



General Assembly

**Amendment**

January Session, 2021

LCO No. 7203



Offered by:

SEN. BERTHEL, 32<sup>nd</sup> Dist.

To: Subst. Senate Bill No. 891

File No. 248

Cal. No. 173

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

1 Strike sections 1 to 5, inclusive, in their entirety and substitute the  
2 following in lieu thereof:

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 Section 49-311 of the general statutes is repealed and the  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

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

14 (b) (1) Prior to July 1, 2023, when a mortgagee commences an action  
15 for the foreclosure of a mortgage on residential real property with a  
16 return date during the period from July 1, 2008, to June 30, 2009,  
17 inclusive, the mortgagee shall give notice to the mortgagor of the  
18 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
19 to section 49-31m by attaching to the front of the foreclosure complaint  
20 that is served on the mortgagor: (A) A copy of the notice of the  
21 availability of foreclosure mediation, in such form as the Chief Court  
22 Administrator prescribes, and (B) a foreclosure mediation request form,  
23 in such form as the Chief Court Administrator prescribes.

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

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

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

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

43 (6) Notwithstanding any provision of the general statutes or any rule  
44 of law to the contrary, prior to July 1, 2023, no judgment of strict  
45 foreclosure nor any judgment ordering a foreclosure sale shall be

46 entered in any action subject to the provisions of this subsection and  
47 instituted by the mortgagee to foreclose a mortgage on residential real  
48 property unless: (A) Notice to the mortgagor has been given by the  
49 mortgagee in accordance with subdivision (1) of this subsection and the  
50 time for submitting a foreclosure mediation request form has expired  
51 and no foreclosure mediation request form has been submitted, or if  
52 such notice has not been given, the time for submitting a foreclosure  
53 mediation request form pursuant to subdivision (2) or (3) of this  
54 subsection has expired and no foreclosure mediation request form has  
55 been submitted, or (B) the mediation period set forth in subsection (b)  
56 of section 49-31n has expired or has otherwise terminated, whichever is  
57 earlier.

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

61 [(c) (1)] (a) Prior to July 1, [2023] 2024, when a mortgagee commences  
62 an action for the foreclosure of a mortgage on residential real property  
63 with a return date on or after July 1, 2009, or, with respect to real  
64 property owned by a religious organization, a return date on or after  
65 October 1, 2011, the mortgagee shall give notice to the mortgagor of the  
66 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
67 to section 49-31m by attaching to the front of the writ, summons and  
68 complaint that is served on the mortgagor: [(A)] (1) A copy of the notice  
69 of foreclosure mediation, in such form as the Chief Court Administrator  
70 prescribes, [(B)] (2) a copy of the foreclosure mediation certificate form  
71 described in [subdivision (3) of this] subsection (c) of this section, in such  
72 form as the Chief Court Administrator prescribes, [(C)] (3) a blank  
73 appearance form, in such form as the Chief Court Administrator  
74 prescribes, [(D)] (4) with respect to an action for the foreclosure of a  
75 mortgage on residential real property with a return date on or after  
76 October 1, 2011, to September 30, 2013, inclusive, a mediation  
77 information form and a notice containing contact information for  
78 authority-approved consumer credit counseling agencies, which form  
79 and notice shall be in such form as the Chief Court Administrator

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

115 [(2)] (b) The court shall issue a notice of foreclosure mediation  
116 described in [subdivision (3)] subsection (c) of this [subsection] section  
117 to the mortgagor not later than the date three business days after the  
118 date the mortgagee returns the writ to the court.

119 [(3)] (c) The notice of foreclosure mediation shall instruct the  
120 mortgagor to file the appearance and foreclosure mediation certificate  
121 forms with the court not later than the date fifteen days from the return  
122 date for the foreclosure action. With respect to actions with a return date  
123 during the period from October 1, 2011, to September 30, 2013, inclusive,  
124 such notice shall remind the mortgagor to deliver the completed  
125 mediation information form and the accompanying documentation  
126 described in [subdivision (1)] subsection (a) of this [subsection] section  
127 and encourage such delivery in advance of the required date. With  
128 respect to actions with a return date during the period from October 1,  
129 2013, to June 30, [2023] 2024, inclusive, such notice shall instruct the  
130 mortgagor to begin gathering financial information commonly used in  
131 foreclosure mediation for use in meeting with the mediator and in  
132 mediation. The mediation information form and accompanying  
133 documentation shall not, without the explicit written instruction of the  
134 mortgagor, be publicly available. Such notice of foreclosure mediation  
135 shall be accompanied by materials from the Department of Banking, as  
136 prescribed by the Chief Court Administrator, which shall describe the  
137 community-based resources available to the mortgagor, including  
138 authority-approved housing counseling agencies that may assist with  
139 preparation for mediation and application for mortgage assistance  
140 programs. The foreclosure mediation certificate form shall require the  
141 mortgagor to provide sufficient information to permit the court to  
142 confirm that the defendant in the foreclosure action is a mortgagor, and  
143 to certify that said mortgagor has sent a copy of the mediation certificate  
144 form to the plaintiff in the action. With respect to actions with a return  
145 date on or after October 1, 2015, in order to ensure that all necessary  
146 consents to the disclosure of nonpublic personal financial information  
147 have been provided to the mortgagee, such that a spouse may be  
148 considered a permitted successor-in-interest, the court shall confirm

