

# Mayoral Candidate Richard Irvin's "Foreclosure Reduction Program"

All mortgage foreclosure suits involving owner-occupied residential properties in the City of Aurora can participate in a Conciliation Conference as provided for in this general order, before a parcel of real estate can be sold at a sheriff sale. The purpose of the Conference and of this pilot program is to provide early Court intervention in residential owner occupied mortgage foreclosure cases which will assure timely determination of eligibility under various federal, state, and local programs established to facilitate loan work-out and permit lenders to move forward to the Sheriff Sale of the properties upon conclusion of the process established hereunder.

The term "residential premises" means real property located within the County containing not more than four residential units and shall include a residential condominium unit, townhome, or a residential co-op unit, occupied by an owner as the owner's principal residence. All foreclosure suits involving other properties are not subject to the Conciliation Conference.

- a) Scheduling of the Conciliation Conference: The City of Aurora and The Chief Judge of the Circuit Court shall set forth a schedule for the conciliation conferences based on whether the foreclosure cases were scheduled for sheriff's sale, cases filed but not yet scheduled for sheriff's sale, or new mortgage foreclosure cases filed after a date certain,
- b) Case Management Order: The Case Management Order shall schedule a Conciliation Conference for a specific date, place, and time, and:
  - 1) Require the attendance of the homeowner and the lender's servicer;
  - 2) Require the homeowner to cooperate with any one of the housing counseling agencies listed on the case management order and provide to that agency any necessary financial and employment information and complete loan resolution proposals and applications, as appropriate;
  - 3) Require the exchange of the information provided to the lender representative;
  - 4) Provide such other terms as may be necessary and appropriate.
- c) Service of the Case Management Order: The City of Aurora and The Chief Judge of the Circuit Court shall set forth how the Case Management Order shall be served based upon the status of the foreclosure suit.

- d) Conciliation Conference: The Conciliation Conference shall be conducted by person or agency designated by the Court.
- e) Issues to be Addressed: The following issues shall be addressed at the Conciliation Conference:
  - 1. Whether the homeowner is represented by counsel and if not represented, whether volunteer, low-cost, sliding scale, or no-cost counsel may be available and appointed;
  - 2. Whether homeowner met with a housing counseling agency, as required;
  - 3. Whether the Housing Counseling agency has prepared an assessment or report providing available loan work-out for the homeowner;
  - 4. Homeowner's income and expense information;
  - 5. Homeowner's employment status;
  - 6. Homeowner's qualifications for any of the available work-out programs;
  - 7. Assistance with preparation of work-out plans and required orders, as appropriate;
  - 8. The necessity of any subsequent Conciliation Conference;
  - 9. Whether the case may proceed to Sheriff Sale since there is no prospect of an amicable resolution;
  - 10. Any other relevant issues
- f) Homeowner's Failure to Attend the Conference: If a homeowner fails to appear for the mandatory Conciliation Conference, the requirement for a Conciliation Conference imposed by this regulation may be deemed satisfied upon verification that the required notice was sent, and if so, an order will be issued authorizing the Plaintiff to proceed with the action.
- g) Case Management Order: At the conclusion of the Case Management Conference, an appropriate order shall be issued memorializing the result of the Conciliation Conference.