



General Assembly

January Session, 2021

***Raised Bill No. 891***

LCO No. 3325



Referred to Committee on BANKING

Introduced by:

(BA)

***AN ACT CONCERNING THE EZEQUIEL SANTIAGO FORECLOSURE  
MEDIATION PROGRAM AND OTHER ALTERNATIVES TO  
FORECLOSURE.***

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

1 Section 1. Section 49-311 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2021*):

3 [(a) Prior to July 1, 2023: (1) Any action for the foreclosure of a  
4 mortgage on residential real property with a return date during the  
5 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
6 the provisions of subsection (b) of this section, and (2) any action for the  
7 foreclosure of a mortgage on (A) residential real property with a return  
8 date during the period from July 1, 2009, to June 30, 2023, inclusive, or  
9 (B) real property owned by a religious organization with a return date  
10 during the period from October 1, 2011, to June 30, 2023, inclusive, shall  
11 be subject to the provisions of subsection (c) of this section.

12 (b) (1) Prior to July 1, 2023, when a mortgagee commences an action  
13 for the foreclosure of a mortgage on residential real property with a  
14 return date during the period from July 1, 2008, to June 30, 2009,

15 inclusive, the mortgagee shall give notice to the mortgagor of the  
16 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
17 to section 49-31m by attaching to the front of the foreclosure complaint  
18 that is served on the mortgagor: (A) A copy of the notice of the  
19 availability of foreclosure mediation, in such form as the Chief Court  
20 Administrator prescribes, and (B) a foreclosure mediation request form,  
21 in such form as the Chief Court Administrator prescribes.

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

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

33 (4) No foreclosure mediation request form may be submitted to the  
34 court under this subsection on or after July 1, 2023.

35 (5) If at any time on or after July 1, 2008, but prior to July 1, 2023, the  
36 court determines that the notice requirement of subdivision (1) of this  
37 subsection has not been met, the court may, upon its own motion or  
38 upon the written motion of the mortgagor, issue an order that no  
39 judgment may enter for fifteen days during which period the mortgagor  
40 may submit a foreclosure mediation request form to the court.

41 (6) Notwithstanding any provision of the general statutes or any rule  
42 of law to the contrary, prior to July 1, 2023, no judgment of strict  
43 foreclosure nor any judgment ordering a foreclosure sale shall be  
44 entered in any action subject to the provisions of this subsection and  
45 instituted by the mortgagee to foreclose a mortgage on residential real  
46 property unless: (A) Notice to the mortgagor has been given by the

47 mortgagee in accordance with subdivision (1) of this subsection and the  
48 time for submitting a foreclosure mediation request form has expired  
49 and no foreclosure mediation request form has been submitted, or if  
50 such notice has not been given, the time for submitting a foreclosure  
51 mediation request form pursuant to subdivision (2) or (3) of this  
52 subsection has expired and no foreclosure mediation request form has  
53 been submitted, or (B) the mediation period set forth in subsection (b)  
54 of section 49-31n has expired or has otherwise terminated, whichever is  
55 earlier.

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

59 [(c) (1) Prior to July 1, 2023, when a] (a) Any mortgagee that  
60 commences an action for the foreclosure of a mortgage on residential  
61 real property with a return date on or after July 1, 2009, or, with respect  
62 to real property owned by a religious organization, a return date on or  
63 after October 1, 2011, [the mortgagee] shall give notice to the mortgagor  
64 of the Ezequiel Santiago Foreclosure Mediation Program established  
65 pursuant to section 49-31m by attaching to the front of the writ,  
66 summons and complaint that is served on the mortgagor: [(A)] (1) A  
67 copy of the notice of foreclosure mediation, in such form as the Chief  
68 Court Administrator prescribes, [(B)] (2) a copy of the foreclosure  
69 mediation certificate form described in [subdivision (3) of this]  
70 subsection (c) of this section, in such form as the Chief Court  
71 Administrator prescribes, [(C)] (3) a blank appearance form, in such  
72 form as the Chief Court Administrator prescribes, [(D)] (4) with respect  
73 to an action for the foreclosure of a mortgage on residential real property  
74 with a return date on or after October 1, 2011, to September 30, 2013,  
75 inclusive, a mediation information form and a notice containing contact  
76 information for authority-approved consumer credit counseling  
77 agencies, which form and notice shall be in such form as the Chief Court  
78 Administrator prescribes, and which form shall be designed to elicit  
79 current financial information and such other nonfinancial information  
80 from the mortgagor as the Chief Court Administrator, in consultation

81 with representatives from the banking industry and consumer  
82 advocates, determines will further the objectives of the mediation  
83 program. The Chief Court Administrator shall develop a premediation  
84 review protocol pursuant to which the mediator shall request that any  
85 documents submitted to the mediator for initial review that are  
86 incomplete, contain errors or are likely to be found unacceptable by the  
87 mortgagee be completed or corrected and that the completed or  
88 corrected documents be resubmitted to the mediator for review. Such  
89 premediation review, including any recommendations to complete or  
90 correct documents, shall not be construed to be the practice of law on  
91 behalf of any party to the mediation or the provision of legal advice by  
92 the mediator. The instructions to the mediation information form shall  
93 explain that the completed mediation information form, along with  
94 accompanying documentation reasonably requested from the  
95 mortgagor by way of such instructions, shall be delivered to the  
96 mortgagee's counsel not later than fifteen business days prior to the date  
97 of the initial mediation session, as identified in the notice provided  
98 pursuant to [subdivision (2) of subsection (c)] subsection (a) of section  
99 49-31n, as amended by this act, and [(E)] (5) for an action to foreclose a  
100 mortgage on residential real property with a return date on or after  
101 October 1, 2013, the mediation information form shall instruct the  
102 mortgagor as to the objectives of the mediation program, explain the  
103 preliminary process of meeting with the mediator as described in  
104 [subdivision (4) of this subsection] subsection (d) of this section, instruct  
105 the mortgagor to begin gathering financial documentation commonly  
106 used in foreclosure mediation for use in meeting with the mediator and  
107 in mediation, and include a notice containing contact information for  
108 authority-approved consumer counseling agencies, which shall be in  
109 such form as the Chief Court Administrator prescribes. The content of  
110 the mediation information form shall be designed by the Chief Court  
111 Administrator in consultation with representatives from the banking  
112 industry and consumer advocates.