149 that the foreclosure mediation certificate submitted by [(A)] (1) the  
150 spouse or former spouse provides consent to the full disclosure by the  
151 mortgagee of such spouse's or former spouse's nonpublic personal  
152 financial information to any other person who is obligated as a borrower  
153 on the note, to the extent the mortgagee has such information, and [(B)]  
154 (2) any other person who is a mortgagor provides consent to the full  
155 disclosure by the mortgagee of such person's nonpublic personal  
156 financial information to such spouse or former spouse, to the extent the  
157 mortgagee has such information. If a foreclosure mediation certificate is  
158 not submitted by a mortgagor, other than a spouse or former spouse  
159 claiming to be a permitted successor-in-interest, the court shall confirm,  
160 in lieu of the requirements of [subparagraph (B) of this subdivision]  
161 subdivision (2) of this subsection, that the foreclosure mediation  
162 certificate submitted by the spouse or former spouse contains a  
163 statement, signed by the spouse or former spouse, certifying that all  
164 persons who are obligated on the note have otherwise given  
165 documentation to the mortgagee which allows for the full disclosure by  
166 the mortgagee of such person's nonpublic personal information to the  
167 spouse or former spouse, to the extent the mortgagee has such  
168 information. Such a certification may be rebutted conclusively by the  
169 mortgagee if the mortgagee submits a written statement to the court in  
170 which the mortgagee certifies that, based upon reasonable belief, the  
171 mortgagee does not possess such documentation.

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

183 the court does not receive the appearance and foreclosure mediation  
184 certificate forms from the mortgagor by the date fifteen days after the  
185 return date for the foreclosure action, the court shall not assign the case  
186 to mediation. Promptly upon receipt of the notice of assignment, but not  
187 later than the thirty-fifth day following the return date, the mortgagee  
188 or its counsel shall deliver to the mediator, via the electronic mail  
189 address provided for communications related to the mediation, and to  
190 the mortgagor, via first class, priority or overnight mail, [(A)] (1) an  
191 account history identifying all credits and debits assessed to the loan  
192 account and any related escrow account in the immediately preceding  
193 twelve-month period and an itemized statement of the amount required  
194 to reinstate the mortgage loan with accompanying information, written  
195 in plain language, to explain any codes used in the history and statement  
196 which are not otherwise self-explanatory, [(B)] (2) the name, business  
197 mailing address, electronic mail address, facsimile number and direct  
198 telephone number of an individual able to respond with reasonable  
199 adequacy and promptness to questions relative to the information  
200 submitted to the mediator pursuant to this subdivision, and any  
201 subsequent updates to such contact information, which shall be  
202 provided reasonably promptly to the mediator via the electronic mail  
203 address provided for communication related to the mediation, [(C)] (3)  
204 current versions of all reasonably necessary forms and a list of all  
205 documentation reasonably necessary for the mortgagee to evaluate the  
206 mortgagor for common alternatives to foreclosure that are available  
207 through the mortgagee, if any, [(D)] (4) a copy of the note and mortgage,  
208 including any agreements modifying such documents, [(E)] (5)  
209 summary information regarding the status of any pending foreclosure  
210 avoidance efforts being undertaken by the mortgagee, [(F)] (6) a copy of  
211 any loss mitigation affidavit filed with the court, [and (G)] (7) at the  
212 mortgagee's option, [(i) the history of foreclosure avoidance efforts with  
213 respect to the mortgagor, (ii)] (A) information regarding the condition  
214 of mortgaged property, and [(iii)] (B) such other information as the  
215 mortgagee may determine is relevant to meeting the objectives of the  
216 mediation program, and (8) the history of foreclosure avoidance efforts  
217 with respect to the mortgagor, including, without limitation, a

218 description of the efforts made by the mortgagee to provide the  
219 mortgagor any loss mitigation option or foreclosure alternative,  
220 including those required or made available pursuant to any order,  
221 directive or regulation issued or any voluntary program announced by  
222 any governmental authority in response to COVID-19 during the public  
223 health and civil preparedness emergencies declared by the Governor on  
224 March 10, 2020, or any extension of such declarations. For the purposes  
225 of this subsection, "COVID-19" means the respiratory disease  
226 designated by the World Health Organization on February 11, 2020, as  
227 coronavirus 2019, and any related mutation thereof recognized by the  
228 World Health Organization as a communicable respiratory disease.  
229 Following the mediator's receipt of such information, the court shall  
230 assign a mediator to the mediation and schedule a meeting with the  
231 mediator and all mortgagors who are relevant and necessary to the  
232 mediation and to any agreement being contemplated in connection with  
233 the mediation and shall endeavor to hold such meeting on or prior to  
234 the forty-ninth day following the return date. The notice of such meeting  
235 shall instruct the mortgagor to complete the forms prior to the meeting  
236 and to furnish such forms together with the documentation contained  
237 in the list, as provided by the mortgagee following the filing of the  
238 foreclosure mediation certificate, at the meeting. At such meeting, the  
239 mediator shall review such forms and documentation with the  
240 mortgagor, along with the information supplied by the mortgagee, in  
241 order to discuss the options that may be available to the mortgagor,  
242 including any community-based resources, and assist the mortgagor in  
243 completing the forms and furnishing the documentation necessary for  
244 the mortgagee to evaluate the mortgagor for alternatives to foreclosure.  
245 The mediator may elect to schedule subsequent meetings with the  
246 mortgagor and determine whether any mortgagor may be excused from  
247 an in-person appearance at such subsequent meeting. The mediator may  
248 excuse any mortgagor from attending such meeting or any subsequent  
249 meetings, provided the mortgagor shows good cause for  
250 nonattendance. Such good cause may include, but is not limited to, the  
251 mortgagor no longer owning the home pursuant to a judgment of  
252 marital dissolution and related transfer via deed, or no longer residing



