**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3108**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Sellers and Clyburn

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Introduced in the House on January 11, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Mandatory Mortgage Foreclosure Mediation Program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 48](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 48](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3108_20101207.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 14‑1‑240 SO AS TO CREATE THE “MANDATORY MORTGAGE FORECLOSURE MEDIATION PROGRAM” WITHIN THE JUDICIAL DEPARTMENT, TO PROVIDE A REQUIRED MEDIATION PROCESS BEFORE A COMPETENT JURISDICTION MAY ORDER THE SALE OF PROPERTY SUBJECT TO THE FORECLOSURE ACTION, AND TO PROVIDE THE DEPARTMENT MAY PROMULGATE RULES NEEDED TO CARRY OUT THE PURPOSE OF THIS SECTION; AND BY ADDING SECTION 29‑3‑625 SO AS TO MANDATE MEDIATION OF A FORECLOSURE ACTION WITHIN A SPECIFIC PERIOD FOLLOWING THE INITIATION OF A FORECLOSURE ACTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 14 of the 1976 Code is amended by adding:

“Section 14‑1‑240. (A) There is established a ‘Mandatory Mortgage Foreclosure Mediation Program’ within the South Carolina Judicial Department to provide a required mediation process before a court of competent jurisdiction may order the sale of property subject to the foreclosure action.

(B) A Mandatory Mortgage Foreclosure Mediation Program Fund is established as a recurring, dedicated fund within the Office of Court Administration. Fees collected to support mediation services pursuant to this section must be deposited in the fund, and the Office of Court Administration shall use the resources in the fund to cover the costs of providing mediation services pursuant to this section and Section 29‑3‑625.

(C) The department may impose fees and promulgate rules needed to carry out the purpose of this section, including the appointment of mediators.”

SECTION 2. Article 7, Chapter 3, Title 29 of the 1976 Code is amended by adding:

“Section 29‑3‑625. After a foreclosure action is referred to a court of competent jurisdiction, the court shall submit the action to mediation under the Mandatory Mortgage Foreclosure Mediation Program established in Section 14‑1‑240. This program shall provide mediation of the action within thirty days following the date on which the answer to the summons and complaint is due under Rule 6(e), South Carolina Rules of Civil Procedure.”

SECTION 3. This act takes effect upon approval by the Governor.

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