113 [(2)] (b) The court shall issue a notice of foreclosure mediation  
114 described in [subdivision (3)] subsection (c) of this [subsection] section

115 to the mortgagor not later than the date three business days after the  
116 date the mortgagee returns the writ to the court.

117     [(3)] (c) The notice of foreclosure mediation shall instruct the  
118 mortgagor to file the appearance and foreclosure mediation certificate  
119 forms with the court not later than the date fifteen days from the return  
120 date for the foreclosure action. With respect to actions with a return date  
121 during the period from October 1, 2011, to September 30, 2013, inclusive,  
122 such notice shall remind the mortgagor to deliver the completed  
123 mediation information form and the accompanying documentation  
124 described in [subdivision (1)] subsection (a) of this [subsection] section  
125 and encourage such delivery in advance of the required date. With  
126 respect to actions with a return date [during the period from] on or after  
127 October 1, 2013, [to June 30, 2023, inclusive,] such notice shall instruct  
128 the mortgagor to begin gathering financial information commonly used  
129 in foreclosure mediation for use in meeting with the mediator and in  
130 mediation. The mediation information form and accompanying  
131 documentation shall not, without the explicit written instruction of the  
132 mortgagor, be publicly available. Such notice of foreclosure mediation  
133 shall be accompanied by materials from the Department of Banking, as  
134 prescribed by the Chief Court Administrator, which shall describe the  
135 community-based resources available to the mortgagor, including  
136 authority-approved housing counseling agencies that may assist with  
137 preparation for mediation and application for mortgage assistance  
138 programs. The foreclosure mediation certificate form shall require the  
139 mortgagor to provide sufficient information to permit the court to  
140 confirm that the defendant in the foreclosure action is a mortgagor, and  
141 to certify that said mortgagor has sent a copy of the mediation certificate  
142 form to the plaintiff in the action. With respect to actions with a return  
143 date on or after October 1, 2015, in order to ensure that all necessary  
144 consents to the disclosure of nonpublic personal financial information  
145 have been provided to the mortgagee, such that a spouse may be  
146 considered a permitted successor-in-interest, the court shall confirm  
147 that the foreclosure mediation certificate submitted by [(A)] (1) the  
148 spouse or former spouse provides consent to the full disclosure by the

149 mortgagee of such spouse's or former spouse's nonpublic personal  
150 financial information to any other person who is obligated as a borrower  
151 on the note, to the extent the mortgagee has such information, and [(B)]  
152 (2) any other person who is a mortgagor provides consent to the full  
153 disclosure by the mortgagee of such person's nonpublic personal  
154 financial information to such spouse or former spouse, to the extent the  
155 mortgagee has such information. If a foreclosure mediation certificate is  
156 not submitted by a mortgagor, other than a spouse or former spouse  
157 claiming to be a permitted successor-in-interest, the court shall confirm,  
158 in lieu of the requirements of [subparagraph (B) of this subdivision]  
159 subdivision (2) of this subsection, that the foreclosure mediation  
160 certificate submitted by the spouse or former spouse contains a  
161 statement, signed by the spouse or former spouse, certifying that all  
162 persons who are obligated on the note have otherwise given  
163 documentation to the mortgagee which allows for the full disclosure by  
164 the mortgagee of such person's nonpublic personal information to the  
165 spouse or former spouse, to the extent the mortgagee has such  
166 information. Such a certification may be rebutted conclusively by the  
167 mortgagee if the mortgagee submits a written statement to the court in  
168 which the mortgagee certifies that, based upon reasonable belief, the  
169 mortgagee does not possess such documentation.

170 [(4)] (d) Upon receipt of the mortgagor's appearance and foreclosure  
171 mediation certificate forms, and provided the court confirms the  
172 defendant in the foreclosure action is a mortgagor and that said  
173 mortgagor has sent a copy of the mediation certificate form to the  
174 plaintiff, the court shall assign the case to mediation and issue notice of  
175 such assignment to all appearing parties, which notice shall include an  
176 electronic mail address for all communications related to the mediation.  
177 The court shall issue such notice not earlier than the date five business  
178 days after the return date or by the date three business days after the  
179 date on which the court receives the mortgagor's appearance and  
180 foreclosure mediation certificate forms, whichever is later, except that if  
181 the court does not receive the appearance and foreclosure mediation  
182 certificate forms from the mortgagor by the date fifteen days after the

183 return date for the foreclosure action, the court shall not assign the case  
184 to mediation. Promptly upon receipt of the notice of assignment, but not  
185 later than the thirty-fifth day following the return date, the mortgagee  
186 or its counsel shall deliver to the mediator, via the electronic mail  
187 address provided for communications related to the mediation, and to  
188 the mortgagor, via first class, priority or overnight mail, [(A)] (1) an  
189 account history identifying all credits and debits assessed to the loan  
190 account and any related escrow account in the immediately preceding  
191 twelve-month period and an itemized statement of the amount required  
192 to reinstate the mortgage loan with accompanying information, written  
193 in plain language, to explain any codes used in the history and statement  
194 which are not otherwise self-explanatory, [(B)] (2) the name, business  
195 mailing address, electronic mail address, facsimile number and direct  
196 telephone number of an individual able to respond with reasonable  
197 adequacy and promptness to questions relative to the information  
198 submitted to the mediator pursuant to this subdivision, and any  
199 subsequent updates to such contact information, which shall be  
200 provided reasonably promptly to the mediator via the electronic mail  
201 address provided for communication related to the mediation, [(C)] (3)  
202 current versions of all reasonably necessary forms and a list of all  
203 documentation reasonably necessary for the mortgagee to evaluate the  
204 mortgagor for common alternatives to foreclosure that are available  
205 through the mortgagee, if any, [(D)] (4) a copy of the note and mortgage,  
206 including any agreements modifying such documents, [(E)] (5)  
207 summary information regarding the status of any pending foreclosure  
208 avoidance efforts being undertaken by the mortgagee, [(F)] (6) a copy of  
209 any loss mitigation affidavit filed with the court, and [(G)] (7) at the  
210 mortgagee's option, [(i)] (A) the history of foreclosure avoidance efforts  
211 with respect to the mortgagor, [(ii)] (B) information regarding the  
212 condition of mortgaged property, and [(iii)] (C) such other information  
213 as the mortgagee may determine is relevant to meeting the objectives of  
214 the mediation program. Following the mediator's receipt of such  
215 information, the court shall assign a mediator to the mediation and  
216 schedule a meeting with the mediator and all mortgagors who are  
217 relevant and necessary to the mediation and to any agreement being