253 in the home and not being a necessary party to any agreement being  
254 contemplated in connection with the mediation. As soon as practicable,  
255 but in no case later than the eighty-fourth day following the return date,  
256 or the extended deadline if such an extended deadline is established  
257 pursuant to this subdivision, the mediator shall facilitate and confirm  
258 the submission by the mortgagor of the forms and documentation to the  
259 mortgagee's counsel via electronic means and, at the mortgagee's  
260 election, directly to the mortgagee per the mortgagee's instruction, and  
261 determine, based on the participating mortgagor's attendance at the  
262 meetings and the extent the mortgagor completed the forms and  
263 furnished the documentation contemplated in this subdivision, or failed  
264 to perform such tasks through no material fault of the mortgagee, and  
265 file a report with the court indicating, [(I)] (A) whether mediation shall  
266 be scheduled with the mortgagee, [(II)] (B) whether the mortgagor  
267 attended scheduled meetings with the mediator, [(III)] (C) whether the  
268 mortgagor fully or substantially completed the forms and furnished the  
269 documentation requested by the mortgagee, [(IV)] (D) the date on which  
270 the mortgagee supplied the forms and documentation, and [(V)] (E) any  
271 other information the mediator determines to be relevant to the  
272 objectives of the mediation program. The mediator may file, and the  
273 court may grant, a motion for extension of the premediation period  
274 beyond the eighty-fourth day following the return date if good cause  
275 can be shown for such an extension. Any such motion shall be filed, with  
276 a copy simultaneously sent to the mortgagee and as soon as practicable  
277 to the mortgagor, not later than the eighty-fourth day following the  
278 return date. The mortgagee and mortgagor shall each have five business  
279 days from the day the motion was filed to file an objection or  
280 supplemental papers, and the court shall issue its ruling, without a  
281 hearing, not later than ten business days from the date the motion was  
282 filed. If the court determines that good cause exists for an extension, the  
283 court shall therewith establish an extended deadline so that the  
284 premediation period shall end as soon thereafter as may be practicable,  
285 but not later than thirty-five days from the date of the ruling, taking into  
286 account the complexity of the mortgagor's financial circumstances, the  
287 mortgagee's documentation requirements, and the timeliness of the

288 mortgagee's and mortgagor's compliance with their respective  
289 premediation obligations. If the court denies the mediator's motion, the  
290 extended deadline for purposes of this subdivision shall be three days  
291 after the court rules on the motion. No meeting or communication  
292 between the mediator and mortgagor under this subdivision shall be  
293 treated as an impermissible ex parte communication. If the mediator  
294 determines that the mortgagee shall participate in mediation, the court  
295 shall promptly issue notice to all parties of such determination and  
296 schedule a mediation session between the mortgagee and all  
297 mortgagors who are relevant and necessary to the mediation and to any  
298 agreement being contemplated in connection with the mediation, in  
299 accordance with subsection [(c)] (a) of section 49-31n, as amended by  
300 this act, to be held not later than five weeks following the submission to  
301 the mortgagee of the forms and documentation contemplated in this  
302 [subdivision] subsection. The mediator may excuse any mortgagor from  
303 attending the mediation session or subsequent meetings, provided good  
304 cause is shown for nonattendance. Such good cause may include, but is  
305 not limited to, the mortgagor no longer owning the home pursuant to a  
306 judgment of marital dissolution and related transfer via deed, no longer  
307 residing in the home or not being a necessary party to any agreement  
308 being contemplated in connection with the mediation. If the mediator  
309 determines that no sessions between the mortgagee and mortgagor shall  
310 be scheduled, the court shall promptly issue notice to all parties  
311 regarding such determination and mediation shall be terminated. Any  
312 mortgagor wishing to contest such determination shall petition the  
313 court and show good cause for reinclusion in the mediation program,  
314 including, but not limited to, a material change in financial  
315 circumstances or a mistake or misunderstanding of the facts by the  
316 mediator.

317 [(5)] (e) Notwithstanding the provisions of this [subsection] section,  
318 the court may refer a foreclosure action brought by a mortgagee to the  
319 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
320 to section 49-31m at any time, for good cause shown, provided the  
321 mortgagor has filed an appearance in said action and further provided

322 the court shall, not later than the date three business days after the date  
323 on which it makes such referral, send a notice to each appearing party  
324 assigning the case to mediation and requiring the parties to participate  
325 in the premediation process described in [subdivision (4) of this]  
326 subsection (d) of this section, with the court establishing deadlines to  
327 ensure that the premediation process is to be completed by the parties  
328 as expeditiously as the circumstances warrant and permit. When  
329 determining whether good cause exists, the court shall consider whether  
330 the parties are likely to benefit from mediation and, in the case of a  
331 referral after prior attempts at mediation have been terminated, whether  
332 there has been a material change in circumstances.

