

Pending Legislation

Pending Bills Involving Foreclosure Mediation and Mandatory Loss Mitigation Review

Arizona

Arizona H.B. 2124 (creating conditional stay of sale to allow time for unsupervised negotiation over loss mitigation)

Arizona H.B. 2383 (defining servicer obligations related to loss mitigation options; defining UDAP violations)

Arizona H.B. 2642 (directing courts to create and enforce mandatory mediation program)

California

California S.B. 729 (mandating recordation prior to sale of certification of compliance with detailed loss mitigation review protocol)

Connecticut

Connecticut HB 6463 (would extend existing foreclosure mediation program to July 1, 2014 and amend various scheduling provisions of existing law)

Delaware

HB 58 (expanding state's current mediation program implemented by Superior Court and directing all foreclosure cases to mediation)

Illinois

Illinois H.B. 1810 (would authorize assessment of \$500 fee from a completed foreclosure to fund various projects that further foreclosure relief, including court-sponsored mediation programs, legal services, and housing counseling)

Michigan

HB 4536 (extending sunset on existing foreclosure conference law to July 5, 2013)

HB 4542 (extending existing conference law to July 2012, altering time frame for conference requests and documentation procedures)

Mississippi

H.B. 322 (creating procedure for borrower facing non judicial foreclosure to request unsupervised conference with servicer to consider loan modification) (voted down in committee)

Missouri

H.B. 922 (directing county courts to establish programs for mandatory supervised mediations in foreclosure cases)

Nevada

A.B. 455 (would require amendment to existing foreclosure mediation rules to allow additional continuances and assess costs to beneficiary of deed of trust for causing continuances)

A.B. 300 (establishing requirements for more detailed mediator reports, standards for judicial review, and requiring more data on program performance) (vetoed by Governor)

New York

A.B. 1597 (amending § 3408 conference law to authorize courts to refer borrowers to counseling, extend negotiation period and stay of proceedings for up to one year subject to borrower's compliance with court-approved payment obligation after initial 90 days)

A.B. 5856 (amending § 3408 conference law to add HAMP review as good faith component (enacting clause stricken 4/20/2011))

A.B. 7277 (creating judicial mediation program for fundamentally unaffordable loans; borrower must make prima facie case of eligibility for program and court may order some form of payment during extended mediation period)

A.B. 7338 (adding to § 3408 conference law a requirement for HAMP eligibility review as an element of good faith)

S.B. 442 (amending judicial rules to provide for presumptive dismissal of foreclosure action after plaintiff fails twice to appear by authorized representative at settlement conference, or appears without required documents)

Oregon

SB 198 (authorizing creation of mandatory mediation program under auspices of Department of Commerce and Business Services)

Puerto Rico

SB 1434 (creating mandatory foreclosure mediation)

South Carolina

H.B. 3108 (directing judiciary to establish program for mandatory mediation of foreclosure actions)

Tennessee

H.B. 1522/S.B. 1610 (requiring mediation before non-judicial foreclosure sale, utilizing existing commercial dispute resolution entities)

Texas

H.B. 1967/ S.B. 2030 (requires certification of effort at unsupervised conference on loss mitigation before acceleration or sale of residential mortgages, applies only to institutions that received funds under EESA)

Wisconsin

A.B. 137 (authorizes procedure in which borrower may elect to participate in unsupervised negotiations with a servicer to determine whether a loan modification under standards defined in Bill can be agreed upon)

Federal Bills

S. 489 Preserving Homes and Communities Act of 2011 (would require loss mitigation reviews as condition to foreclosure and authorize HUD to make competitive grants to state and local governments to establish foreclosure mediation programs)

H.R. 1131 Preventing Homeowners from Foreclosures Act of 2011 (directs Secretary of HUD to make competitive grants to state and local governments to create foreclosure mediation programs, prescribes elements of programs eligible for funding)