218 contemplated in connection with the mediation and shall endeavor to  
219 hold such meeting on or prior to the forty-ninth day following the return  
220 date. The notice of such meeting shall instruct the mortgagor to  
221 complete the forms prior to the meeting and to furnish such forms  
222 together with the documentation contained in the list, as provided by  
223 the mortgagee following the filing of the foreclosure mediation  
224 certificate, at the meeting. At such meeting, the mediator shall review  
225 such forms and documentation with the mortgagor, along with the  
226 information supplied by the mortgagee, in order to discuss the options  
227 that may be available to the mortgagor, including any community-based  
228 resources, and assist the mortgagor in completing the forms and  
229 furnishing the documentation necessary for the mortgagee to evaluate  
230 the mortgagor for alternatives to foreclosure. The mediator may elect to  
231 schedule subsequent meetings with the mortgagor and determine  
232 whether any mortgagor may be excused from an in-person appearance  
233 at such subsequent meeting. The mediator may excuse any mortgagor  
234 from attending such meeting or any subsequent meetings, provided the  
235 mortgagor shows good cause for nonattendance. Such good cause may  
236 include, but is not limited to, the mortgagor no longer owning the home  
237 pursuant to a judgment of marital dissolution and related transfer via  
238 deed, or no longer residing in the home and not being a necessary party  
239 to any agreement being contemplated in connection with the mediation.  
240 As soon as practicable, but in no case later than the eighty-fourth day  
241 following the return date, or the extended deadline if such an extended  
242 deadline is established pursuant to this subdivision, the mediator shall  
243 facilitate and confirm the submission by the mortgagor of the forms and  
244 documentation to the mortgagee's counsel via electronic means and, at  
245 the mortgagee's election, directly to the mortgagee per the mortgagee's  
246 instruction, and determine, based on the participating mortgagor's  
247 attendance at the meetings and the extent the mortgagor completed the  
248 forms and furnished the documentation contemplated in this  
249 subdivision, or failed to perform such tasks through no material fault of  
250 the mortgagee, and file a report with the court indicating, [(I)] (i)  
251 whether mediation shall be scheduled with the mortgagee, [(II)] (ii)  
252 whether the mortgagor attended scheduled meetings with the mediator,



253 [(III)] (iii) whether the mortgagor fully or substantially completed the  
254 forms and furnished the documentation requested by the mortgagee,  
255 [(IV)] (iv) the date on which the mortgagee supplied the forms and  
256 documentation, and [(V)] (v) any other information the mediator  
257 determines to be relevant to the objectives of the mediation program.  
258 The mediator may file, and the court may grant, a motion for extension  
259 of the premediation period beyond the eighty-fourth day following the  
260 return date if good cause can be shown for such an extension. Any such  
261 motion shall be filed, with a copy simultaneously sent to the mortgagee  
262 and as soon as practicable to the mortgagor, not later than the eighty-  
263 fourth day following the return date. The mortgagee and mortgagor  
264 shall each have five business days from the day the motion was filed to  
265 file an objection or supplemental papers, and the court shall issue its  
266 ruling, without a hearing, not later than ten business days from the date  
267 the motion was filed. If the court determines that good cause exists for  
268 an extension, the court shall therewith establish an extended deadline  
269 so that the premediation period shall end as soon thereafter as may be  
270 practicable, but not later than thirty-five days from the date of the  
271 ruling, taking into account the complexity of the mortgagor's financial  
272 circumstances, the mortgagee's documentation requirements, and the  
273 timeliness of the mortgagee's and mortgagor's compliance with their  
274 respective premediation obligations. If the court denies the mediator's  
275 motion, the extended deadline for purposes of this subdivision shall be  
276 three days after the court rules on the motion. No meeting or  
277 communication between the mediator and mortgagor under this  
278 subdivision shall be treated as an impermissible ex parte  
279 communication. If the mediator determines that the mortgagee shall  
280 participate in mediation, the court shall promptly issue notice to all  
281 parties of such determination and schedule a mediation session between  
282 the mortgagee and all mortgagors who are relevant and necessary to the  
283 mediation and to any agreement being contemplated in connection with  
284 the mediation, in accordance with subsection [(c)] (a) of section 49-31n,  
285 as amended by this act, to be held not later than five weeks following  
286 the submission to the mortgagee of the forms and documentation  
287 contemplated in this [subdivision] subsection. The mediator may excuse

288 any mortgagor from attending the mediation session or subsequent  
289 meetings, provided good cause is shown for nonattendance. Such good  
290 cause may include, but is not limited to, the mortgagor no longer  
291 owning the home pursuant to a judgment of marital dissolution and  
292 related transfer via deed, no longer residing in the home or not being a  
293 necessary party to any agreement being contemplated in connection  
294 with the mediation. If the mediator determines that no sessions between  
295 the mortgagee and mortgagor shall be scheduled, the court shall  
296 promptly issue notice to all parties regarding such determination and  
297 mediation shall be terminated. Any mortgagor wishing to contest such  
298 determination shall petition the court and show good cause for  
299 reinclusion in the mediation program, including, but not limited to, a  
300 material change in financial circumstances or a mistake or  
301 misunderstanding of the facts by the mediator.

302 [(5)] (e) Notwithstanding the provisions of this [subsection] section,  
303 the court may refer a foreclosure action brought by a mortgagee to the  
304 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
305 to section 49-31m at any time, for good cause shown, provided the  
306 mortgagor has filed an appearance in said action and further provided  
307 the court shall, not later than the date three business days after the date  
308 on which it makes such referral, send a notice to each appearing party  
309 assigning the case to mediation and requiring the parties to participate  
310 in the premediation process described in [subdivision (4) of this]  
311 subsection (d) of this section, with the court establishing deadlines to  
312 ensure that the premediation process is to be completed by the parties  
313 as expeditiously as the circumstances warrant and permit. When  
314 determining whether good cause exists, the court shall consider whether  
315 the parties are likely to benefit from mediation and, in the case of a  
316 referral after prior attempts at mediation have been terminated, whether  
317 there has been a material change in circumstances.

