 necessary to the mediation and to any agreement being contemplated  
362 in connection with the mediation, in accordance with subsection (c) of  
363 section 49-31n, as amended by this act, to be held not later than five  
364 weeks following the submission to the mortgagee of the forms and  
365 documentation contemplated in this subdivision. The mediator may  
366 excuse any mortgagor from attending the mediation session or  
367 subsequent meetings, provided good cause is shown for  
368 nonattendance. Such good cause may include, but is not limited to, the  
369 mortgagor no longer owning the home pursuant to a judgment of  
370 marital dissolution and related transfer via deed, no longer residing in  
371 the home or not being a necessary party to any agreement being  
372 contemplated in connection with the mediation. If the mediator  
373 determines that no sessions between the mortgagee and mortgagor  
374 shall be scheduled, the court shall promptly issue notice to all parties  
375 regarding such determination and mediation shall be terminated. Any  
376 mortgagor wishing to contest such determination shall petition the  
377 court and show good cause for reinclusion in the mediation program,  
378 including, but not limited to, a material change in financial  
379 circumstances or a mistake or misunderstanding of the facts by the  
380 mediator.

381 (5) Notwithstanding the provisions of this subsection, the court may  
382 refer a foreclosure action brought by a mortgagee to the [foreclosure  
383 mediation program] Ezequiel Santiago Foreclosure Mediation Program  
384 established pursuant to section 49-31m, as amended by this act, at any  
385 time, for good cause shown, provided the mortgagor has filed an  
386 appearance in said action and further provided the court shall, not

387 later than the date three business days after the date on which it makes  
388 such referral, send a notice to each appearing party assigning the case  
389 to mediation and requiring the parties to participate in the  
390 premediation process described in subdivision (4) of this subsection,  
391 with the court establishing deadlines to ensure that the premediation  
392 process is to be completed by the parties as expeditiously as the  
393 circumstances warrant and permit. When determining whether good  
394 cause exists, the court shall consider whether the parties are likely to  
395 benefit from mediation and, in the case of a referral after prior  
396 attempts at mediation have been terminated, whether there has been a  
397 material change in circumstances.

398 (6) Notwithstanding any provision of the general statutes or any  
399 rule of law, prior to July 1, [2019] 2023, (A) for the period of time which  
400 shall not exceed eight months from the return date, the mortgagor  
401 shall be permitted to file an answer, special defenses or counterclaims,  
402 but no mortgagee or mortgagor shall make any motion, request or  
403 demand with respect to the other, except those motions, requests or  
404 demands that relate to the mediation program described in section 49-  
405 31m, as amended by this act, and the mediation sessions held pursuant  
406 to such program, provided (i) a mortgagor seeking to contest the  
407 court's jurisdiction may file a motion to dismiss and the mortgagee  
408 may object to such motion to dismiss in accordance with applicable  
409 law and the rules of the courts, and (ii) if the mortgagor elects to make  
410 any other motion, request or demand with respect to the mortgagee,  
411 the eight-month limit shall no longer apply to either party; and (B) no  
412 judgment of strict foreclosure nor any judgment ordering a foreclosure  
413 sale shall be entered in any action subject to the provisions of this  
414 subsection and instituted by the mortgagee to foreclose a mortgage on  
415 residential real property or real property owned by a religious  
416 organization unless: (i) The mediation period set forth in subsection (c)  
417 of section 49-31n, as amended by this act, has expired or has otherwise  
418 terminated, whichever is earlier, and, if fewer than eight months has  
419 elapsed from the return date at the time of termination, fifteen days  
420 have elapsed since such termination and any pending motion or

421 request to extend the mediation period has been heard and denied by  
422 the court, or (ii) the mediation program is not otherwise required or  
423 available. Nothing in this subdivision shall affect any motion made or  
424 any default or judgment entered on or before June 30, 2011.

425 (7) With respect to foreclosure actions with a return date during the  
426 period from July 1, 2011, to June 30, [2019] 2023, inclusive,  
427 notwithstanding any provision of the general statutes or any rule of  
428 law to the contrary, the mortgagee shall be permitted following the  
429 eight-month or fifteen-day period described in subdivision (6) of this  
430 subsection, to simultaneously file, as applicable, (A) a motion for  
431 default, and (B) a motion for judgment of strict foreclosure or a motion  
432 for judgment of foreclosure by sale with respect to the mortgagor in  
433 the foreclosure action.