333 [(6)] (f) Notwithstanding any provision of the general statutes or any  
334 rule of law, prior to July 1, [2023, (A)] 2024, (1) for the period of time  
335 which shall not exceed eight months from the return date, the  
336 mortgagor shall be permitted to file an answer, special defenses or  
337 counterclaims, but no mortgagee or mortgagor shall make any motion,  
338 request or demand with respect to the other, except those motions,  
339 requests or demands that relate to the mediation program described in  
340 section 49-31m and the mediation sessions held pursuant to such  
341 program, provided [(i)] (A) a mortgagor seeking to contest the court's  
342 jurisdiction may file a motion to dismiss and the mortgagee may object  
343 to such motion to dismiss in accordance with applicable law and the  
344 rules of the courts, and [(ii)] (B) if the mortgagor elects to make any other  
345 motion, request or demand with respect to the mortgagee, the eight-  
346 month limit shall no longer apply to either party; and [(B)] (2) no  
347 judgment of strict foreclosure nor any judgment ordering a foreclosure  
348 sale shall be entered in any action subject to the provisions of this  
349 subsection and instituted by the mortgagee to foreclose a mortgage on  
350 residential real property or real property owned by a religious  
351 organization unless: [(i)] (A) The mediation period set forth in  
352 subsection [(c)] (a) of section 49-31n, as amended by this act, has expired  
353 or has otherwise terminated, whichever is earlier, and, if fewer than  
354 eight months has elapsed from the return date at the time of termination,  
355 fifteen days have elapsed since such termination and any pending

356 motion or request to extend the mediation period has been heard and  
357 denied by the court, or [(ii)] (B) the mediation program is not otherwise  
358 required or available. Nothing in this subdivision shall affect any  
359 motion made or any default or judgment entered on or before June 30,  
360 2011.

361 [(7)] (g) With respect to foreclosure actions with a return date during  
362 the period from July 1, 2011, to June 30, [2023] 2024, inclusive,  
363 notwithstanding any provision of the general statutes or any rule of law  
364 to the contrary, the mortgagee shall be permitted following the eight-  
365 month or fifteen-day period described in [subdivision (6) of this]  
366 subsection (f) of this section, to simultaneously file, as applicable, [(A)]  
367 (1) a motion for default, and [(B)] (2) a motion for judgment of strict  
368 foreclosure or a motion for judgment of foreclosure by sale with respect  
369 to the mortgagor in the foreclosure action.

370 [(8)] (h) None of the mortgagor's or mortgagee's rights in the  
371 foreclosure action shall be waived by participation in the Ezequiel  
372 Santiago Foreclosure Mediation Program.

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

375 [(a) Prior to July 1, 2023: (1) Any action for the foreclosure of a  
376 mortgage on residential real property with a return date during the  
377 period from July 1, 2008, to June 30, 2009, inclusive, shall be subject to  
378 the provisions of subsection (b) of this section, and (2) any action for the  
379 foreclosure of a mortgage on (A) residential real property with a return  
380 date during the period from July 1, 2009, to June 30, 2023, inclusive, or  
381 (B) real property owned by a religious organization with a return date  
382 during the period from October 1, 2011, to June 30, 2023, inclusive, shall  
383 be subject to the provisions of subsection (c) of this section.

384 (b) (1) For any action for the foreclosure of a mortgage on residential  
385 real property with a return date during the period from July 1, 2008, to  
386 June 30, 2009, inclusive, the mediation period under the Ezequiel  
387 Santiago Foreclosure Mediation Program established pursuant to

388 section 49-31m shall commence when the court sends notice to each  
389 appearing party that a foreclosure mediation request form has been  
390 submitted by a mortgagor to the court, which notice shall be sent not  
391 later than three business days after the court receives a completed  
392 foreclosure mediation request form. The mediation period shall  
393 conclude not later than the conclusion of the third mediation session  
394 between the mortgagor and mortgagee or seven months after the return  
395 date, whichever is earlier, except that the court may, in its discretion, for  
396 good cause shown, upon the motion of any party or the mediator,  
397 extend the mediation period subject to the provisions of subdivision (9)  
398 of this subsection or shorten the mediation period.

399 (2) The first mediation session shall be held not later than fifteen  
400 business days after the court sends notice to all parties that a foreclosure  
401 mediation request form has been submitted to the court. The mortgagor  
402 and mortgagee shall appear in person at each mediation session and  
403 shall have the ability to mediate, except that (A) if a party is represented  
404 by counsel, the party's counsel may appear in lieu of the party to  
405 represent the party's interests at the mediation, provided the party has  
406 the ability to mediate, and the party is available (i) during the mediation  
407 session by telephone, and (ii) to participate in the mediation session by  
408 speakerphone, provided an opportunity is afforded for confidential  
409 discussions between the party and party's counsel, (B) following the  
410 initial mediation session, if there are two or more mortgagors who are  
411 self-represented, only one mortgagor shall be required to appear in  
412 person at each subsequent mediation session unless good cause is  
413 shown, provided the other mortgagors are available (i) during the  
414 mediation session, and (ii) to participate in the mediation session by  
415 speakerphone, (C) if a party suffers from a disability or other significant  
416 hardship that imposes an undue burden on such party to appear in  
417 person, the mediator may grant permission to such party to participate  
418 in the mediation session by telephone, and (D) a mortgagor may be  
419 excused from appearing at the mediation session if good cause is shown  
420 that the presence of such mortgagor is not needed to further the interests  
421 of mediation. Such good cause may include, but is not limited to, the