318 [(6)] (f) Notwithstanding any provision of the general statutes or any  
319 rule of law, [prior to July 1, 2023, (A)] (1) for the period of time which  
320 shall not exceed eight months from the return date, the mortgagor shall  
321 be permitted to file an answer, special defenses or counterclaims, but no

322 mortgagee or mortgagor shall make any motion, request or demand  
 323 with respect to the other, except those motions, requests or demands  
 324 that relate to the mediation program described in section 49-31m and  
 325 the mediation sessions held pursuant to such program, provided [(i)]  
 326 (A) a mortgagor seeking to contest the court's jurisdiction may file a  
 327 motion to dismiss and the mortgagee may object to such motion to  
 328 dismiss in accordance with applicable law and the rules of the courts,  
 329 and [(ii)] (B) if the mortgagor elects to make any other motion, request  
 330 or demand with respect to the mortgagee, the eight-month limit shall no  
 331 longer apply to either party; and [(B)] (2) no judgment of strict  
 332 foreclosure nor any judgment ordering a foreclosure sale shall be  
 333 entered in any action subject to the provisions of this subsection and  
 334 instituted by the mortgagee to foreclose a mortgage on residential real  
 335 property or real property owned by a religious organization unless: [(i)]  
 336 (A) The mediation period set forth in subsection [(c)] (a) of section 49-  
 337 31n, as amended by this act, has expired or has otherwise terminated,  
 338 whichever is earlier, and, if fewer than eight months has elapsed from  
 339 the return date at the time of termination, fifteen days have elapsed  
 340 since such termination and any pending motion or request to extend the  
 341 mediation period has been heard and denied by the court, or [(ii)] (B)  
 342 the mediation program is not otherwise required or available. Nothing  
 343 in this subdivision shall affect any motion made or any default or  
 344 judgment entered on or before June 30, 2011.

345 [(7)] (g) With respect to foreclosure actions with a return date [during  
 346 the period from] on or after July 1, 2011, [to June 30, 2023, inclusive,]  
 347 notwithstanding any provision of the general statutes or any rule of law  
 348 to the contrary, the mortgagee shall be permitted following the eight-  
 349 month or fifteen-day period described in [subdivision (6) of this]  
 350 subsection (f) of this section, to simultaneously file, as applicable, [(A)]  
 351 (1) a motion for default, and [(B)] (2) a motion for judgment of strict  
 352 foreclosure or a motion for judgment of foreclosure by sale with respect  
 353 to the mortgagor in the foreclosure action.

354 [(8)] (h) None of the mortgagor's or mortgagee's rights in the  
 355 foreclosure action shall be waived by participation in the Ezequiel

356 Santiago Foreclosure Mediation Program.

357 Sec. 2. Section 49-31n of the general statutes is repealed and the  
358 following is substituted in lieu thereof (*Effective October 1, 2021*):

359 [(a) Prior to July 1, 2023: (1) Any action for the foreclosure of a  
360 mortgage on residential real property with a return date during the  
361 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
362 the provisions of subsection (b) of this section, and (2) any action for the  
363 foreclosure of a mortgage on (A) residential real property with a return  
364 date during the period from July 1, 2009, to June 30, 2023, inclusive, or  
365 (B) real property owned by a religious organization with a return date  
366 during the period from October 1, 2011, to June 30, 2023, inclusive, shall  
367 be subject to the provisions of subsection (c) of this section.

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

383 (2) The first mediation session shall be held not later than fifteen  
384 business days after the court sends notice to all parties that a foreclosure  
385 mediation request form has been submitted to the court. The mortgagor  
386 and mortgagee shall appear in person at each mediation session and  
387 shall have the ability to mediate, except that (A) if a party is represented

388 by counsel, the party's counsel may appear in lieu of the party to  
389 represent the party's interests at the mediation, provided the party has  
390 the ability to mediate, and the party is available (i) during the mediation  
391 session by telephone, and (ii) to participate in the mediation session by  
392 speakerphone, provided an opportunity is afforded for confidential  
393 discussions between the party and party's counsel, (B) following the  
394 initial mediation session, if there are two or more mortgagors who are  
395 self-represented, only one mortgagor shall be required to appear in  
396 person at each subsequent mediation session unless good cause is  
397 shown, provided the other mortgagors are available (i) during the  
398 mediation session, and (ii) to participate in the mediation session by  
399 speakerphone, (C) if a party suffers from a disability or other significant  
400 hardship that imposes an undue burden on such party to appear in  
401 person, the mediator may grant permission to such party to participate  
402 in the mediation session by telephone, and (D) a mortgagor may be  
403 excused from appearing at the mediation session if good cause is shown  
404 that the presence of such mortgagor is not needed to further the interests  
405 of mediation. Such good cause may include, but is not limited to, the  
406 mortgagor no longer owning the home pursuant to a judgment of  
407 marital dissolution and related transfer via deed, no longer residing in  
408 the home or not being a necessary party to any agreement being  
409 contemplated in connection with the mediation. A mortgagor's spouse,  
410 who is not a mortgagor but who lives in the subject property, may  
411 appear at each mediation session, provided all appearing mortgagors  
412 consent, in writing, to such spouse's appearance or such spouse shows  
413 good cause for his or her appearance and the mortgagors consent in  
414 writing to the disclosure of nonpublic personal information to such  
415 spouse. If the mortgagor has submitted a complete package of financial  
416 documentation in connection with a request for a particular foreclosure  
417 alternative, the mortgagee shall have thirty-five days from the receipt of  
418 the completed package to respond with a decision and, if the decision is  
419 a denial of the request, provide the reasons for such denial. If the  
420 mortgagor has, in connection with a request for a foreclosure  
421 alternative, submitted a financial package that is not complete, or if the  
422 mortgagee's evaluation of a complete package reveals that additional