434 (8) None of the mortgagor's or mortgagee's rights in the foreclosure  
435 action shall be waived by participation in the [foreclosure mediation  
436 program] Ezequiel Santiago Foreclosure Mediation Program.

437 Sec. 5. Section 49-31m of the general statutes is repealed and the  
438 following is substituted in lieu thereof (*Effective from passage*):

439 The Chief Court Administrator shall establish in each judicial  
440 district a foreclosure mediation program in actions to foreclose  
441 mortgages on residential real property or real property owned by a  
442 religious organization. On and after the effective date of this section,  
443 such program shall be known as the "Ezequiel Santiago Foreclosure  
444 Mediation Program". Such foreclosure mediation shall (1) address all  
445 issues of foreclosure, including, but not limited to, reinstatement of the  
446 mortgage, disposition of the property through means other than the  
447 foreclosure process, including short sales and deeds in lieu of  
448 foreclosure, assignment of law days, assignment of sale date,  
449 restructuring of the mortgage debt and foreclosure by decree of sale,  
450 and (2) be conducted by foreclosure mediators who (A) have a duty to  
451 be unbiased and are employed by the Judicial Branch, (B) are trained  
452 in mediation and all relevant aspects of the law, as determined by the

453 Chief Court Administrator, (C) have knowledge of the community-  
454 based resources that are available in the judicial district in which they  
455 serve, and (D) have knowledge of the mortgage assistance programs.  
456 Such mediators may refer mortgagors who participate in the  
457 [foreclosure mediation program] Ezequiel Santiago Foreclosure  
458 Mediation Program to community-based resources when appropriate  
459 and to the mortgage assistance programs. Such mediators shall not  
460 give legal advice to any party in mediation.

461 Sec. 6. Section 49-31n of the general statutes is repealed and the  
462 following is substituted in lieu thereof (*Effective from passage*):

463 (a) Prior to July 1, [2019] 2023: (1) Any action for the foreclosure of a  
464 mortgage on residential real property with a return date during the  
465 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
466 the provisions of subsection (b) of this section, and (2) any action for  
467 the foreclosure of a mortgage on (A) residential real property with a  
468 return date during the period from July 1, 2009, to June 30, [2019] 2023,  
469 inclusive, or (B) real property owned by a religious organization with a  
470 return date during the period from October 1, 2011, to June 30, [2019]  
471 2023, inclusive, shall be subject to the provisions of subsection (c) of  
472 this section.

473 (b) (1) For any action for the foreclosure of a mortgage on residential  
474 real property with a return date during the period from July 1, 2008, to  
475 June 30, 2009, inclusive, the mediation period under the [foreclosure  
476 mediation program] Ezequiel Santiago Foreclosure Mediation Program  
477 established [in] pursuant to section 49-31m, as amended by this act,  
478 shall commence when the court sends notice to each appearing party  
479 that a foreclosure mediation request form has been submitted by a  
480 mortgagor to the court, which notice shall be sent not later than three  
481 business days after the court receives a completed foreclosure  
482 mediation request form. The mediation period shall conclude not later  
483 than the conclusion of the third mediation session between the  
484 mortgagor and mortgagee or seven months after the return date,  
485 whichever is earlier, except that the court may, in its discretion, for

486 good cause shown, upon the motion of any party or the mediator,  
487 extend the mediation period subject to the provisions of subdivision  
488 (9) of this subsection or shorten the mediation period.

489 (2) The first mediation session shall be held not later than fifteen  
490 business days after the court sends notice to all parties that a  
491 foreclosure mediation request form has been submitted to the court.  
492 The mortgagor and mortgagee shall appear in person at each  
493 mediation session and shall have the ability to mediate, except that (A)  
494 if a party is represented by counsel, the party's counsel may appear in  
495 lieu of the party to represent the party's interests at the mediation,  
496 provided the party has the ability to mediate, and the party is available  
497 (i) during the mediation session by telephone, and (ii) to participate in  
498 the mediation session by speakerphone, provided an opportunity is  
499 afforded for confidential discussions between the party and party's  
500 counsel, (B) following the initial mediation session, if there are two or  
501 more mortgagors who are self-represented, only one mortgagor shall  
502 be required to appear in person at each subsequent mediation session  
503 unless good cause is shown, provided the other mortgagors are  
504 available (i) during the mediation session, and (ii) to participate in the  
505 mediation session by speakerphone, (C) if a party suffers from a  
506 disability or other significant hardship that imposes an undue burden  
507 on such party to appear in person, the mediator may grant permission  
508 to such party to participate in the mediation session by telephone, and  
509 (D) a mortgagor may be excused from appearing at the mediation  
510 session if good cause is shown that the presence of such mortgagor is  
511 not needed to further the interests of mediation. Such good cause may  
512 include, but is not limited to, the mortgagor no longer owning the  
513 home pursuant to a judgment of marital dissolution and related  
514 transfer via deed, no longer residing in the home or not being a  
515 necessary party to any agreement being contemplated in connection  
516 with the mediation. A mortgagor's spouse, who is not a mortgagor but  
517 who lives in the subject property, may appear at each mediation  
518 session, provided all appearing mortgagors consent, in writing, to such  
519 spouse's appearance or such spouse shows good cause for his or her



