

Chart of the 26 State Mediation Programs

	<u>Notice</u>		<u>Mediation</u>			<u>Lender</u>			<u>Borrower</u>		
	<u>When is it given?</u>	<u>Response required?</u>	<u>Formal session?</u>	<u>Who mediates?</u>	<u>Time frame?</u>	<u>What documentation is required?</u>	<u>Must provide proof of standing?</u>	<u>Pays costs?</u>	<u>What documentation is required?</u>	<u>Must work with housing counselor?</u>	<u>Pays costs?</u>
California	30 days before filing notice of default, lender must contact borrower to explore options	No	No	None	n/a	None	No	No	None	No	No
Connecticut	when serving complaint, lender must also serve homeowner with (1) notice that mediation is available, (2) a copy of the foreclosure mediation certificate form, and (3) an appearance form	Borrower must submit appearance form and foreclosure mediation certificate form with court not later than 15 days from the return date for foreclosure action	Yes	Judicial branch employee	First session no later than 35 days after court sends notice of session. Mediation may run up to 60 days from return date of summons. Court may continue for up to 90 days.	At least 15 days before first session, lender must provide (1) an account history identifying all credits and debits assessed to the loan account in the immediately preceding 12 month period, and (2) the name, business mailing address, electronic mail address, facsimile number and direct telephone number of an individual able to process	No	No	Borrower must bring to mediation: (1) proof of income, (2) list of expenses, (3) copies of completed applications for state mortgage financial assistance	No	No

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						requests					
Delaware	Upon the “initiation of a foreclosure action” lender shall send and post a (1) Special Notice Hotline Flyer, (2) a Universal Intake Form, and (3) a Foreclosure Intervention Counseling Client’s Checklist	May enter Mediation Program by meeting with a HUD certified counseling agency and submitting the Universal Intake Form to the lender’s attorney and Delaware Volunteer Legal Services within 15 days of posting the flyer.	Yes.	Formal mediator	Not specified	Must submit preliminary position paper to mediator one day in advance of mediation but law does not dictate what must be in the position paper	No	No	Must submit preliminary position paper to mediator one day in advance of mediation but law does not dictate what must be in the position paper	Yes	No
D.C.	Lender sends Notice of right to opt-in to mediation with Notice of Default	Within 30 days of receipt of Notice of Default, borrower must (1) request mediation, (2) submit loss mitigation application to lender, and (3) pay \$50 mediation fee	Yes	Mediator	First session no later than 45 days after mailing notice of default. Mediation to be completed within 90 days of mailing notice of default but can be extended	5 days before mediation, must provide to mediation administrator: (1) payment history, (2) itemization of amounts claimed, (3) results of loss mitigation analysis, (4) true copy of the mortgage including the note or agreement, (5) every assignment of the mortgage, and (6) evidence	Yes.	\$300	Must bring (1) tax returns and (2) income documentation to mediation	No	\$50

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					30 days.	proving that the lender has standing to commence foreclosure against the borrower. At mediation, lender must provide: (1) information on location of note, (2) copy of pooling and service agreements, (3) documents substantiating any claim that the borrower is not eligible for a loss mitigation option, and (4) any other information required by Dep't rules					
Florida	Upon filing of complaint, a judicial foreclosure action is referred automatically to mediation	Borrower must respond to program manager solicitation for mediation within 30 days of the filing	Yes.	Mediator assigned by Fla. Supreme Ct.	Mediation takes place 60-120 days from the filing of the complaint	Borrower may request: (1) evidence of standing, (2) payment history, (3) net present value information, (4) and the most current appraisal available to lender from lender 25 days prior to	If requested by borrower	\$750 upon filing complaint	If requesting loan modification, borrower must provide (1) complete detailed income and expense forms and (2) provide hardship statement. Borrower's financial disclosure statement is to be sent to IT platform 30 days	Yes, failure results in cause for termination of mediation	No

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						session. Lender must submit these to IT platform (which is accessible to parties and mediator) at least 5 days before session			before initial mediation session.		
Hawaii	Notice of default served by lender informs borrower of option to participate in mediation. Notice also served by Department of Commerce and Consumer Affairs	Within 30 days of Dept's mailing of notice the borrower must submit (1) election form, (2) certify occupancy of property, and (3) pay \$300 program fee to Department	Yes	Mediator	Opens mediation case within 20 days of borrower's election. Initial session no later than 30 days and no more than 60 days from case opening	At least 15 days before session, lender must provide Department and borrower with (1) documents showing authority to enforce debt ("copy of the promissory note, signed by the mortgagor, including any endorsements, allonges, amendments, or riders to the note evidencing the mortgage debt") and (2) records confirming default	Yes	\$250 when it serves notice which goes to fund	At least 15 days before mediation session borrower must produce (1) financial and income documentation, (2) records of past loan modification activity, and (3) certification of housing counseling	Yes, borrowers must consult with housing counselor at least 30 days before first mediation session	\$300 upon electing to mediate
Idaho	With notice of default, sends application for loss mitigation	Borrower given 30 days to complete and submit application to servicer.	No	None	Servicer must respond to loss mitigation applicatio	None but if borrower requests conference, lender must speak with borrower before making loss	No	No	Borrower must complete application for loss mitigation in form provided by servicer. During 45-day period for	No	No