422 mortgagor no longer owning the home pursuant to a judgment of  
423 marital dissolution and related transfer via deed, no longer residing in  
424 the home or not being a necessary party to any agreement being  
425 contemplated in connection with the mediation. A mortgagor's spouse,  
426 who is not a mortgagor but who lives in the subject property, may  
427 appear at each mediation session, provided all appearing mortgagors  
428 consent, in writing, to such spouse's appearance or such spouse shows  
429 good cause for his or her appearance and the mortgagors consent in  
430 writing to the disclosure of nonpublic personal information to such  
431 spouse. If the mortgagor has submitted a complete package of financial  
432 documentation in connection with a request for a particular foreclosure  
433 alternative, the mortgagee shall have thirty-five days from the receipt of  
434 the completed package to respond with a decision and, if the decision is  
435 a denial of the request, provide the reasons for such denial. If the  
436 mortgagor has, in connection with a request for a foreclosure  
437 alternative, submitted a financial package that is not complete, or if the  
438 mortgagee's evaluation of a complete package reveals that additional  
439 information is necessary to underwrite the request, the mortgagee shall  
440 request the missing or additional information within a reasonable  
441 period of time of such evaluation. If the mortgagee's evaluation of a  
442 complete package reveals that additional information is necessary to  
443 underwrite the request, the thirty-five-day deadline for a response shall  
444 be extended but only for so long as is reasonable given the timing of the  
445 mortgagor's submission of such additional information and the nature  
446 and context of the required underwriting. Not later than the third  
447 business day after each mediation session held on or after June 18, 2013,  
448 the mediator shall file with the court a report indicating, to the extent  
449 applicable, (i) the extent to which each of the parties complied with the  
450 requirements set forth in this subdivision, including the requirement to  
451 engage in conduct that is consistent with the objectives of the mediation  
452 program and to possess the ability to mediate, (ii) whether the  
453 mortgagor submitted a complete package of financial documentation to  
454 the mortgagee, (iii) a general description of the foreclosure alternative  
455 being requested by the mortgagor, (iv) whether the mortgagor has  
456 previously been evaluated for similar requests, whether prior to

457 mediation or in mediation, and, if so, whether there has been any  
458 apparent change in circumstances since a decision was made with  
459 respect to that prior evaluation, (v) whether the mortgagee has  
460 responded to the mortgagor's request for a foreclosure alternative and,  
461 if so, a description of the response and whether the mediator is aware of  
462 any material reason not to agree with the response, (vi) whether the  
463 mortgagor has responded to an offer made by the mortgagee on a  
464 reasonably timely basis, and if so, an explanation of the response, (vii)  
465 whether the mortgagee has requested additional information from the  
466 mortgagor and, if so, the stated reasons for the request and the date by  
467 which such additional information shall be submitted so that  
468 information previously submitted by the mortgagor, to the extent  
469 possible, may still be used by the mortgagee in conducting its review,  
470 (viii) whether the mortgagor has supplied, on a reasonably timely basis,  
471 any additional information that was reasonably requested by the  
472 mortgagee, and, if not, the stated reason for not doing so, (ix) if  
473 information provided by the mortgagor is no longer current for  
474 purposes of evaluating a foreclosure alternative, a description of the  
475 out-of-date information and an explanation as to how and why such  
476 information is no longer current, (x) whether the mortgagee has  
477 provided a reasonable explanation of the basis for a decision to deny a  
478 request for a loss mitigation option or foreclosure alternative and  
479 whether the mediator is aware of any material reason not to agree with  
480 that decision, (xi) whether the mortgagee has complied with the time  
481 frames set forth in this subdivision for responding to requests for  
482 decisions, (xii) if a subsequent mediation session is expected to occur, a  
483 general description of the expectations for such subsequent session and  
484 for the parties prior to such subsequent session and, if not otherwise  
485 addressed in the report, whether the parties satisfied the expectations  
486 set forth in previous reports, and (xiii) a determination of whether the  
487 parties will benefit from further mediation. The mediator shall deliver a  
488 copy of such report to each party to the mediation when the mediator  
489 files the report. The parties shall have the opportunity to submit their  
490 own supplemental information following the filing of the report,  
491 provided such supplemental information shall be submitted not later

492 than five business days following the receipt of the mediator's report.  
493 Any request by the mortgagee to the mortgagor for additional or  
494 updated financial documentation shall be made in writing. The court  
495 may impose sanctions on any party or on counsel to a party if such party  
496 or such counsel engages in intentional or a pattern or practice of conduct  
497 during the mediation process that is contrary to the objectives of the  
498 mediation program. Any sanction that is imposed shall be proportional  
499 to the conduct and consistent with the objectives of the mediation  
500 program. Available sanctions shall include, but not be limited to,  
501 terminating mediation, ordering the mortgagor or mortgagee to  
502 mediate in person, forbidding the mortgagee from charging the  
503 mortgagor for the mortgagee's attorney's fees, awarding attorney's fees,  
504 and imposing fines. In the case of egregious misconduct, the sanctions  
505 shall be heightened. The court shall not award attorney's fees to any  
506 mortgagee for time spent in any mediation session if the court finds that  
507 such mortgagee has failed to comply with this subdivision, unless the  
508 court finds reasonable cause for such failure.

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

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

518 (5) The Chief Court Administrator shall establish policies and  
519 procedures to implement this subsection. Such policies and procedures  
520 shall, at a minimum, provide that the mediator shall advise the  
521 mortgagor at the first meeting required by subdivision (4) of subsection  
522 (c) of section 49-311 that a judgment of strict foreclosure or foreclosure  
523 by sale may cause the mortgagor to lose the residential real property to  
524 foreclosure.