520 appearance and the mortgagors consent in writing to the disclosure of  
521 nonpublic personal information to such spouse. If the mortgagor has  
522 submitted a complete package of financial documentation in  
523 connection with a request for a particular foreclosure alternative, the  
524 mortgagee shall have thirty-five days from the receipt of the completed  
525 package to respond with a decision and, if the decision is a denial of  
526 the request, provide the reasons for such denial. If the mortgagor has,  
527 in connection with a request for a foreclosure alternative, submitted a  
528 financial package that is not complete, or if the mortgagee's evaluation  
529 of a complete package reveals that additional information is necessary  
530 to underwrite the request, the mortgagee shall request the missing or  
531 additional information within a reasonable period of time of such  
532 evaluation. If the mortgagee's evaluation of a complete package reveals  
533 that additional information is necessary to underwrite the request, the  
534 thirty-five-day deadline for a response shall be extended but only for  
535 so long as is reasonable given the timing of the mortgagor's submission  
536 of such additional information and the nature and context of the  
537 required underwriting. Not later than the third business day after each  
538 mediation session held on or after June 18, 2013, the mediator shall file  
539 with the court a report indicating, to the extent applicable, (i) the  
540 extent to which each of the parties complied with the requirements set  
541 forth in this subdivision, including the requirement to engage in  
542 conduct that is consistent with the objectives of the mediation program  
543 and to possess the ability to mediate, (ii) whether the mortgagor  
544 submitted a complete package of financial documentation to the  
545 mortgagee, (iii) a general description of the foreclosure alternative  
546 being requested by the mortgagor, (iv) whether the mortgagor has  
547 previously been evaluated for similar requests, whether prior to  
548 mediation or in mediation, and, if so, whether there has been any  
549 apparent change in circumstances since a decision was made with  
550 respect to that prior evaluation, (v) whether the mortgagee has  
551 responded to the mortgagor's request for a foreclosure alternative and,  
552 if so, a description of the response and whether the mediator is aware  
553 of any material reason not to agree with the response, (vi) whether the  
554 mortgagor has responded to an offer made by the mortgagee on a

555 reasonably timely basis, and if so, an explanation of the response, (vii)  
556 whether the mortgagee has requested additional information from the  
557 mortgagor and, if so, the stated reasons for the request and the date by  
558 which such additional information shall be submitted so that  
559 information previously submitted by the mortgagor, to the extent  
560 possible, may still be used by the mortgagee in conducting its review,  
561 (viii) whether the mortgagor has supplied, on a reasonably timely  
562 basis, any additional information that was reasonably requested by the  
563 mortgagee, and, if not, the stated reason for not doing so, (ix) if  
564 information provided by the mortgagor is no longer current for  
565 purposes of evaluating a foreclosure alternative, a description of the  
566 out-of-date information and an explanation as to how and why such  
567 information is no longer current, (x) whether the mortgagee has  
568 provided a reasonable explanation of the basis for a decision to deny a  
569 request for a loss mitigation option or foreclosure alternative and  
570 whether the mediator is aware of any material reason not to agree with  
571 that decision, (xi) whether the mortgagee has complied with the time  
572 frames set forth in this subdivision for responding to requests for  
573 decisions, (xii) if a subsequent mediation session is expected to occur, a  
574 general description of the expectations for such subsequent session  
575 and for the parties prior to such subsequent session and, if not  
576 otherwise addressed in the report, whether the parties satisfied the  
577 expectations set forth in previous reports, and (xiii) a determination of  
578 whether the parties will benefit from further mediation. The mediator  
579 shall deliver a copy of such report to each party to the mediation when  
580 the mediator files the report. The parties shall have the opportunity to  
581 submit their own supplemental information following the filing of the  
582 report, provided such supplemental information shall be submitted  
583 not later than five business days following the receipt of the mediator's  
584 report. Any request by the mortgagee to the mortgagor for additional  
585 or updated financial documentation shall be made in writing. The  
586 court may impose sanctions on any party or on counsel to a party if  
587 such party or such counsel engages in intentional or a pattern or  
588 practice of conduct during the mediation process that is contrary to the  
589 objectives of the mediation program. Any sanction that is imposed