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					n within 45 days of receipt. Sale may not take place during the 45 day period for review. Servicer's affidavit of compliance must be filed at least 20 days before sale.	mitigation decision			beneficiary to review loss mitigation application, servicer may require borrower to produce additional information.		
Illinois (Cook Country)	Mediation is required for all foreclosure actions	Upon receipt of summons and complaint, borrower must (1) appear at case management conference to be scheduled 60 days from time of filing complaint, (2) consult with housing counselor and pro bono attorney on	Yes	Mediator	Post-mediation status hearing is set 12 weeks after entry of mediation referral order	Mediation referral order and mediator can require written summaries from parties 10 days prior to first session. Court and mediator can set other requirements on a case by case basis	No but could be required on case by case basis	No	No express requirement to provide documentation, although mediator or mediation referral order may set requirements.	Yes	No

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		site, (3) enter formal appearance in case, and (4) file motion requesting referral to mediation									
Indiana	With complaint, must serve borrower with notice. Court also sends notice	Within 30 days of receiving notice, homeowner must notify court of intent to mediate	Yes	Mediator	Facilitation not less than 25 days after date of notice or 60 days after date of notice	30 days before conference, must provide copy of original note and mortgage, payment record substantiating the default, itemization of amount due, payment history, and anything else the court demands	No but must bring copy of original note and mortgage	No	30 days before conference, must serve court and creditor with loss mitigation packet completed (which includes 2 pay stubs, two years of tax returns, proof of benefits, itemization of expenses)	No	No
Kentucky	Upon foreclosure filing, a Notice of Conference is issued in which a date is set and informs borrower what he must do to keep date (aka attend clinic and work with	Must file certificate of compliance at least 2 weeks before conference date	Yes	Master commissioner of court	Merely has to be scheduled before sale date	None	No	No	Must attend free foreclosure clinic at Legal Aid Office and must complete financial packet with housing counselor	Yes	No

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	counselor)										
Maine	Notice of opportunity for mediation is attached to foreclosure complaint along with a sample answer	By filing answer or entering appearance, borrower sets case for mediation	Yes	Mediator	No specified time-frame but no judgment may be entered until certification that mediation is complete	No specific requirement but parties must use the FDIC loan modification calculation to determine feasibility of an affordable loan modification	No	Unspecified fee to be charged to lender upon filing of complaint	Financial statements or other information must be made available “as necessary”	No but mediator may refer to housing counselor at any time	No
Maryland	Lender must serve the borrower with a notice of intent to foreclose. (served at least 90 days after default and 45 days before the lender files complaint.). With this notice of intent, lender must serve “loss mitigation application.”	With loss mitigation application, borrower can request that servicer review. If lender proceeds to foreclose, lender must file a final loss application affidavit. With this affidavit, borrower received notice of right to request mediation within 15 days.	Yes	Office of Admin. Hearings	Mediation to be completed within 60 days from date court transmits mediation request	None but lender must file a form for the final and preliminary loss mitigation affidavits with the court and serve upon the borrower before a sale may take place. The Commissioner of Financial Regulation may require the form to be submitted no later than 20 days before the scheduled mediation date	No	\$300 which is added to cost of filing an order to docket	Borrower must complete the Request for Foreclosure Mediation Form which requires that the borrower respond to six questions and state current household income.	No	\$50

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Massachusetts	Statute increases borrower's time period to exercise right to cure default from 90 to 150 days	borrower who does not respond to a lender's written communication about a conference within 30 days is deemed to have waived the 150-day cure period and is limited to 90 days to cure as under prior law	No	No	n/a	None but Lender certifying good faith effort to confer must file with land court and give homeowner and commissioner of division of banks an affidavit stating time and place of meetings, relief offered the borrower, a summary of the creditor's net present value analysis and applicable inputs of the analysis and certification that any modification or option offered complies with current federal law or policy.	No	No	None	No	No
Michigan	Lender must give written notice to borrower before initiating foreclosure by advertisement proceeding	Borrower must request meeting within 14 days of date notice is mailed	No	None	90 day period to consider modification	None	No	No	Lender can request from borrower any documents it deems necessary to determine eligibility for modification, and borrower must provide them	Borrower must contact housing counselor from the list enclosed in notice within 14	No