423 information is necessary to underwrite the request, the mortgagee shall  
424 request the missing or additional information within a reasonable  
425 period of time of such evaluation. If the mortgagee's evaluation of a  
426 complete package reveals that additional information is necessary to  
427 underwrite the request, the thirty-five-day deadline for a response shall  
428 be extended but only for so long as is reasonable given the timing of the  
429 mortgagor's submission of such additional information and the nature  
430 and context of the required underwriting. Not later than the third  
431 business day after each mediation session held on or after June 18, 2013,  
432 the mediator shall file with the court a report indicating, to the extent  
433 applicable, (i) the extent to which each of the parties complied with the  
434 requirements set forth in this subdivision, including the requirement to  
435 engage in conduct that is consistent with the objectives of the mediation  
436 program and to possess the ability to mediate, (ii) whether the  
437 mortgagor submitted a complete package of financial documentation to  
438 the mortgagee, (iii) a general description of the foreclosure alternative  
439 being requested by the mortgagor, (iv) whether the mortgagor has  
440 previously been evaluated for similar requests, whether prior to  
441 mediation or in mediation, and, if so, whether there has been any  
442 apparent change in circumstances since a decision was made with  
443 respect to that prior evaluation, (v) whether the mortgagee has  
444 responded to the mortgagor's request for a foreclosure alternative and,  
445 if so, a description of the response and whether the mediator is aware of  
446 any material reason not to agree with the response, (vi) whether the  
447 mortgagor has responded to an offer made by the mortgagee on a  
448 reasonably timely basis, and if so, an explanation of the response, (vii)  
449 whether the mortgagee has requested additional information from the  
450 mortgagor and, if so, the stated reasons for the request and the date by  
451 which such additional information shall be submitted so that  
452 information previously submitted by the mortgagor, to the extent  
453 possible, may still be used by the mortgagee in conducting its review,  
454 (viii) whether the mortgagor has supplied, on a reasonably timely basis,  
455 any additional information that was reasonably requested by the  
456 mortgagee, and, if not, the stated reason for not doing so, (ix) if  
457 information provided by the mortgagor is no longer current for

458 purposes of evaluating a foreclosure alternative, a description of the  
459 out-of-date information and an explanation as to how and why such  
460 information is no longer current, (x) whether the mortgagee has  
461 provided a reasonable explanation of the basis for a decision to deny a  
462 request for a loss mitigation option or foreclosure alternative and  
463 whether the mediator is aware of any material reason not to agree with  
464 that decision, (xi) whether the mortgagee has complied with the time  
465 frames set forth in this subdivision for responding to requests for  
466 decisions, (xii) if a subsequent mediation session is expected to occur, a  
467 general description of the expectations for such subsequent session and  
468 for the parties prior to such subsequent session and, if not otherwise  
469 addressed in the report, whether the parties satisfied the expectations  
470 set forth in previous reports, and (xiii) a determination of whether the  
471 parties will benefit from further mediation. The mediator shall deliver a  
472 copy of such report to each party to the mediation when the mediator  
473 files the report. The parties shall have the opportunity to submit their  
474 own supplemental information following the filing of the report,  
475 provided such supplemental information shall be submitted not later  
476 than five business days following the receipt of the mediator's report.  
477 Any request by the mortgagee to the mortgagor for additional or  
478 updated financial documentation shall be made in writing. The court  
479 may impose sanctions on any party or on counsel to a party if such party  
480 or such counsel engages in intentional or a pattern or practice of conduct  
481 during the mediation process that is contrary to the objectives of the  
482 mediation program. Any sanction that is imposed shall be proportional  
483 to the conduct and consistent with the objectives of the mediation  
484 program. Available sanctions shall include, but not be limited to,  
485 terminating mediation, ordering the mortgagor or mortgagee to  
486 mediate in person, forbidding the mortgagee from charging the  
487 mortgagor for the mortgagee's attorney's fees, awarding attorney's fees,  
488 and imposing fines. In the case of egregious misconduct, the sanctions  
489 shall be heightened. The court shall not award attorney's fees to any  
490 mortgagee for time spent in any mediation session if the court finds that  
491 such mortgagee has failed to comply with this subdivision, unless the  
492 court finds reasonable cause for such failure.

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

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

502 (5) The Chief Court Administrator shall establish policies and  
503 procedures to implement this subsection. Such policies and procedures  
504 shall, at a minimum, provide that the mediator shall advise the  
505 mortgagor at the first meeting required by subdivision (4) of subsection  
506 (c) of section 49-311 that a judgment of strict foreclosure or foreclosure  
507 by sale may cause the mortgagor to lose the residential real property to  
508 foreclosure.

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

511 (7) Foreclosure mediation request forms shall not be accepted by the  
512 court under this subsection on or after July 1, 2023, and the Ezequiel  
513 Santiago Foreclosure Mediation Program shall terminate when all  
514 mediation has concluded with respect to any applications submitted to  
515 the court prior to July 1, 2023.

516 (8) At any time during the mediation period, the mediator may refer  
517 a mortgagor who is the owner-occupant of one-to-four family  
518 residential real property to the mortgage assistance programs, except  
519 that any such referral shall not prevent a mortgagee from proceeding to  
520 judgment when the conditions specified in subdivision (6) of subsection  
521 (b) of section 49-311 have been satisfied.

522 (9) (A) The mediation period shall conclude following the third  
523 mediation session or if more than seven months have elapsed since the



524 return date. Not later than fifteen days following the conclusion of the  
525 mediation period, and any extended mediation sessions held in  
526 accordance with this subdivision, any party may move for, or the  
527 mediator may request, an extension of the mediation period. The court  
528 shall grant only one additional mediation session per motion or request  
529 upon a finding that it is highly probable the parties will reach an  
530 agreement through mediation. The court may also grant one additional  
531 mediation session per motion or request upon a finding that any party  
532 has engaged, either intentionally or by a pattern or practice, in conduct  
533 that is contrary to the objectives of the mediation program. The court  
534 shall make its ruling not later than twenty days after the filing of such  
535 motion or request, and no judgment of strict foreclosure or any  
536 judgment ordering a foreclosure sale shall be entered until (i) the court  
537 denies the motion or request, or (ii) the conclusion of the extended  
538 mediation session, except as provided in subparagraph (B) of this  
539 subdivision. Upon the grant of an additional mediation session  
540 following the proper finding, the court shall establish an expeditious  
541 deadline for such extended mediation session to occur. Such extended  
542 mediation period shall conclude following such extended mediation  
543 session.

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

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

558 mediation.

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

568 [(c) (1)] (a) For any action for the foreclosure of a mortgage on  
569 residential real property with a return date [during the period from] on  
570 or after July 1, 2009, [to June 30, 2023, inclusive,] or for any action for the  
571 foreclosure of a mortgage on real property owned by a religious  
572 organization with a return date [during the period from] on or after  
573 October 1, 2011, [to June 30, 2023, inclusive,] the mediation period under  
574 the Ezequiel Santiago Foreclosure Mediation Program established  
575 pursuant to section 49-31m shall commence when the court sends notice  
576 to each appearing party scheduling the first foreclosure mediation  
577 session. The mediation period shall conclude not later than the  
578 conclusion of the third mediation session between the mortgagor and  
579 mortgagee or seven months after the return date, whichever is earlier,  
580 except that the court may, in its discretion, for good cause shown, upon  
581 the motion of any party or request by the mediator, extend the  
582 mediation period subject to the provisions of [subdivision (9) of this  
583 subsection] subsection (h) of this section or shorten the mediation  
584 period.