590 shall be proportional to the conduct and consistent with the objectives  
591 of the mediation program. Available sanctions shall include, but not be  
592 limited to, terminating mediation, ordering the mortgagor or  
593 mortgagee to mediate in person, forbidding the mortgagee from  
594 charging the mortgagor for the mortgagee's attorney's fees, awarding  
595 attorney's fees, and imposing fines. In the case of egregious  
596 misconduct, the sanctions shall be heightened. The court shall not  
597 award attorney's fees to any mortgagee for time spent in any  
598 mediation session if the court finds that such mortgagee has failed to  
599 comply with this subdivision, unless the court finds reasonable cause  
600 for such failure.

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

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

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

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

619 (7) Foreclosure mediation request forms shall not be accepted by the  
620 court under this subsection on or after July 1, [2019] 2023, and the  
621 [foreclosure mediation program] Ezequiel Santiago Foreclosure

622 Mediation Program shall terminate when all mediation has concluded  
623 with respect to any applications submitted to the court prior to July 1,  
624 [2019] 2023.

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

632 (9) (A) The mediation period shall conclude following the third  
633 mediation session or if more than seven months have elapsed since the  
634 return date. Not later than fifteen days following the conclusion of the  
635 mediation period, and any extended mediation sessions held in  
636 accordance with this subdivision, any party may move for, or the  
637 mediator may request, an extension of the mediation period. The court  
638 shall grant only one additional mediation session per motion or  
639 request upon a finding that it is highly probable the parties will reach  
640 an agreement through mediation. The court may also grant one  
641 additional mediation session per motion or request upon a finding that  
642 any party has engaged, either intentionally or by a pattern or practice,  
643 in conduct that is contrary to the objectives of the mediation program.  
644 The court shall make its ruling not later than twenty days after the  
645 filing of such motion or request, and no judgment of strict foreclosure  
646 or any judgment ordering a foreclosure sale shall be entered until (i)  
647 the court denies the motion or request, or (ii) the conclusion of the  
648 extended mediation session, except as provided in subparagraph (B) of  
649 this subdivision. Upon the grant of an additional mediation session  
650 following the proper finding, the court shall establish an expeditious  
651 deadline for such extended mediation session to occur. Such extended  
652 mediation period shall conclude following such extended mediation  
653 session.

654 (B) The mediation period may be extended for one additional

655 mediation session without a hearing held pursuant to this subdivision  
656 provided all parties to the mediation agree that such parties would  
657 benefit from such a session and, in consultation with the mediator,  
658 establish an expeditious deadline for such session to take place.

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

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

678 (c) (1) For any action for the foreclosure of a mortgage on residential  
679 real property with a return date during the period from July 1, 2009, to  
680 June 30, [2019] 2023, inclusive, or for any action for the foreclosure of a  
681 mortgage on real property owned by a religious organization with a  
682 return date during the period from October 1, 2011, to June 30, [2019]  
683 2023, inclusive, the mediation period under the [foreclosure mediation  
684 program] Ezequiel Santiago Foreclosure Mediation Program  
685 established [in] pursuant to section 49-31m, as amended by this act,  
686 shall commence when the court sends notice to each appearing party  
687 scheduling the first foreclosure mediation session. The mediation

688 period shall conclude not later than the conclusion of the third  
689 mediation session between the mortgagor and mortgagee or seven  
690 months after the return date, whichever is earlier, except that the court  
691 may, in its discretion, for good cause shown, upon the motion of any  
692 party or request by the mediator, extend the mediation period subject  
693 to the provisions of subdivision (9) of this subsection or shorten the  
694 mediation period.