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	with foreclosure by sale.									days after notice mailed	
Nevada	Trustee may not exercise power of sale unless it served grantor or person who holds title of record with notice that they may elect to enter into mediation.	To elect mediation, borrower must return this notice to trustee and mediation administrator within 30 days of service	Yes	Mediator	Mediation must take place within 90 days of the recording of the notice of default.	Must produce (1) current appraisal and (1) prepare an estimate of the “short sale” value of the property which may be considered if loan not modified. Documents designated by mediator to be produced 10 days prior to session. Must bring to the mediation (1) the original or certified copies of the deed of trust, (2) the mortgage note and each assignment of the deed of trust, (3) the mortgage note, and (4) each assignment of the deed of trust and the mortgage note. Must submit confidential non-binding proposal for resolving the foreclosure to the mediator.	Yes	\$200	Borrower must prepare (1) a financial statement and (2) Housing Affordability Worksheet. Must submit confidential non-binding proposal for resolving the foreclosure to the mediator	No	\$200

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						Must produce some documentation of a method of analysis for review of loan modification. Documentation provided confidentially to mediator only.					
New Hampshire	No details provided in statute, merely provides for voluntary, pre-suit mediation.										
New Jersey	Notice of right to request mediation is served with summons and complaint. Forms to request mediation are sent to homeowner 3 times: with summons and complaint, 60 days after service of summons and complaint, and when motion for judgment filed.	Homeowner can request mediation up to time of foreclosure sale.	Yes	Mediator	Session to be scheduled within 90 days of receipt of financial info from homeowner	None	No	No	Homeowner contacts hotline, is referred to housing counselor, completes financial forms and provides documents. Mediation scheduled when forms and documentation from borrower complete.	Yes	No

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New Mexico	Lender serves notice of availability of mediation with summons and complaint.	Borrower must complete and file "Request for Mortgage Foreclosure Mediation" at any time while case is pending	Yes	Assigned under ADR system	Mediation to take place within 30 days of referral order	Must provide completed lender information sheet to homeowner and mediator 10 working days before a session. Lender Information Sheet includes (1) post-origination assignment information, including information on unfiled assignments, (2) TILA and HUD 1 documents, (3) any notices required under mortgage, (4) the identity of person with settlement authority, (5) investor settlement guidelines and information, and (6) payment history.	Yes	No	Homeowner must complete, but not file, homeowner information data form which includes financial information and reason for default	Borrower must consult with housing counselor not less than 10 work days before session	No
New York	With summons and complaint, homeowner is notified of date, time,	No, it is mandatory	With court	Judicial officer	Held within 60 days after filing proof of service of	Courts notify servicer of documents it must produce at conference; these include (1)	Yes	No	Borrower must bring to conference (1) income and expense documentation, (2) tax return, (3) loan resolution proposals	No	No

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	and place of a mandatory settlement conference with court				summons and complaint	payment history, (2) cure and payoff amounts, and (3) the mortgage and note.			and (4) any information from previous workout attempts.		
Ohio (Cuyahoga County)	Notice of availability of mediation is served with summons and complaint.	Homeowner must request it, and even then, it is within court's discretion	Yes	Magistrate or mediator	Mediation may be at any time prior to judgment	Court provides a "lender form" to be completed, which includes payment history, evidence that entity foreclosing is the holder of the note and mortgage, and must disclose assignments or state reason documents not available.	Yes	No	Borrower must complete homeowner form and produce financial documents	No	No
Ohio (Franklin County)	Court sends mediation request packet to homeowner along with summons and complaint.	Borrower may request mediation within 28 days from receipt of summons	Yes	Mediator	Not specified	None	No	No	Homeowner must meet with housing counselor to prepare and submit financial packet	Yes	No
Ohio (Lucas County)	Along with summons and complaint homeowner receives notice that may request	Homeowner must fill out request form and return it to court. If homeowner returns form	Yes	Magistrate	Flexible	None	No	No	None	No	No

