



General Assembly

February Session, 2008

**Raised Bill No. 5578**

LCO No. 1784

\*01784\_\_\_\_\_BA\_\*

Referred to Committee on Banks

Introduced by:

(BA)

***AN ACT CONCERNING REINSTATEMENT PAYMENT STATEMENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 49-10a of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective October 1, 2008*):

4 (a) A mortgagee shall, upon written request of the mortgagor or the  
5 mortgagor's attorney or other authorized agent provide a payoff  
6 statement or reinstatement payment statement in writing to the person  
7 requesting the payoff statement or reinstatement payment statement  
8 on or before the date specified in such request, provided such request  
9 date is at least [ten] five business days after the date of receipt of the  
10 written request. [for a payoff statement.] If the request is made in  
11 connection with a default, the mortgagor's attorney may make such  
12 written request directly to the mortgagee, provided such written  
13 request contains a representation that the person requesting the payoff  
14 statement or reinstatement payment statement is the mortgagor's  
15 attorney and that the mortgagor has authorized the request.

16 (b) If the mortgagee fails to provide the payoff statement or

17 reinstatement payment statement on or before such request date, the  
18 mortgagee shall not be entitled to the payment of any interest on the  
19 mortgage loan which is secured by such mortgage which accrues after  
20 the expiration of such request date. If the mortgagee provides the  
21 payoff statement or reinstatement payment statement to the person  
22 requesting [the payoff] such statement after the expiration of such  
23 request date, but the mortgage is not paid off or reinstated, interest on  
24 the mortgage loan which accrues after the receipt of the payoff  
25 statement or the reinstatement payment statement by the person who  
26 has requested it shall again be payable. The burden of proof shall be on  
27 the mortgagor with respect to the receipt by the mortgagee of the  
28 mortgagor's request for a payoff statement or a reinstatement payment  
29 statement of the mortgage loan, and thereafter shall be on the  
30 mortgagee with respect to the receipt of the payoff statement or  
31 reinstatement payment statement by the mortgagor or the mortgagor's  
32 attorney or other authorized agent.

33 (c) The mortgagee shall not impose any fee or charge for the first  
34 payoff statement or reinstatement payment statement requested within  
35 a calendar year, unless the mortgagor or the mortgagor's attorney or  
36 other authorized agent requests expedited delivery of [the payoff] such  
37 statement, agrees to pay a fee for such expedited delivery and the  
38 [payoff] statement is provided by the agreed upon date.

39 (d) For the purposes of this section, "reinstatement payment  
40 statement" means a statement setting forth the total sum owed by a  
41 mortgagor to a mortgagee, which, if paid, will cure a default in  
42 mortgage payments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	49-10a

***Statement of Purpose:***

To require a mortgagee to provide a reinstatement payment statement upon written request by a mortgagor.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*