

# Foreclosure Mediation Programs by State

## CALIFORNIA

Opinion in *Mabry v. Superior Court*, No. 30-2009-003090696 (June 2, 2010) holding, inter alia, that Civil Code § 2923.5 not preempted:

Text of California Civil Code § 2923.5 (90 day delay in foreclosing unless servicer has loan modification program that satisfies standards under statute).

Text of California Civil Code §§ 2923.52-53 (delays filing the first foreclosure notice for 30 days so the lender can confer with the homeowner)

California Department of Corporations information on § 2923.52, includes Servicer Application for Exemption, Borrower FAQ, list of servicers who have been granted exemptions, and implementing regulations

Beneficiary Declaration of Compliance with § 2923.5

## CONNECTICUT

H.B. 6351 (amending mediation statute's procedures regarding concurrent motion practice, documentation, and extending sunset to July 1, 2014)

Conn. House Bill 5270 (Public Act No.10-181, approved June 2010 (current version of Connecticut foreclosure mediation statute)

Connecticut Foreclosure Mediation Program Judicial Branch statistics (as of June 30, 2010)

Foreclosure Standing Order Federal Loss Mitigation Programs (effective Sept. 1, 2010)

Affidavit: Federal Loss Mitigation Programs

Connecticut Foreclosure Mediation Program Materials, Attorney and Homeowner FAQs

State of Connecticut Notice Regarding Foreclosure Mediation Program (addressing amended provisions)

Connecticut Judiciary Information Brochure

Connecticut Superior Court Uniform Foreclosure Mediation Standing Order

Prior versions of mediation statute:

Public Act No. 08-176: An Act Concerning Responsible Lending and Economic Security

Senate Bill 619, amending 08-176 as to procedures for scheduling mediation

Senate Bill 948, (Act No. 09-209) amending mediation procedures

## **DISTRICT OF COLUMBIA**

D.C. Saving Homes from Foreclosure Act: B19-57 (Feb. 2011), amending D.C. Code § 42-815

Emergency Amendment to D.C. Saving Homes from Foreclosure Act (8/9/2011) B19-419

D.C. Department of Insurance, Securities and Banking

## **DELAWARE**

Administrative order and forms

Text of Superior Court Administrative Directive No. 2009-3 (August 31, 2009)

## **FLORIDA**

Report of Assessment Workgroup for Managed Mediation Program for Residential Foreclosure Cases, Supreme Court of Florida (October 21, 2011) (recommending revamping of existing statewide mandatory mediation system)

Florida Supreme Court: Final Report and Recommendations on Residential Mortgage Foreclosure Cases Admin. Order 09-54, December 28, 2009

Final Report of Florida Supreme Court Task Force on Residential Mortgage Foreclosure Crisis, August 17, 2009

First, Tenth, Eleventh, Twelfth, Fourteenth, and Nineteenth Judicial Circuits administrative orders for foreclosure mediation (programs managed by Collins Center)

Fourth Judicial Circuit: Administrative Order No. 2010-01 (Feb. 25, 2010)

Fifth Judicial Circuit: Administrative Order No. 2010-A-13 (May 28, 2010) and Administrative Order No. 2010-17 Uniform Referral to Mediation and Instructions to Plaintiff's Counsel (June 21, 2010)

Seventh Judicial Circuit: Administrative Order No. 2010 - 022-SC Mandatory Referral of Homestead Foreclosure Cases to Mediation (July 19, 2010)

Ninth Judicial Circuit: Administrative Order No. 2010-11 (Orange County, July 2, 2010) and Administrative Order No. 2010-12 (Osceola County, July 2, 2010)

Thirteenth Judicial Circuit: Administrative Order No. S- 2010-051 (July 19, 2010)

Sixteenth Judicial Circuit: Administrative Order No. 3.005 (June 29, 2010)

Seventeenth Judicial Circuit: Administrative Order No. 2010-29 (March 25, 2010)

Eighteenth Judicial Circuit Brevard County: Administrative Order No.10-09 B Amended (Oct. 5, 2010)