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	mediation.	requesting mediation, period to answer complaint is extended 28 days									
Ohio (Summit County)	With summons and complaint court sends notice explaining need to answer	Cases with answers filed are automatically reviewed for referral for a settlement conference with magistrate.	Yes	Magistrate	Flexible	Required production of (1) copies of assignments made since origination, (2) declaration of custody and control of the original note and mortgage and availability of documents for inspection upon order of the court.	Yes	No	None	No	No
Oregon	On or before date notice of sale served, trustee must serve borrower with notice of the possibility of a loan modification, the availability of housing counseling, and a "Modification	To request modification borrower must fill out and mail form to lender within 30 days of date of notice. Lender must process request for modification in good faith. Must notify borrower of decision	No	None	n/a	Lender must describe in a recorded affidavit how it complied with obligation to review request for loan modification	No	No	Homeowner must request loan modification, supply financial information.	No	No

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	n Request Form.”	within 45 days of receiving request									
Penn. (Allegheny County)	Lender serves borrower with notices indicating a hotline number along with complaint	With help of housing counselor homeowner submits to the court a certification of participation in conciliation. Borrower must return participation form within 20 days of receipt. May also call court to indicate election to participate.	Yes	Judge	Not specified	None	No	No	Must work with housing counselor to complete financial documents and proposal; must submit these papers. Must submit to the court a certificate of participation with housing counselor	Yes	No
Penn. (Philadelphia County)	Conciliation session set automatically when foreclosing plaintiff lists on a civil court cover sheet that the property is owner-occupied. The designation triggers a	No	Yes	Judge or mediator	Conference within 30 to 45 days after filing of complaint	None	No	No	Homeowner works with housing counselor and produce financial information and records, including a proposal to settle case.	Yes	No

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	case management order.										
Penn. (North-hampton County)	Case management order served with complaint	No. Conciliation conference scheduled for all residential properties, but “failure to cooperate with the housing counselor shall result in the cancellation of the conciliation conference.”	Yes	Judge or mediator	Order schedules a conciliation conference within 90 days of the filing of the complaint.	None	No	No	No later than two weeks prior to conference borrower must file certification stating met with housing counselor and will submit proposal for settlement before date of conference.	Yes	No
Rhode Island	With the notice of intent to foreclose, servicer must file copy of notice with City’s Recorder of Deeds. A “loan/mortgage conciliation conference coordinator” (a housing counselor) then schedules a	No, scheduling is automatic	Yes	Housing counselor	Scheduled no later than 21 days after issuance of notice of intent. Completed within 60 days of initial notice of intent to foreclose	None but counselor must certify servicer made good faith effort to reach settlement	No	No	Borrower must provide financial and employment information to the counselor, must complete application and proposal with counselor.	Yes	No

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	conference										
Vermont	Notice of right to request mediation and form for request are served with summons and complaint.	Court refers the case to mediation if the borrower enters an appearance or requests mediation within 4 months after the entry of judgment	Yes	Mediator	Mediation takes place before expiration of the post-judgment redemption period, with a court authorized to exercise discretion to decline to refer a case to mediation for cause.	Must “attach to the complaint copies of the original note and mortgage deed and proof of ownership thereof, including copies of all original endorsements and assignments of the note and mortgage deed.” Servicer must produce for the mortgagor and mediator: documentation of its consideration of all applicable loss mitigation options, including the data used in and the outcome of any HAMP-related net present value calculation. Servicer must show that it considered other loss mitigation options available for the loan, including reinstatement, forbearance, and	Yes	Must pay for cost of mediation	Borrower must make a good faith effort to provide the mediator 20 days before the first mediation session (or within a time determined by the mediator) information on household income and other information required by HAMP.	No	No

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						short sale					
Washington State	30 days before sending the notice of default (the first step in non-judicial foreclosure), the lender must give borrower notice of a right to meet and confer with the lender to consider loss mitigation options	If borrower requests a meeting, the notice of default cannot be served for 90 days	Yes	Mediator	Within 10 days of receipt of mediation referral Dept of Commerce notifies parties of documents to be produced. A session is to take place within 45 days of receipt of referral.	Lender given notice at least 15 days before session that must provide listed documents to mediator: account status records, itemization of charges, proof of standing to foreclose, all borrower-related and mortgage - related input data used for any net present value analysis, an explanation regarding any denial of a loss mitigation option, the most recent appraisal, and the portion of any pooling and servicing agreement alleged to restrict loan modifications.	Yes	Up to \$200	Must provide documents for income, debts and obligations, and tax returns to beneficiary and mediator as directed.	Yes	Up to \$200
Wisconsin	Summons and Complaint served on the homeowner must contain	Homeowner should request mediation within 15 days of receiving the Summons	Yes	Mediator	Complete within 45 to 60 days	Not specified	No	\$100	Not specified	Yes	\$100

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	notice of the availability of mediation and an application form.										
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