



General Assembly

**Amendment**

January Session, 2011

LCO No. 6681

**\*SB0095706681SD0\***

Offered by:

SEN. DUFF, 25<sup>th</sup> Dist.

REP. TONG, 147<sup>th</sup> Dist.

To: Subst. Senate Bill No. 957

File No. 292

Cal. No. 190

**"AN ACT CONCERNING NEIGHBORHOOD PROTECTION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 7-148hh of the general statutes is repealed and  
4 the following is substituted in lieu thereof (*Effective October 1, 2011*):

5 As used in sections 7-148ff, 7-148ii, as amended by this act, 7-152c,  
6 19a-206, 47a-52, 47a-53, 47a-58 and 49-73b, as amended by this act:

7 (1) "Registrant" means the owner of [vacant] residential property  
8 who is required to register such property pursuant to section 7-148ii, as  
9 amended by this act.

10 (2) "Residential property" means a [one-to-four family] building  
11 containing one or more dwelling units and includes a commercial  
12 building containing one or more dwelling units.

13 (3) ["Vacant" means uninhabited.] "Dwelling unit" means any house

14 or building, or portion thereof, which is occupied, designed to be  
15 occupied, or rented, leased or hired out to be occupied, exclusively as a  
16 home or residence of one or more persons.

17 (4) ["MERS" means the Mortgage Electronic Registration Systems.]  
18 "Mortgage" means a mortgage on residential real property that is held  
19 by a person other than a natural person.

20 (5) "Person" means an individual, corporation, business trust, estate,  
21 trust, partnership, limited liability company, association, joint venture,  
22 public corporation, government or governmental subdivision, agency,  
23 or instrumentality, or any other legal or commercial entity.

24 Sec. 2. Section 7-148ii of the general statutes is repealed and the  
25 following is substituted in lieu thereof (*Effective October 1, 2011*):

26 (a) Any person [in whom title to a residential property has vested  
27 after October 1, 2009, through a foreclosure action pursuant to sections  
28 49-16 to 49-19, inclusive, or 49-26,] who, on or after October 1, 2011,  
29 commences an action to foreclose a mortgage on residential property  
30 shall register such property with the town clerk of the municipality in  
31 which the property is located, [or with MERS (1) no later than ten days  
32 after the date title vests in such person if such residential property is  
33 vacant on the date title vests, or (2) if, as a result of an execution of  
34 ejectment pursuant to section 49-22 or a summary process action  
35 pursuant to chapter 832, such residential property becomes vacant  
36 before the date one hundred twenty days after the date title vests in  
37 such person, then no later than ten days after the date on which such  
38 property becomes vacant] or the municipality's designee, at the time  
39 and place of the recording of the notice of lis pendens as to the  
40 residential property being foreclosed in accordance with section 52-  
41 325. Such registration shall be maintained by the municipality separate  
42 and apart from the land records.

43 (b) [If the registration is with the municipality, it] Registration made  
44 pursuant to subsection (a) of this section shall contain (1) the name,  
45 address, telephone number and electronic mail address of the

46 [registrant] plaintiff in the foreclosure action and, if [the registrant]  
47 such plaintiff is [a corporation] an entity or an individual who resides  
48 out-of-state, the name, address, telephone number and electronic mail  
49 address of a direct contact in the state, provided such a direct contact is  
50 available; [and] (2) the name, address, telephone number and  
51 electronic mail address of the person, local property maintenance  
52 company [responsible for the security and maintenance of the vacant]  
53 or other entity serving as such plaintiff's contact with the municipality  
54 for any matters concerning the residential property; [, if such a  
55 management company has been engaged by the registrant] and (3) the  
56 following heading in at least ten-point boldface capital letters: NOTICE  
57 TO MUNICIPALITY: REGISTRATION OF PROPERTY BEING  
58 FORECLOSED. The [registrant] plaintiff in the foreclosure action shall  
59 indicate on such registration whether it prefers to be contacted by first  
60 class mail or electronic mail and the preferred addresses for such  
61 communications. [The registrant] Such plaintiff shall report to the  
62 town clerk of the municipality in which the property is located, by  
63 mail or other form of delivery, any change in the information provided  
64 on the registration [no] not later than [ten] thirty days following the  
65 date of the change of information. At the time of registration, [the  
66 registrant] such plaintiff shall pay a [one-hundred-dollar] land record  
67 filing fee to the municipality as specified in section 7-34a.

68 [(c) If the registration is with MERS, it shall contain (1) the name,  
69 address, telephone number and electronic mail address of the  
70 registrant, and (2) the name, address, telephone number and electronic  
71 address of the local property maintenance company responsible for the  
72 maintenance of the property, if such a management company has been  
73 engaged by the registrant.]

74 (c) Any person in whom title to a residential property has vested on  
75 or after October 1, 2011, through a foreclosure action pursuant to  
76 sections 49-16 to 49-21, inclusive, or 49-26, shall register such property,  
77 in accordance with subsection (d) of this section, with the municipality  
78 in which such property is located not later than fifteen days after  
79 absolute title vests in such person. If such person is the plaintiff in the

80 foreclosure action, such person shall, prior to the expiration of such  
81 fifteen-day period, update the registration with any change in  
82 registration information for purposes of complying with said  
83 subsection (d). The updated registration shall include the following  
84 heading in at least ten-point boldface capital letters: NOTICE TO  
85 MUNICIPALITY: UPDATED REGISTRATION FOR PROPERTY  
86 ACQUIRED THROUGH FORECLOSURE.