585 [(2)] (b) The mortgagor and mortgagee shall appear in person at each  
586 mediation session and shall have the ability to mediate, except that [(A)]  
587 (1) if a party is represented by counsel, the party's counsel may appear  
588 in lieu of the party to represent the party's interests at the mediation,  
589 provided the party has the ability to mediate and the party is available  
590 [(i)] (A) during the mediation session by telephone, and [(ii)] (B) to

591 participate in the mediation session by speakerphone, provided an  
592 opportunity is afforded for confidential discussions between the party  
593 and party's counsel, [(B)] (2) following the initial mediation session, if  
594 there are two or more mortgagors who are self-represented, only one  
595 mortgagor shall be required to appear in person at each subsequent  
596 mediation session unless good cause is shown, provided the other  
597 mortgagors are available [(i)] (A) during the mediation session, and [(ii)]  
598 (B) to participate in the mediation session by speakerphone, [(C)] (3) if a  
599 party suffers from a disability or other significant hardship that imposes  
600 an undue burden on such party to appear in person, the mediator may  
601 grant permission to such party to participate in the mediation session  
602 by telephone, and [(D)] (4) a mortgagor may be excused from appearing  
603 at the mediation session if cause is shown that the presence of such  
604 mortgagor is not needed to further the interests of mediation. Such  
605 cause may include, but is not limited to, the mortgagor no longer  
606 owning the home pursuant to a judgment of marital dissolution and  
607 related transfer via deed or no longer residing in the home or not being  
608 a necessary party to any agreement being contemplated in connection  
609 with the mediation. A mortgagor's spouse, who is not a mortgagor but  
610 who lives in the subject property, may appear at each mediation session,  
611 provided all appearing mortgagors consent, in writing, to such spouse's  
612 appearance or such spouse shows good cause for his or her appearance  
613 and the mortgagors consent, in writing, to the disclosure of nonpublic  
614 personal information to such spouse. If the mortgagor has submitted a  
615 complete package of financial documentation in connection with a  
616 request for a particular foreclosure alternative, the mortgagee shall have  
617 thirty-five days from the receipt of the completed package to respond  
618 with a decision and, if the decision is a denial of the request, provide the  
619 reasons for such denial. If the mortgagor has, in connection with a  
620 request for a foreclosure alternative, submitted a financial package that  
621 is not complete, or if the mortgagee's evaluation of a complete package  
622 reveals that additional information is necessary to underwrite the  
623 request, the mortgagee shall request the missing or additional  
624 information within a reasonable period of time of such evaluation. If the  
625 mortgagee's evaluation of a complete package reveals that additional

626 information is necessary to underwrite the request, the thirty-five-day  
627 deadline for a response shall be extended but only for so long as is  
628 reasonable given the timing of the mortgagor's submission of such  
629 additional information and the nature and context of the required  
630 underwriting. Not later than the third business day after each mediation  
631 session, the mediator shall file with the court a report indicating, to the  
632 extent applicable, [(i)] (A) the extent to which each of the parties  
633 complied with the requirements set forth in this subdivision, including  
634 the requirement to engage in conduct that is consistent with the  
635 objectives of the mediation program and to possess the ability to  
636 mediate, [(ii)] (B) whether the mortgagor submitted a complete package  
637 of financial documentation to the mortgagee, [(iii)] (C) a general  
638 description of the foreclosure alternative being requested by the  
639 mortgagor, [(iv)] (D) whether the mortgagor has previously been  
640 evaluated for similar requests, whether prior to mediation or in  
641 mediation, and, if so, whether there has been any apparent change in  
642 circumstances since a decision was made with respect to that prior  
643 evaluation, [(v)] (E) whether the mortgagee has responded to the  
644 mortgagor's request for a foreclosure alternative and, if so, a description  
645 of the response and whether the mediator is aware of any material  
646 reason not to agree with the response, [(vi)] (F) whether the mortgagor  
647 has responded to an offer made by the mortgagee on a reasonably timely  
648 basis, and if so, an explanation of the response, [(vii)] (G) whether the  
649 mortgagee has requested additional information from the mortgagor  
650 and, if so, the stated reasons for the request and the date by which such  
651 additional information shall be submitted so that information  
652 previously submitted by the mortgagor, to the extent possible, may still  
653 be used by the mortgagee in conducting its review, [(viii)] (H) whether  
654 the mortgagor has supplied, on a reasonably timely basis, any  
655 additional information that was reasonably requested by the mortgagee,  
656 and, if not, the stated reason for not doing so, [(ix)] (I) if information  
657 provided by the mortgagor is no longer current for purposes of  
658 evaluating a foreclosure alternative, a description of the out-of-date  
659 information and an explanation as to how and why such information is  
660 no longer current, [(x)] (J) whether the mortgagee has provided a

661 reasonable explanation of the basis for a decision to deny a request for a  
662 loss mitigation option or foreclosure alternative and whether the  
663 mediator is aware of any material reason not to agree with that decision,  
664 [(xi)] (K) whether the mortgagee has complied with the time frames set  
665 forth in this subdivision for responding to requests for decisions, [(xii)]  
666 (L) if a subsequent mediation session is expected to occur, a general  
667 description of the expectations for such subsequent session and for the  
668 parties prior to such subsequent session and, if not otherwise addressed  
669 in the report, whether the parties satisfied the expectations set forth in  
670 previous reports, and [(xiii)] (M) a determination of whether the parties  
671 will benefit from further mediation. The mediator shall deliver a copy  
672 of such report to each party to the mediation when the mediator files the  
673 report. The parties shall have the opportunity to submit their own  
674 supplemental information following the filing of the report, provided  
675 such supplemental information shall be submitted not later than five  
676 business days following the receipt of the mediator's report. Any  
677 request by the mortgagee to the mortgagor for additional or updated  
678 financial documentation shall be made in writing. The court may  
679 impose sanctions on any party or on counsel to a party if such party or  
680 such counsel engages in intentional or a pattern or practice of conduct  
681 during the mediation process that is contrary to the objectives of the  
682 mediation program. Any sanction that is imposed shall be proportional  
683 to the conduct and consistent with the objectives of the mediation  
684 program. Available sanctions shall include, but not be limited to,  
685 terminating mediation, ordering the mortgagor or mortgagee to  
686 mediate in person, forbidding the mortgagee from charging the  
687 mortgagor for the mortgagee's attorney's fees, awarding attorney's fees,  
688 and imposing fines. In the case of egregious misconduct, the sanctions  
689 shall be heightened. The court shall not award attorney's fees to any  
690 mortgagee for time spent in any mediation session if the court finds that  
691 such mortgagee has failed to comply with this subdivision, unless the  
692 court finds reasonable cause for such failure.

