



General Assembly

**Raised Bill No. 5339**

February Session, 2016

LCO No. 1029

\* \_\_\_\_\_HB05339BA\_\_\_\_\_040416\_\_\_\_\_\*

Referred to Committee on HOUSING

Introduced by:  
(HSG)

**AN ACT CONCERNING PENALTIES FOR THE FAILURE TO REGISTER A RESIDENTIAL PROPERTY BY A FORECLOSING PARTY.**

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

1 Section 1. Section 7-148ii of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Any person who, on or after October 1, 2011, commences an  
4 action to foreclose a mortgage on residential property shall register  
5 such property with the town clerk of the municipality in which the  
6 property is located at the time and place of the recording of the notice  
7 of lis pendens as to the residential property being foreclosed in  
8 accordance with section 52-325. Such registration shall be maintained  
9 by the municipality separate and apart from the land records.

10 (b) Registration made pursuant to subsection (a) of this section shall  
11 contain (1) the name, address, telephone number and electronic mail  
12 address of the plaintiff in the foreclosure action and, if such plaintiff is  
13 an entity or an individual who resides out-of-state, the name, address,  
14 telephone number and electronic mail address of a direct contact in the

15 state, provided such a direct contact is available; (2) the name, address,  
16 telephone number and electronic mail address of the person, local  
17 property maintenance company or other entity serving as such  
18 plaintiff's contact with the municipality for any matters concerning the  
19 residential property; and (3) the following heading in at least ten-point  
20 boldface capital letters: NOTICE TO MUNICIPALITY:  
21 REGISTRATION OF PROPERTY BEING FORECLOSED. The plaintiff  
22 in the foreclosure action shall indicate on such registration whether it  
23 prefers to be contacted by first class mail or electronic mail and the  
24 preferred addresses for such communications. Such plaintiff shall  
25 report to the town clerk of the municipality in which the property is  
26 located, by mail or other form of delivery, any change in the  
27 information provided on the registration not later than thirty days  
28 following the date of the change of information. At the time of  
29 registration, such plaintiff shall pay a land record filing fee to the  
30 municipality as specified in section 7-34a.

31 (c) Any person in whom title to a residential property has vested on  
32 or after October 1, 2011, through a foreclosure action pursuant to  
33 sections 49-16 to 49-21, inclusive, or 49-26, shall register such property,  
34 in accordance with subsection (d) of this section, with the municipality  
35 in which such property is located not later than fifteen days after  
36 absolute title vests in such person. If such person is the plaintiff in the  
37 foreclosure action, such person shall, prior to the expiration of such  
38 fifteen-day period, update the registration with any change in  
39 registration information for purposes of complying with said  
40 subsection (d). The updated registration shall include the following  
41 heading in at least ten-point boldface capital letters: NOTICE TO  
42 MUNICIPALITY: UPDATED REGISTRATION FOR PROPERTY  
43 ACQUIRED THROUGH FORECLOSURE.

44 (d) Registration made pursuant to subsection (c) of this section shall  
45 be mailed or delivered to the town clerk of the municipality in which  
46 the residential property is located and include (1) the name, address,  
47 telephone number and electronic mail address of the registrant and, if

48 the registrant is an entity or an individual who resides out-of-state, the  
49 name, address, telephone number and electronic mail address of a  
50 direct contact in the state, provided such a direct contact is available;  
51 (2) the date on which absolute title vested in the registrant; (3) the  
52 name, address, telephone number and electronic mail address of the  
53 person, local property maintenance company or other entity  
54 responsible for the security and maintenance of the residential  
55 property; and (4) the following heading in at least ten-point boldface  
56 capital letters: NOTICE TO MUNICIPALITY: REGISTRATION OF  
57 PROPERTY ACQUIRED THROUGH FORECLOSURE. The  
58 registration, or updated registration, shall be accompanied by a land  
59 record filing fee payable to the municipality as specified in section 7-  
60 34a. The registrant shall report to the town clerk by mail or other form  
61 of delivery any change in the information provided on the registration  
62 not later than thirty days from the date of the change in information.

63 (e) If a registrant required to register pursuant to subsection (c) of  
64 this section fails to comply with any provision of the general statutes  
65 or of any municipal ordinance concerning the repair or maintenance of  
66 real estate, including, without limitation, an ordinance relating to the  
67 prevention of housing blight pursuant to subparagraph (H)(xv) of  
68 subdivision (7) of subsection (c) of section 7-148, the maintenance of  
69 safe and sanitary housing as provided in subparagraph (A) of  
70 subdivision (7) of subsection (c) of section 7-148, or the abatement of  
71 nuisances as provided in subparagraph (E) of subdivision (7) of  
72 subsection (c) of section 7-148, the municipality may issue a notice to  
73 the registrant citing the conditions on such property that violate such  
74 provisions. Such notice shall be sent by either first class or electronic  
75 mail, or both, and shall be sent to the address or addresses of the  
76 registrant identified on the registration. A copy of such notice shall be  
77 sent by first class mail or electronic mail to the person, property  
78 maintenance company or other entity responsible for the security and  
79 maintenance of the residential property designated on the registration.  
80 Such notice shall comply with section 7-148gg.

81 (f) The notice described in subsection (e) of this section shall provide  
82 a date, reasonable under the circumstances, by which the registrant  
83 shall remedy the condition or conditions on such registrant's property.  
84 If the registrant, registrant's contact or registrant's agent does not  
85 remedy the condition or conditions on such registrant's property  
86 before the date following the date specified in such notice, the  
87 municipality may enforce its rights under the relevant provisions of  
88 the general statutes or of any municipal ordinance.

89 (g) A municipality shall only impose registration requirements upon  
90 registrants and plaintiffs in foreclosure actions in accordance with this  
91 section, except that any municipal registration requirements effective  
92 on or before October 1, 2009, shall remain effective.

93 (h) Any plaintiff in a foreclosure action who fails to register in  
94 accordance with this section shall be subject to a civil penalty of one  
95 [hundred] thousand dollars for each violation, up to a maximum of  
96 five thousand dollars. Each property for which there has been a failure  
97 to register shall constitute a separate violation.

98 (i) Any person in whom title to a residential property has vested on  
99 or after October 1, 2011, through a foreclosure action pursuant to  
100 sections 49-16 to 49-21, inclusive, or 49-26, and who has not registered  
101 in accordance with subsection (c) of this section within thirty days of  
102 absolute title vesting in such owner shall be subject to a civil penalty of  
103 one thousand two hundred fifty dollars for each violation, up to a  
104 maximum of twenty-five thousand dollars. Each property for which  
105 there has been a failure to register shall constitute a separate violation.

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

111 (k) Neither the registration by a foreclosing party nor the failure to

112 register in accordance with subsection (a) of this section shall imply or  
113 create any legal obligations on the part of the foreclosing party to  
114 repair, maintain or secure the residential property for which a  
115 registration is required prior to the time that title passes to the  
116 foreclosing party.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2016	7-148ii
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**HSG**      *Joint Favorable*

**BA**        *Joint Favorable*