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

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

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

538 (9) (A) The mediation period shall conclude following the third  
539 mediation session or if more than seven months have elapsed since the  
540 return date. Not later than fifteen days following the conclusion of the  
541 mediation period, and any extended mediation sessions held in  
542 accordance with this subdivision, any party may move for, or the  
543 mediator may request, an extension of the mediation period. The court  
544 shall grant only one additional mediation session per motion or request  
545 upon a finding that it is highly probable the parties will reach an  
546 agreement through mediation. The court may also grant one additional  
547 mediation session per motion or request upon a finding that any party  
548 has engaged, either intentionally or by a pattern or practice, in conduct  
549 that is contrary to the objectives of the mediation program. The court  
550 shall make its ruling not later than twenty days after the filing of such  
551 motion or request, and no judgment of strict foreclosure or any  
552 judgment ordering a foreclosure sale shall be entered until (i) the court  
553 denies the motion or request, or (ii) the conclusion of the extended  
554 mediation session, except as provided in subparagraph (B) of this  
555 subdivision. Upon the grant of an additional mediation session  
556 following the proper finding, the court shall establish an expeditious  
557 deadline for such extended mediation session to occur. Such extended

558 mediation period shall conclude following such extended mediation  
559 session.

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

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

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

584 [(c) (1)] (a) For any action for the foreclosure of a mortgage on  
585 residential real property with a return date during the period from July  
586 1, 2009, to June 30, [2023] 2024, inclusive, or for any action for the  
587 foreclosure of a mortgage on real property owned by a religious  
588 organization with a return date during the period from October 1, 2011,  
589 to June 30, [2023] 2024, inclusive, the mediation period under the

590 Ezequiel Santiago Foreclosure Mediation Program established pursuant  
591 to section 49-31m shall commence when the court sends notice to each  
592 appearing party scheduling the first foreclosure mediation session. The  
593 mediation period shall conclude not later than the conclusion of the  
594 third mediation session between the mortgagor and mortgagee or seven  
595 months after the return date, whichever is earlier, except that the court  
596 may, in its discretion, for good cause shown, upon the motion of any  
597 party or request by the mediator, extend the mediation period subject to  
598 the provisions of [subdivision (9) of this subsection] subsection (i) of this  
599 section or shorten the mediation period.

600 [(2)] (b) The mortgagor and mortgagee shall appear in person at each  
601 mediation session and shall have the ability to mediate, except that [(A)]  
602 (1) if a party is represented by counsel, the party's counsel may appear  
603 in lieu of the party to represent the party's interests at the mediation,  
604 provided the party has the ability to mediate and the party is available  
605 [(i)] (A) during the mediation session by telephone, and [(ii)] (B) to  
606 participate in the mediation session by speakerphone, provided an  
607 opportunity is afforded for confidential discussions between the party  
608 and party's counsel, [(B)] (2) following the initial mediation session, if  
609 there are two or more mortgagors who are self-represented, only one  
610 mortgagor shall be required to appear in person at each subsequent  
611 mediation session unless good cause is shown, provided the other  
612 mortgagors are available [(i)] (A) during the mediation session, and [(ii)]  
613 (B) to participate in the mediation session by speakerphone, [(C)] (3) if a  
614 party suffers from a disability or other significant hardship that imposes  
615 an undue burden on such party to appear in person, the mediator may  
616 grant permission to such party to participate in the mediation session  
617 by telephone, and [(D)] (4) a mortgagor may be excused from appearing  
618 at the mediation session if cause is shown that the presence of such  
619 mortgagor is not needed to further the interests of mediation. Such  
620 cause may include, but is not limited to, the mortgagor no longer  
621 owning the home pursuant to a judgment of marital dissolution and  
622 related transfer via deed or no longer residing in the home or not being  
623 a necessary party to any agreement being contemplated in connection

624 with the mediation. A mortgagor's spouse, who is not a mortgagor but  
625 who lives in the subject property, may appear at each mediation session,  
626 provided all appearing mortgagors consent, in writing, to such spouse's  
627 appearance or such spouse shows good cause for his or her appearance  
628 and the mortgagors consent, in writing, to the disclosure of nonpublic  
629 personal information to such spouse. If the mortgagor has submitted a  
630 complete package of financial documentation in connection with a  
631 request for a particular foreclosure alternative, the mortgagee shall have  
632 thirty-five days from the receipt of the completed package to respond  
633 with a decision and, if the decision is a denial of the request, provide the  
634 reasons for such denial. If the mortgagor has, in connection with a  
635 request for a foreclosure alternative, submitted a financial package that  
636 is not complete, or if the mortgagee's evaluation of a complete package  
637 reveals that additional information is necessary to underwrite the  
638 request, the mortgagee shall request the missing or additional  
639 information within a reasonable period of time of such evaluation. If the  
640 mortgagee's evaluation of a complete package reveals that additional  
641 information is necessary to underwrite the request, the thirty-five-day  
642 deadline for a response shall be extended but only for so long as is  
643 reasonable given the timing of the mortgagor's submission of such  
644 additional information and the nature and context of the required  
645 underwriting. Not later than the third business day after each mediation  
646 session, the mediator shall file with the court a report indicating, to the  
647 extent applicable, [(i)] (A) the extent to which each of the parties  
648 complied with the requirements set forth in this subdivision, including  
649 the requirement to engage in conduct that is consistent with the  
650 objectives of the mediation program and to possess the ability to  
651 mediate, [(ii)] (B) whether the mortgagor submitted a complete package  
652 of financial documentation to the mortgagee, [(iii)] (C) a general  
653 description of the foreclosure alternative being requested by the  
654 mortgagor, [(iv)] (D) whether the mortgagor has previously been  
655 evaluated for similar requests, whether prior to mediation or in  
656 mediation, and, if so, whether there has been any apparent change in  
657 circumstances since a decision was made with respect to that prior  
658 evaluation, [(v)] (E) whether the mortgagee has responded to the