Brevard County Foreclosure Procedures

Seminole County:Administrative Order No. 09-09-S Amended (Sept. 30, 2009)

Seminole County Mediation Documents

Twentieth Judicial Circuit: Administrative Order No. 1.12 (June 30, 2010)

Circuit Court Foreclosure Mediation Information

Supreme Court of Florida:

Administrative Order establishing a Task Force on Residential Foreclosures, March 9, 2009

Florida Supreme Court Task Force on Residential Foreclosures Interim Report, May 8, 2009

Comments of Housing Umbrella Group and Consumer Umbrella Group of Florida Legal Services, Inc. to Fla. Supreme Court regarding foreclosure procedures, including mediation

## **HAWAII**

S.B. 651 (Act amending Chapter 667 of Hawaii Revised Statutes to create mortgage foreclosure dispute resolution program) (May 2011)

## **IDAHO**

House Bill 331 (approved April 2011) (prior to a non-judicial sale, requires foreclosing entity to record certification of compliance with loss mitigation review protocol; review is unsupervised)

## **ILLINOIS**

Cook County Circuit Court Foreclosure Mediation Information

## **INDIANA**

Senate Enrolled Act. No. 582, amending statewide conference statute (approved May 2011)

Revised settlement conference notice and loss mitigation package (Indiana Housing & Community Dev. Auth.)

2009 Senate Enrolled Act No. 492 (Indiana Code § 32-30-10.5-8)

2010 Enrolled Act No. 1122, amending 2009 Senate Enrolled Act No. 492

## **KENTUCKY**

Jefferson County:

Administrative Order

Notice of Foreclosure

## **MAINE**

LD14818 (14 Maine Rev. Stat. Ann. 6321-A)

Text

Fact Sheet

Report of (Maine) Judicial Branch on Foreclosure Diversion, June 8, 2009

Maine Supreme Court Foreclosure Diversion Information Page

York County rules for pilot program for foreclosure mediation

## **MARYLAND**

Maryland Commissioner of Financial Regulation Foreclosure Prevention and Mediation Information links

Maryland House Bill 472

Maryland Office of the Commissioner of Financial Regulation

Maryland Governor's Information Handout

Maryland Department of Labor, Licensing, and Regulation: Emergency Regulations and Foreclosure Mediation Forms

## **MASSACHUSETTS**

Massachusetts Foreclosure Conference law 2010 Bill 258

## **MICHIGAN**

S.B. 398 (Approved July 2011) (extending sunset of conference law to Jan. 5, 2012)

Bill No. 4453: Text and Analysis of Bill as passed by Senate

Bill No. 4454: Text

Bill No. 4455: Text and Analysis as passed by the Senate

## **NEVADA**

A.B. 388 (Approved June 2011) (revisions to notice of mediation election form)

S.B. 307 (approved June 2011) (revisions to notice of mediation election form)

A.B. 209 (approved June 2011) (authorizing use of portion of filing fees to pay for legal services for the indigent)

A.B. 300 (vetoed by Governor June 2011) (would revise procedures and remedies available upon lender's bad faith participation in mediation, require specific mediator findings, opportunity for borrower to petition for sanctions and judicial review, create presumptions as to when sanctions will be imposed, and require court approval of fees shifting related to mediation)

Opinion: *Leyva v. Nat'l Default Servicing Corp.*, No. 55216, Nevada Supreme Court en banc (July 7, 2011) (enforcing documentation and authorized representative appearance provisions of Nevada Foreclose Mediation statute, directing imposition of appropriate sanctions)

Assembly Bill 149

Foreclosure Mediation Community Legal Education Material (training manual developed by Legal Aid Center for Southern Nevada, Wm S. Boyd School of Law, Nevada Fair Housing Center)

Clark County Court's homeowner petition for judicial intervention upon servicer's bad faith in mediation

## **New Hampshire**

Text of SB 70

## **NEW JERSEY**

Amendments to state court rules to accommodate foreclosure mediation program

New Jersey Courts' notice on mediation and bankruptcy

## **NEW YORK**

State of New York Unified Court System: 2010 Report of the Chief Administrator of the Courts on New York Conference Law (November 2010)

