

Regulations of Connecticut State Agencies

TITLE 49. Mortgages & Liens

Agency

Department of Banking

Subject

Protection from Mortgage Foreclosure

Inclusive Sections

§§ 49-31j-1—49-31j-9

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Protection from Mortgage Foreclosure

Sec. 49-31j-1. Definitions

As used in sections 49-31j-1 to 49-31j-5, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Additional principal” means the sum added to the existing principal balance by the court pursuant to subsection (a) of section 49-31i of the Connecticut General Statutes;
- (2) “Existing principal balance” means the principal balance of the mortgage debt due the lender as of the entry date of the court ordered restructuring of the mortgage debt;
- (3) “Homeowner” means “homeowner” as defined in section 49-31d of the Connecticut General Statutes;
- (4) “Lender” means “lender” as defined in section 49-31d of the Connecticut General Statutes;
- (5) “Original mortgage interest rate” means the interest rate set forth in the mortgage note. If the mortgage note provides for a different rate of interest after default or after judgment, those provisions shall not apply;
- (6) “Prevailing interest rate” means the most recent “National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders” made available by the Federal Housing Finance Board not less than fifteen nor more than forty-five days prior to the entry of the court ordered restructuring of the mortgage debt;
- (7) “Person who is underemployed” means an “underemployed person” as defined in section 49-31d of the Connecticut General Statutes;
- (8) “Person who is unemployed” means an “unemployed person” as defined in section 49-31d of the Connecticut General Statutes; and
- (9) “Protection from foreclosure” means “protection from foreclosure” as defined in section 49-31d of the Connecticut General Statutes.

(Effective August 27, 1984; Amended February 9, 2009)

Sec. 49-31j-2. Notice

Without limiting the sufficiency of other forms of notice, it shall be sufficient for a lender to give notice to a homeowner of the availability of the protection from foreclosure provisions of sections 49-31d to 49-31i, inclusive, of the Connecticut General Statutes by inserting language that reads substantially as follows in capital letters at the end of the foreclosure complaint immediately following the prayers for relief:

“Notice: A person who is underemployed or unemployed and who has for a continuous period of at least two years prior to the commencement of this foreclosure action owned and occupied the property being foreclosed as such person’s principal residence, may be entitled to certain relief provisions under sections 49-31d to 49-31i, inclusive, of the Connecticut General Statutes. You should consult an attorney to determine your rights under sections 49-31d to 49-31i, inclusive, of the Connecticut General Statutes.”

(Effective August 27, 1984; Amended February 9, 2009)

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~~§49-31j-3—49-31j-4~~

Department of Banking

Sec. 49-31j-3—49-31j-4. Repealed

Repealed February 9, 2009.

Sec. 49-31j-5. Composite interest rate

The composite interest rate for the new mortgage debt shall be a combination of the original mortgage interest rate and the prevailing interest rate and shall be calculated as follows:

(1) The original mortgage interest rate shall be multiplied by a fraction, the numerator of which shall be the existing principal balance and the denominator of which shall be the existing principal balance plus the additional principal.

(2) The prevailing interest rate shall be multiplied by a fraction, the numerator of which shall be the additional principal and the denominator of which shall be the existing principal balance plus the additional principal.

(3) The sum of subdivisions (1) and (2) of this section, rounded to the nearest one-eighth of one per cent, shall be the composite interest rate.

(Effective August 27, 1984; Amended February 9, 2009)

Sec. 49-31j-6—49-31j-9. Repealed

Repealed February 9, 2009.