693 [(3)] (c) If the mediator reports to the court that the parties will not  
694 benefit from further mediation, the mediation period shall terminate

695 automatically. If the mediator reports to the court after the first or  
696 second mediation session that the parties may benefit from further  
697 mediation, the mediation period shall continue.

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

703 [(5)] (e) The Chief Court Administrator shall establish policies and  
704 procedures to implement this [subsection] section. Such policies and  
705 procedures shall, at a minimum, provide that the mediator shall advise  
706 the mortgagor at the first meeting required by [subdivision (4) of  
707 subsection (c)] subsection (d) of section 49-31l, as amended by this act,  
708 that: [(A)] (1) Such mediation does not suspend the mortgagor's  
709 obligation to respond to the foreclosure action beyond the limited time  
710 frame described in [subdivision (6) of subsection (c)] subsection (f) of  
711 section 49-31l, as amended by this act; and [(B)] (2) a judgment of strict  
712 foreclosure or foreclosure by sale may cause the mortgagor to lose the  
713 residential real property or real property owned by a religious  
714 organization to foreclosure.

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

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

722 [(8)] (g) At any time during the mediation period, the mediator may  
723 refer a mortgagor who is the owner-occupant of one-to-four family  
724 residential real property to the mortgage assistance programs, except  
725 that any such referral shall not prevent a mortgagee from proceeding to  
726 judgment when the conditions specified in [subdivision (6) of

727 subsection (c)] subsection (f) of section 49-311, as amended by this act,  
728 have been satisfied.

729 [(9) (A)] (h) (1) The mediation period shall conclude following the  
730 third mediation session or if more than seven months have elapsed since  
731 the return date. Not later than fifteen days following the conclusion of  
732 the mediation period, and any subsequent extended mediation sessions  
733 held in accordance with this subdivision, any party may move for, or  
734 the mediator may request, an extension of the mediation period. The  
735 court shall grant only one additional mediation session per motion or  
736 request upon a finding that it is highly probable the parties will reach  
737 an agreement through mediation. The court may also grant one  
738 additional mediation session per motion or request upon a finding that  
739 any party has engaged, either intentionally or by a pattern or practice,  
740 in conduct that is contrary to the objectives of the mediation program.  
741 The court shall make its ruling not later than twenty days after the filing  
742 of such motion or request, and no judgment of strict foreclosure or any  
743 judgment ordering a foreclosure sale shall be entered until [(i)] (A) the  
744 court denies the motion or request, or [(ii)] (B) the conclusion of the  
745 subsequent extended mediation session, except as provided in  
746 [subparagraph (B) of this] subdivision (2) of this subsection. Upon the  
747 grant of an additional mediation session following the proper finding,  
748 the court shall establish a reasonably expeditious deadline for such  
749 subsequent extended mediation session to occur. Such extended  
750 mediation period shall conclude following such subsequent extended  
751 mediation session.

752 [(B)] (2) The mediation period may be extended for one additional  
753 mediation session without a hearing held pursuant to this subdivision  
754 provided all parties to the mediation agree that such parties would  
755 benefit from such a session and, in consultation with the mediator,  
756 establish a reasonably expeditious deadline for such session to take  
757 place.

758 [(C)] (3) To determine whether to extend mediation, the court may  
759 consider all matters that have arisen in the mediation, including, but not

760 limited to, the number of motions to extend mediation, the reasons for  
761 which an agreement has not been reached, the objectives of the  
762 mediation program, the extent to which the parties will benefit from  
763 further mediation, the reports submitted by the mediator, papers  
764 submitted in connection with any motion, and any supplemental  
765 reports submitted by a party. The court shall articulate its reasons in the  
766 order granting or denying any such motion or request to extend  
767 mediation.

768 [(10)] (i) For any case pending as of October 1, 2013, in which  
769 mediation is ongoing, [(A)] (1) if three or fewer sessions have been held,  
770 such case shall be treated as if no sessions have been held as of said date  
771 for purposes of [subdivision (9) of this] subsection (h) of this section,  
772 and [(B)] (2) if four or more sessions have been held, then any party or  
773 the mediator may move to terminate the mediation period or extend  
774 such period in accordance with [subdivision (9) of this] subsection (h) of  
775 this section and, if no such motion to extend is made, the mediation  
776 period shall conclude after the third mediation session occurring after  
777 October 1, 2013.

778 [(d) (1) Not later than February 14, 2014, the Chief Court  
779 Administrator shall submit, in accordance with the provisions of section  
780 11-4a, to the joint standing committee of the General Assembly having  
781 cognizance of matters relating to banking, a summary regarding the  
782 mediation program and a general summary of the data collected in the  
783 reports submitted pursuant to subdivision (2) of subsections (b) and (c)  
784 of this section from July 1, 2013, to December 31, 2013, inclusive. Such  
785 summaries shall include, but not be limited to, the aggregate data  
786 regarding the number of cases in mediation, the number of mediation  
787 sessions held, the number of agreements reached before the conclusion  
788 of the mediation period, the number of motions or requests for an  
789 extension or continuance and the identity of the party that made such a  
790 motion or request, whether the loan at issue was serviced by a third  
791 party, the judicial district in which the mediation took place and  
792 whether the mortgagor was self-represented.]