695 (2) The mortgagor and mortgagee shall appear in person at each  
696 mediation session and shall have the ability to mediate, except that (A)  
697 if a party is represented by counsel, the party's counsel may appear in  
698 lieu of the party to represent the party's interests at the mediation,  
699 provided the party has the ability to mediate and the party is available  
700 (i) during the mediation session by telephone, and (ii) to participate in  
701 the mediation session by speakerphone, provided an opportunity is  
702 afforded for confidential discussions between the party and party's  
703 counsel, (B) following the initial mediation session, if there are two or  
704 more mortgagors who are self-represented, only one mortgagor shall  
705 be required to appear in person at each subsequent mediation session  
706 unless good cause is shown, provided the other mortgagors are  
707 available (i) during the mediation session, and (ii) to participate in the  
708 mediation session by speakerphone, (C) if a party suffers from a  
709 disability or other significant hardship that imposes an undue burden  
710 on such party to appear in person, the mediator may grant permission  
711 to such party to participate in the mediation session by telephone, and  
712 (D) a mortgagor may be excused from appearing at the mediation  
713 session if cause is shown that the presence of such mortgagor is not  
714 needed to further the interests of mediation. Such cause may include,  
715 but is not limited to, the mortgagor no longer owning the home  
716 pursuant to a judgment of marital dissolution and related transfer via  
717 deed or no longer residing in the home or not being a necessary party  
718 to any agreement being contemplated in connection with the  
719 mediation. A mortgagor's spouse, who is not a mortgagor but who  
720 lives in the subject property, may appear at each mediation session,  
721 provided all appearing mortgagors consent, in writing, to such

722 spouse's appearance or such spouse shows good cause for his or her  
723 appearance and the mortgagors consent, in writing, to the disclosure of  
724 nonpublic personal information to such spouse. If the mortgagor has  
725 submitted a complete package of financial documentation in  
726 connection with a request for a particular foreclosure alternative, the  
727 mortgagee shall have thirty-five days from the receipt of the completed  
728 package to respond with a decision and, if the decision is a denial of  
729 the request, provide the reasons for such denial. If the mortgagor has,  
730 in connection with a request for a foreclosure alternative, submitted a  
731 financial package that is not complete, or if the mortgagee's evaluation  
732 of a complete package reveals that additional information is necessary  
733 to underwrite the request, the mortgagee shall request the missing or  
734 additional information within a reasonable period of time of such  
735 evaluation. If the mortgagee's evaluation of a complete package reveals  
736 that additional information is necessary to underwrite the request, the  
737 thirty-five-day deadline for a response shall be extended but only for  
738 so long as is reasonable given the timing of the mortgagor's submission  
739 of such additional information and the nature and context of the  
740 required underwriting. Not later than the third business day after each  
741 mediation session, the mediator shall file with the court a report  
742 indicating, to the extent applicable, (i) the extent to which each of the  
743 parties complied with the requirements set forth in this subdivision,  
744 including the requirement to engage in conduct that is consistent with  
745 the objectives of the mediation program and to possess the ability to  
746 mediate, (ii) whether the mortgagor submitted a complete package of  
747 financial documentation to the mortgagee, (iii) a general description of  
748 the foreclosure alternative being requested by the mortgagor, (iv)  
749 whether the mortgagor has previously been evaluated for similar  
750 requests, whether prior to mediation or in mediation, and, if so,  
751 whether there has been any apparent change in circumstances since a  
752 decision was made with respect to that prior evaluation, (v) whether  
753 the mortgagee has responded to the mortgagor's request for a  
754 foreclosure alternative and, if so, a description of the response and  
755 whether the mediator is aware of any material reason not to agree with  
756 the response, (vi) whether the mortgagor has responded to an offer