659 mortgagor's request for a foreclosure alternative and, if so, a description  
660 of the response and whether the mediator is aware of any material  
661 reason not to agree with the response, [(vi)] (F) whether the mortgagor  
662 has responded to an offer made by the mortgagee on a reasonably timely  
663 basis, and if so, an explanation of the response, [(vii)] (G) whether the  
664 mortgagee has requested additional information from the mortgagor  
665 and, if so, the stated reasons for the request and the date by which such  
666 additional information shall be submitted so that information  
667 previously submitted by the mortgagor, to the extent possible, may still  
668 be used by the mortgagee in conducting its review, [(viii)] (H) whether  
669 the mortgagor has supplied, on a reasonably timely basis, any  
670 additional information that was reasonably requested by the mortgagee,  
671 and, if not, the stated reason for not doing so, [(ix)] (I) if information  
672 provided by the mortgagor is no longer current for purposes of  
673 evaluating a foreclosure alternative, a description of the out-of-date  
674 information and an explanation as to how and why such information is  
675 no longer current, [(x)] (J) with respect to any foreclosure action filed on  
676 the basis of a default by the mortgagor during (i) the public health and  
677 civil preparedness emergencies declared by the Governor on March 10,  
678 2020, or any extension of such declarations, or (ii) the period of time that  
679 any order, directive or regulation issued, or any voluntary program  
680 announced, by any governmental authority related to COVID-19, as  
681 defined in subsection (d) of section 49-31l, as amended by this act, is in  
682 effect, whether the mortgagee has, in good faith, offered the mortgagor  
683 a loss mitigation option or alternative to foreclosure related to COVID-  
684 19, (K) whether the mortgagee has provided a reasonable explanation of  
685 the basis for a decision to deny a request for a loss mitigation option or  
686 foreclosure alternative and whether the mediator is aware of any  
687 material reason not to agree with that decision, [(xi)] (L) whether the  
688 mortgagee has complied with the time frames set forth in this  
689 subdivision for responding to requests for decisions, [(xii)] (M) if a  
690 subsequent mediation session is expected to occur, a general description  
691 of the expectations for such subsequent session and for the parties prior  
692 to such subsequent session and, if not otherwise addressed in the report,  
693 whether the parties satisfied the expectations set forth in previous

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

717 [(3)] (c) If the mediator reports to the court that the parties will not  
718 benefit from further mediation, the mediation period shall terminate  
719 automatically. If the mediator reports to the court after the first or  
720 second mediation session that the parties may benefit from further  
721 mediation, the mediation period shall continue.

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

727        [(5)] (e) The Chief Court Administrator shall establish policies and  
728 procedures to implement this [subsection] section. Such policies and  
729 procedures shall, at a minimum, provide that the mediator shall advise  
730 the mortgagor at the first meeting required by [subdivision (4) of  
731 subsection (c)] subsection (d) of section 49-31l, as amended by this act,  
732 that: [(A)] (1) Such mediation does not suspend the mortgagor's  
733 obligation to respond to the foreclosure action beyond the limited time  
734 frame described in [subdivision (6) of subsection (c)] subsection (f) of  
735 section 49-31l, as amended by this act; and [(B)] (2) a judgment of strict  
736 foreclosure or foreclosure by sale may cause the mortgagor to lose the  
737 residential real property or real property owned by a religious  
738 organization to foreclosure.

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

742        [(7)] (g) The foreclosure mediation program shall terminate when all  
743 mediation has concluded with respect to any foreclosure action with a  
744 return date during the period from July 1, 2009, to June 30, [2023] 2024,  
745 inclusive.

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

753        [(9) (A)] (i) (1) The mediation period shall conclude following the  
754 third mediation session or if more than seven months have elapsed since  
755 the return date. Not later than fifteen days following the conclusion of  
756 the mediation period, and any subsequent extended mediation sessions  
757 held in accordance with this subdivision, any party may move for, or  
758 the mediator may request, an extension of the mediation period. The

759 court shall grant only one additional mediation session per motion or  
760 request upon a finding that it is highly probable the parties will reach  
761 an agreement through mediation. The court may also grant one  
762 additional mediation session per motion or request upon a finding that  
763 any party has engaged, either intentionally or by a pattern or practice,  
764 in conduct that is contrary to the objectives of the mediation program.  
765 The court shall make its ruling not later than twenty days after the filing  
766 of such motion or request, and no judgment of strict foreclosure or any  
767 judgment ordering a foreclosure sale shall be entered until [(i)] (A) the  
768 court denies the motion or request, or [(ii)] (B) the conclusion of the  
769 subsequent extended mediation session, except as provided in  
770 [subparagraph (B) of this] subdivision (2) of this subsection. Upon the  
771 grant of an additional mediation session following the proper finding,  
772 the court shall establish a reasonably expeditious deadline for such  
773 subsequent extended mediation session to occur. Such extended  
774 mediation period shall conclude following such subsequent extended  
775 mediation session.

776 [(B)] (2) The mediation period may be extended for one additional  
777 mediation session without a hearing held pursuant to this subdivision  
778 provided all parties to the mediation agree that such parties would  
779 benefit from such a session and, in consultation with the mediator,  
780 establish a reasonably expeditious deadline for such session to take  
781 place.