793 [(2)] (j) Not later than March 1, 2021, and on or before March [1, 2023]  
794 first each year thereafter, the Chief Court Administrator shall submit, in  
795 accordance with the provisions of section 11-4a, to the joint standing  
796 committee of the General Assembly having cognizance of matters  
797 relating to banking, a summary of the reports submitted from July 1,  
798 2013, to December thirty-first of the immediately preceding year,  
799 inclusive, pursuant to [subdivision (2) of subsections] subsection (b)  
800 [and (c)] of this section. The detailed data points for such summary,  
801 including data to be collected but not reported, shall be developed by  
802 the Chief Court Administrator in consultation with representatives from  
803 the Governor's office, the Department of Banking, the banking industry  
804 and consumer advocates.

805 Sec. 3. Subdivisions (8) and (9) of section 49-31k of the general statutes  
806 are repealed and the following is substituted in lieu thereof (*Effective*  
807 *October 1, 2021*):

808 (8) "Ability to mediate" means an exhibition on the part of the  
809 relevant person of a willingness, including a reasonable ability, to  
810 participate in the mediation process in a manner consistent with the  
811 objectives of the mediation program and in conformity with any  
812 obligations imposed in accordance with [subdivision (2) of subsection  
813 (b) or (c), as applicable, of] section 49-31n, as amended by this act,  
814 including, but not limited to, a willingness and reasonable ability to  
815 respond to questions and specify or estimate when particular decisions  
816 will be made or particular information will be furnished and, with  
817 respect to the mortgagee, a reasonable familiarity with the loan file, any  
818 loss mitigation options that are available to the mortgagor and the  
819 material issues raised in prior mediation sessions. Reasonable  
820 familiarity with such material issues may be achieved by becoming  
821 reasonably familiar with the mediator reports submitted in accordance  
822 with [subdivision (4) of subsections (b) and (c)] subsection (d) of section  
823 49-31n, as amended by this act, to the extent such reports are available;

824 (9) "Permitted successor-in-interest" means a person who is a  
825 defendant in a foreclosure action with a return date on or after October

826 1, 2015, and either (A) the former spouse of a decedent-mortgagor, who  
827 acquired sole title to the residential real property by virtue of a transfer  
828 from the decedent-mortgagor's estate or by virtue of the death of the  
829 decedent-mortgagor where title was held as joint tenants or tenants in  
830 the entirety, or (B) the spouse or former spouse of a mortgagor or former  
831 mortgagor who (i) acquired title to the residential real property by  
832 virtue of a transfer from such mortgagor or former mortgagor where  
833 such transfer resulted from a court decree dissolving the marriage, a  
834 legal separation agreement or a property settlement agreement  
835 incidental to such a decree or separation agreement, and (ii) ensures that  
836 all necessary consents to the disclosure of nonpublic personal financial  
837 information have been provided to the mortgagee in accordance with  
838 [subdivision (3) of] subsection (c) of section 49-31l, as amended by this  
839 act.

840 Sec. 4. Subsection (a) of section 49-31r of the general statutes is  
841 repealed and the following is substituted in lieu thereof (*Effective October*  
842 *1, 2021*):

843 (a) A mortgagee, as defined in section 49-8a, shall include the form  
844 promulgated by the Judicial Branch, in accordance with [subdivision (3)  
845 of] subsection (c) of section 49-31l, as amended by this act, concerning  
846 notice of community-based resources to parties involved in foreclosure  
847 mediation with any notice to a mortgagor, as defined in said section 49-  
848 8a, of an intent to accelerate the mortgage loan.

849 Sec. 5. Section 49-31v of the general statutes is repealed and the  
850 following is substituted in lieu thereof (*Effective October 1, 2021*):

851 The Ezequiel Santiago Foreclosure Mediation Program established  
852 pursuant to section 49-31m shall be funded within available  
853 appropriations. [and available until June 30, 2023.] The size of such  
854 program shall be determined by available funding and the number and  
855 need of participants in such program.

856 Sec. 6. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

857 (1) "FNMA mortgage" means a residential mortgage loan owned,  
858 backed, guaranteed or securitized by the Federal National Mortgage  
859 Association;

860 (2) "Covered mortgage" means a residential mortgage loan that is not  
861 a federally backed mortgage loan, as defined in Section 4022 of P.L. 116-  
862 136;

863 (3) "Mortgagee" means the grantee of a residential mortgage loan,  
864 provided, if the residential mortgage loan has been assigned of record,  
865 "mortgagee" means the last person to whom the residential mortgage  
866 loan has been assigned of record;

867 (4) "Mortgage servicer" means any person, wherever located, who,  
868 for or on behalf of the holder of a residential mortgage loan, receives  
869 payments of principal and interest in connection with a residential  
870 mortgage loan, records such payments on such person's books and  
871 records and performs such other administrative functions as may be  
872 necessary to properly carry out the mortgage holder's obligations under  
873 the mortgage agreement;

874 (5) "Mortgagor" means any person obligated to repay a residential  
875 mortgage loan;

876 (6) "Residential mortgage loan" means any loan primarily for  
877 personal, family or household use that is secured by a mortgage, deed  
878 of trust or other equivalent security interest on residential real property;  
879 and

880 (7) "Residential real property" means a one-to-four family dwelling  
881 located in this state.

882 (b) For the period commencing July 1, 2021, and ending July 30, 2023,  
883 each mortgagee and each mortgage servicer shall, in an effort to avoid  
884 foreclosure proceedings, provide the mortgagor of a covered mortgage  
885 with alternatives to foreclosure that are substantially similar to and have  
886 terms, timelines, appeal periods and requirements no less favorable

887 than those available to a mortgagor of an FNMA mortgage, including  
888 any forbearance or loan modification alternative. Nothing in this section  
889 shall be construed to limit a mortgage servicer or a mortgagee from  
890 providing a mortgagor with any additional alternatives to foreclosure.

891 (c) In addition to any other remedies provided by law, a violation of  
892 this section shall be deemed an unfair or deceptive trade practice under  
893 subsection (a) of section 42-110b of the general statutes and may be  
894 raised by a mortgagor as a defense to foreclosure.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021</i>	49-31l
Sec. 2	<i>October 1, 2021</i>	49-31n
Sec. 3	<i>October 1, 2021</i>	49-31k(8) and (9)
Sec. 4	<i>October 1, 2021</i>	49-31r(a)
Sec. 5	<i>October 1, 2021</i>	49-31v
Sec. 6	<i>July 1, 2021</i>	New section

**Statement of Purpose:**

To make the Ezequiel Santiago Foreclosure Mediation Program permanent and to require that certain alternatives to foreclosure be made available to certain mortgagors.

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