757 made by the mortgagee on a reasonably timely basis, and if so, an  
758 explanation of the response, (vii) whether the mortgagee has requested  
759 additional information from the mortgagor and, if so, the stated  
760 reasons for the request and the date by which such additional  
761 information shall be submitted so that information previously  
762 submitted by the mortgagor, to the extent possible, may still be used  
763 by the mortgagee in conducting its review, (viii) whether the  
764 mortgagor has supplied, on a reasonably timely basis, any additional  
765 information that was reasonably requested by the mortgagee, and, if  
766 not, the stated reason for not doing so, (ix) if information provided by  
767 the mortgagor is no longer current for purposes of evaluating a  
768 foreclosure alternative, a description of the out-of-date information  
769 and an explanation as to how and why such information is no longer  
770 current, (x) whether the mortgagee has provided a reasonable  
771 explanation of the basis for a decision to deny a request for a loss  
772 mitigation option or foreclosure alternative and whether the mediator  
773 is aware of any material reason not to agree with that decision, (xi)  
774 whether the mortgagee has complied with the time frames set forth in  
775 this subdivision for responding to requests for decisions, (xii) if a  
776 subsequent mediation session is expected to occur, a general  
777 description of the expectations for such subsequent session and for the  
778 parties prior to such subsequent session and, if not otherwise  
779 addressed in the report, whether the parties satisfied the expectations  
780 set forth in previous reports, and (xiii) a determination of whether the  
781 parties will benefit from further mediation. The mediator shall deliver  
782 a copy of such report to each party to the mediation when the mediator  
783 files the report. The parties shall have the opportunity to submit their  
784 own supplemental information following the filing of the report,  
785 provided such supplemental information shall be submitted not later  
786 than five business days following the receipt of the mediator's report.  
787 Any request by the mortgagee to the mortgagor for additional or  
788 updated financial documentation shall be made in writing. The court  
789 may impose sanctions on any party or on counsel to a party if such  
790 party or such counsel engages in intentional or a pattern or practice of  
791 conduct during the mediation process that is contrary to the objectives



792 of the mediation program. Any sanction that is imposed shall be  
793 proportional to the conduct and consistent with the objectives of the  
794 mediation program. Available sanctions shall include, but not be  
795 limited to, terminating mediation, ordering the mortgagor or  
796 mortgagee to mediate in person, forbidding the mortgagee from  
797 charging the mortgagor for the mortgagee's attorney's fees, awarding  
798 attorney's fees, and imposing fines. In the case of egregious  
799 misconduct, the sanctions shall be heightened. The court shall not  
800 award attorney's fees to any mortgagee for time spent in any  
801 mediation session if the court finds that such mortgagee has failed to  
802 comply with this subdivision, unless the court finds reasonable cause  
803 for such failure.

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

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

814 (5) The Chief Court Administrator shall establish policies and  
815 procedures to implement this subsection. Such policies and procedures  
816 shall, at a minimum, provide that the mediator shall advise the  
817 mortgagor at the first meeting required by subdivision (4) of  
818 subsection (c) of section 49-31l, as amended by this act, that: (A) Such  
819 mediation does not suspend the mortgagor's obligation to respond to  
820 the foreclosure action beyond the limited time frame described in  
821 subdivision (6) of subsection (c) of section 49-31l, as amended by this  
822 act; and (B) a judgment of strict foreclosure or foreclosure by sale may  
823 cause the mortgagor to lose the residential real property or real  
824 property owned by a religious organization to foreclosure.

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

827 (7) The foreclosure mediation program shall terminate when all  
828 mediation has concluded with respect to any foreclosure action with a  
829 return date during the period from July 1, 2009, to June 30, [2019] 2023,  
830 inclusive.

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

838 (9) (A) The mediation period shall conclude following the third  
839 mediation session or if more than seven months have elapsed since the  
840 return date. Not later than fifteen days following the conclusion of the  
841 mediation period, and any subsequent extended mediation sessions  
842 held in accordance with this subdivision, any party may move for, or  
843 the mediator may request, an extension of the mediation period. The  
844 court shall grant only one additional mediation session per motion or  
845 request upon a finding that it is highly probable the parties will reach  
846 an agreement through mediation. The court may also grant one  
847 additional mediation session per motion or request upon a finding that  
848 any party has engaged, either intentionally or by a pattern or practice,  
849 in conduct that is contrary to the objectives of the mediation program.  
850 The court shall make its ruling not later than twenty days after the  
851 filing of such motion or request, and no judgment of strict foreclosure  
852 or any judgment ordering a foreclosure sale shall be entered until (i)  
853 the court denies the motion or request, or (ii) the conclusion of the  
854 subsequent extended mediation session, except as provided in  
855 subparagraph (B) of this subdivision. Upon the grant of an additional  
856 mediation session following the proper finding, the court shall  
857 establish a reasonably expeditious deadline for such subsequent

858 extended mediation session to occur. Such extended mediation period  
859 shall conclude following such subsequent extended mediation session.