New York Real Property Actions and Procedures Law § 1304

Summary of November 2009 amendments affecting foreclosure conferences:

2009 New York Mortgage Fraud Bill

Memo on the 2009 New York Mortgage Fraud Bill

Report: "New York State Unified Court System June 2008 Residential Mortgage Foreclosures: Promoting Early Court Intervention." by Justice Judith S. Kaye

Summary of 2008 legislation by Kirsten Keefe and Elizabeth Hasper, Empire Justice Center

Residential Mortgage Foreclosure Conference Notice for Suffolk County, New York

South Brooklyn Legal Services Information Sheet and Guide to Foreclosure Settlement Process

"Locked Out" Report on New York Settlement Conferences by Center for New York City Neighborhoods (Oct. 2009)

New York State Unified Court System Residential Foreclosure Settlement Conferences: An Overview for Homeowners

Supreme Court 11th Judicial District (Queens) Foreclosure Conference Rules

## **NEW MEXICO**

First Judicial Circuit (Santa Fe): Administrative Order No. 2009-00001 with forms and related documents

## **OHIO**

Ohio Supreme Court:

Program Model

## Foreclosure Mediation Resources

### Cuyahoga County (Cleveland):

Required Forms and General Information

Program Summary

Alternative Proposal

### Franklin County (Columbus):

General Program Information

### Summit County (Akron)

## **OREGON**

Senate Bill 628 as passed by House June 29, 2009

Enrolled House Bill 3610, Updated 2010 (Amending SB 628)

## **PENNSYLVANIA**

Report: Philadelphia Residential Mortgage Foreclosure Diversion Program: Initial Report and Findings, a Study by the Reinvestment Fund of Philadelphia (June 2011)

### Allegheny County (Pittsburgh):

Administrative Order

Court Program Description

Bucks County (suburban Philadelphia): Administrative Order

Butler County: Administrative Order of the Court

Fayette County: Administrative Order

### Lackawanna County (Scranton):

Notice of Residential Mortgage Foreclosure Diversionary Program pursuant to Lacka. Co. R.C.P. 205.2(b) and 1143(a) - Form 8

Notice of Residential Mortgage Foreclosure Diversionary Program pursuant to 1034(b) and 1035.2 - Form 11

Northampton County (Bethlehem/Easton): Administrative Order

### Philadelphia County

Philadelphia Residential Mortgage Foreclosure Diversion Pilot Program: 2009 materials, including court regulations, current forms, and administrative orders (November 17, 2008)

NCLC Reports Article July/August 2008 Article: Local Foreclosure Moratoriums: The

Philadelphia Story

Philadelphia Court: Information page and Forms

Somerset County: Order

Washington Count: Mortgage Foreclosure Diversion Program

## **RHODE ISLAND**

Providence foreclosure diversion program ordinance

Documents - City of Providence: Foreclosure Conciliation Requirements/Duties of Participants/Applying the Ordinance/Model Certificate

Decision in *Deutsche Bank National Trust Co. v. City of Providence* P.C. No. 10-1240 (Providence Superior Court) - Invalidating in part City of Providence Ordinance

## **VERMONT**

Text of Vermont H 590

Vermont Attorney General Foreclosure Mediation Information site

Vermont Judiciary Foreclosure Mediation Report Form

Vermont Foreclosure Mediation Request Form

## **WASHINGTON**

H.B. 1362 /S.B. 5275 (approved April 2011) (creating statewide foreclosure mediation program administered by state Department of Commerce)

## **WISCONSIN**

Mandatory Mediation Program for Buffalo and Pepin Counties: Program Description

Foreclosure Mediation Application form Buffalo and Pepin County

Dane County (Madison) Foreclosure Mediation Program and Notice Form

## **MISCELLANEOUS STATE/LOCAL PROGRAMS**

Milwaukee Foreclosure Mediation Project (voluntary)