87 (d) Registration made pursuant to subsection (c) of this section shall  
88 be mailed or delivered to the town clerk of the municipality in which  
89 the residential property is located and include (1) the name, address,  
90 telephone number and electronic mail address of the registrant and, if  
91 the registrant is an entity or an individual who resides out-of-state, the  
92 name, address, telephone number and electronic mail address of a  
93 direct contact in the state, provided such a direct contact is available;  
94 (2) the date on which absolute title vested in the registrant; (3) the  
95 name, address, telephone number and electronic mail address of the  
96 person, local property maintenance company or other entity  
97 responsible for the security and maintenance of the residential  
98 property; and (4) the following heading in at least ten-point boldface  
99 capital letters: NOTICE TO MUNICIPALITY: REGISTRATION OF  
100 PROPERTY ACQUIRED THROUGH FORECLOSURE. The  
101 registration, or updated registration, shall be accompanied by a land  
102 record filing fee payable to the municipality as specified in section 7-  
103 34a. The registrant shall report to the town clerk by mail or other form  
104 of delivery any change in the information provided on the registration  
105 not later than thirty days from the date of the change in information.

106 [(d)] (e) If a registrant required to register pursuant to subsection (c)  
107 of this section fails to comply with any provision of the general statutes  
108 or of any municipal ordinance concerning the repair or maintenance of  
109 real estate, including, without limitation, an ordinance relating to the  
110 prevention of housing blight pursuant to subparagraph (H)(xv) of  
111 subdivision (7) of subsection (c) of section 7-148, the maintenance of  
112 safe and sanitary housing as provided in subparagraph (A) of  
113 subdivision (7) of subsection (c) of section 7-148, or the abatement of

114 nuisances as provided in subparagraph (E) of subdivision (7) of  
115 subsection (c) of section 7-148, the municipality may issue a notice to  
116 the registrant citing the conditions on such property that violate such  
117 provisions. Such notice shall be sent by either first class or electronic  
118 mail, or both, and shall be sent to the address or addresses of the  
119 registrant identified on the registration. A copy of such notice shall be  
120 sent by first class mail or electronic mail to the person, property  
121 maintenance company [if such a company has been identified] or other  
122 entity responsible for the security and maintenance of the residential  
123 property designated on the registration. Such notice shall comply with  
124 section 7-148gg.

125 [(e)] (f) The notice described in subsection [(d)] (e) of this section  
126 shall provide a date, reasonable under the circumstances, by which the  
127 registrant [may] shall remedy the condition or conditions on such  
128 registrant's property. If the registrant, registrant's contact or [property  
129 management company] registrant's agent does not remedy the  
130 condition or conditions on such registrant's property before the date  
131 following the date specified in such notice, the municipality may  
132 enforce its rights under the relevant provisions of the general statutes  
133 or of any municipal ordinance.

134 [(f)] (g) A municipality shall only impose registration requirements  
135 upon registrants and plaintiffs in foreclosure actions in accordance  
136 with this section, except that any municipal registration requirements  
137 effective on or before passage of public act 09-144 shall remain  
138 effective.

139 (h) Any plaintiff in a foreclosure action who fails to register in  
140 accordance with this section shall be subject to a civil penalty of one  
141 hundred dollars for each violation, up to a maximum of five thousand  
142 dollars. Each property for which there has been a failure to register  
143 shall constitute a separate violation.

144 (i) Any person in whom title to a residential property has vested on  
145 or after October 1, 2011, through a foreclosure action pursuant to

146 sections 49-16 to 49-21, inclusive, or 49-26, and who has not registered  
 147 in accordance with subsection (c) of this section within thirty days of  
 148 absolute title vesting in such owner shall be subject to a civil penalty of  
 149 two hundred fifty dollars for each violation, up to a maximum of  
 150 twenty-five thousand dollars. Each property for which there has been a  
 151 failure to register shall constitute a separate violation.

152 (j) An authorized official of the municipality may file a civil action  
 153 in Superior Court to collect the penalties imposed pursuant to  
 154 subsections (h) and (i) of this section, which penalties shall be payable  
 155 to the treasurer of such municipality. Such penalties shall not create or  
 156 constitute a lien against the residential property.

157 (k) Neither the registration by a foreclosing party nor the failure to  
 158 register in accordance with subsection (a) of this section shall imply or  
 159 create any legal obligations on the part of the foreclosing party to  
 160 repair, maintain or secure the residential property for which a  
 161 registration is required prior to the time that title passes to the  
 162 foreclosing party.

163 Sec. 3. Subsection (h) of section 49-73b of the general statutes is  
 164 repealed and the following is substituted in lieu thereof (*Effective*  
 165 *October 1, 2011*):

166 (h) The provisions of this section shall not apply to policies on  
 167 single-family or two-family dwellings, unless such dwellings are  
 168 [vacant] residential properties owned by a registrant subject to section  
 169 7-148ii, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	7-148hh
Sec. 2	<i>October 1, 2011</i>	7-148ii
Sec. 3	<i>October 1, 2011</i>	49-73b(h)