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

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

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

885 (d) (1) Not later than February 14, 2014, the Chief Court  
886 Administrator shall submit, in accordance with the provisions of  
887 section 11-4a, to the joint standing committee of the General Assembly  
888 having cognizance of matters relating to banking, a summary  
889 regarding the mediation program and a general summary of the data

890 collected in the reports submitted pursuant to subdivision (2) of  
891 subsections (b) and (c) of this section from July 1, 2013, to December  
892 31, 2013, inclusive. Such summaries shall include, but not be limited to,  
893 the aggregate data regarding the number of cases in mediation, the  
894 number of mediation sessions held, the number of agreements reached  
895 before the conclusion of the mediation period, the number of motions  
896 or requests for an extension or continuance and the identity of the  
897 party that made such a motion or request, whether the loan at issue  
898 was serviced by a third party, the judicial district in which the  
899 mediation took place and whether the mortgagor was self-represented.

900 (2) Not later than March 1, [2016, and by March first each year  
901 thereafter until] 2021, and March 1, [2019, inclusive] 2023, the Chief  
902 Court Administrator shall submit, in accordance with the provisions of  
903 section 11-4a, to the joint standing committee of the General Assembly  
904 having cognizance of matters relating to banking, a summary of the  
905 reports submitted from July 1, 2013, to December thirty-first of the  
906 immediately preceding year, inclusive, pursuant to subdivision (2) of  
907 subsections (b) and (c) of this section. The detailed data points for such  
908 summary, including data to be collected but not reported, shall be  
909 developed by the Chief Court Administrator in consultation with  
910 representatives from the Governor's office, the Department of Banking,  
911 the banking industry and consumer advocates.

912 Sec. 7. Section 49-31v of the general statutes is repealed and the  
913 following is substituted in lieu thereof (*Effective from passage*):

914 The [foreclosure mediation program] Ezequiel Santiago Foreclosure  
915 Mediation Program established pursuant to section 49-31m, as  
916 amended by this act, shall be funded within available appropriations  
917 and available until June 30, [2019] 2023. The size of such program shall  
918 be determined by available funding and the number and need of  
919 participants in such program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-265cc(9)
Sec. 2	<i>from passage</i>	49-24f
Sec. 3	<i>from passage</i>	49-30v
Sec. 4	<i>from passage</i>	49-31l
Sec. 5	<i>from passage</i>	49-31m
Sec. 6	<i>from passage</i>	49-31n
Sec. 7	<i>from passage</i>	49-31v

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Judicial Dept.	BF - Cost	1.9 million	2.0 million

Note: BF=Banking Fund

**Municipal Impact:** None

**Explanation**

The bill extends the Foreclosure Mediation Program through FY 23 and results in a cost of \$1.9 million in FY 20 and \$2 million in FY 21 to the Judicial Department (Banking Fund). Funding includes the salary and fringe benefits for 10 mediators. Currently the program is scheduled to sunset on June 30, 2019.

House "A" changes a reporting requirement from annually to biannually and renames the program and does not result in a fiscal impact.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue until FY 23.

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**OLR Bill Analysis****HB 6996 (as amended by House "A")\*****AN ACT EXTENDING THE FORECLOSURE MEDIATION PROGRAM.****SUMMARY**

This bill extends the state's foreclosure mediation program for four years, until July 1, 2023, at which time the court may not accept new mediation requests. By law, the program terminates when the mediation of all timely submitted requests concludes. Under current law, the court may not accept mediation requests on or after July 1, 2019. The bill also designates the program the "Ezequiel Santiago Foreclosure Mediation Program."

The bill decreases the frequency of reports by the chief court administrator of program data. Current law requires the chief court administrator to annually report to the Banking Committee, until March 1, 2019, a summary report of the mediation program, including program data. Under the bill's program extension, the same report must instead be submitted on a biennial basis, by March 1, 2021, and March 1, 2023, respectively.

The state's foreclosure mediation program is available to (1) owner-occupants of a one- to four-family residential real property who use it as their primary residence and (2) religious organizations. The property must be located in Connecticut, and the owner-occupant must be either the borrower under a mortgage on the property or a permitted successor-in-interest (i.e., someone who, among other things, has title to the property due to certain events such as divorce or the borrower's death).

The mediation program brings together judicial branch mediators;

lenders; and borrowers or owner-occupants, as applicable. If an eligible borrower or owner-occupant files an appearance and requests mediation, the lender must participate.

\*House Amendment "A" (1) decreases the frequency of reporting program data by the chief court administrator and (2) names the program after Ezequiel Santiago.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Banking Committee

Joint Favorable  
Yea 10 Nay 5 (03/05/2019)

Appropriations Committee

Joint Favorable  
Yea 29 Nay 15 (05/13/2019)