782 [(C)] (3) To determine whether to extend mediation, the court may  
783 consider all matters that have arisen in the mediation, including, but not  
784 limited to, the number of motions to extend mediation, the reasons for  
785 which an agreement has not been reached, the objectives of the  
786 mediation program, the extent to which the parties will benefit from  
787 further mediation, the reports submitted by the mediator, papers  
788 submitted in connection with any motion, and any supplemental  
789 reports submitted by a party. The court shall articulate its reasons in the  
790 order granting or denying any such motion or request to extend  
791 mediation.



792 [(10)] (j) For any case pending as of October 1, 2013, in which  
793 mediation is ongoing, [(A)] (1) if three or fewer sessions have been held,  
794 such case shall be treated as if no sessions have been held as of said date  
795 for purposes of [subdivision (9) of this] subsection (i) of this section, and  
796 [(B)] (2) if four or more sessions have been held, then any party or the  
797 mediator may move to terminate the mediation period or extend such  
798 period in accordance with [subdivision (9) of this] subsection (i) of this  
799 section and, if no such motion to extend is made, the mediation period  
800 shall conclude after the third mediation session occurring after October  
801 1, 2013.

802 [(d) (1) Not later than February 14, 2014, the Chief Court  
803 Administrator shall submit, in accordance with the provisions of section  
804 11-4a, to the joint standing committee of the General Assembly having  
805 cognizance of matters relating to banking, a summary regarding the  
806 mediation program and a general summary of the data collected in the  
807 reports submitted pursuant to subdivision (2) of subsections (b) and (c)  
808 of this section from July 1, 2013, to December 31, 2013, inclusive. Such  
809 summaries shall include, but not be limited to, the aggregate data  
810 regarding the number of cases in mediation, the number of mediation  
811 sessions held, the number of agreements reached before the conclusion  
812 of the mediation period, the number of motions or requests for an  
813 extension or continuance and the identity of the party that made such a  
814 motion or request, whether the loan at issue was serviced by a third  
815 party, the judicial district in which the mediation took place and  
816 whether the mortgagor was self-represented.

817 (2) Not later than March 1, 2021, and March 1, 2023, the Chief Court  
818 Administrator shall submit, in accordance with the provisions of section  
819 11-4a, to the joint standing committee of the General Assembly having  
820 cognizance of matters relating to banking, a summary of the reports  
821 submitted from July 1, 2013, to December thirty-first of the immediately  
822 preceding year, inclusive, pursuant to subdivision (2) of subsections (b)  
823 and (c) of this section. The detailed data points for such summary,  
824 including data to be collected but not reported, shall be developed by  
825 the Chief Court Administrator in consultation with representatives from

826 the Governor's office, the Department of Banking, the banking industry  
827 and consumer advocates.]

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

831 (8) "Ability to mediate" means an exhibition on the part of the  
832 relevant person of a willingness, including a reasonable ability, to  
833 participate in the mediation process in a manner consistent with the  
834 objectives of the mediation program and in conformity with any  
835 obligations imposed in accordance with [subdivision (2) of subsection  
836 (b) or (c), as applicable, of] section 49-31n, as amended by this act,  
837 including, but not limited to, a willingness and reasonable ability to  
838 respond to questions and specify or estimate when particular decisions  
839 will be made or particular information will be furnished and, with  
840 respect to the mortgagee, a reasonable familiarity with the loan file, any  
841 loss mitigation options that are available to the mortgagor and the  
842 material issues raised in prior mediation sessions. Reasonable  
843 familiarity with such material issues may be achieved by becoming  
844 reasonably familiar with the mediator reports submitted in accordance  
845 with [subdivision (4) of subsections (b) and (c)] subsection (d) of section  
846 49-31n, as amended by this act, to the extent such reports are available;

847 (9) "Permitted successor-in-interest" means a person who is a  
848 defendant in a foreclosure action with a return date on or after October  
849 1, 2015, and either (A) the former spouse of a decedent-mortgagor, who  
850 acquired sole title to the residential real property by virtue of a transfer  
851 from the decedent-mortgagor's estate or by virtue of the death of the  
852 decedent-mortgagor where title was held as joint tenants or tenants in  
853 the entirety, or (B) the spouse or former spouse of a mortgagor or former  
854 mortgagor who (i) acquired title to the residential real property by  
855 virtue of a transfer from such mortgagor or former mortgagor where  
856 such transfer resulted from a court decree dissolving the marriage, a  
857 legal separation agreement or a property settlement agreement  
858 incidental to such a decree or separation agreement, and (ii) ensures that

859 all necessary consents to the disclosure of nonpublic personal financial  
 860 information have been provided to the mortgagee in accordance with  
 861 [subdivision (3) of] subsection (c) of section 49-31l, as amended by this  
 862 act.

863 Sec. 4. Subsection (a) of section 49-31r of the general statutes is  
 864 repealed and the following is substituted in lieu thereof (*Effective October*  
 865 *1, 2021*):

866 (a) A mortgagee, as defined in section 49-8a, shall include the form  
 867 promulgated by the Judicial Branch, in accordance with [subdivision (3)  
 868 of] subsection (c) of section 49-31l, as amended by this act, concerning  
 869 notice of community-based resources to parties involved in foreclosure  
 870 mediation with any notice to a mortgagor, as defined in said section 49-  
 871 8a, of an intent to accelerate the mortgage loan.

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

874 The Ezequiel Santiago Foreclosure Mediation Program established  
 875 pursuant to section 49-31m shall be funded within available  
 876 appropriations and available until June 30, [2023] 2024. The size of such  
 877 program shall be determined by available funding and the number and  
 878 need of participants in such program."

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