
OLR Bill Analysis

HB 6593

AN ACT PROTECTING A MORTGAGOR FROM AN UNREASONABLE INVASION OF HIS OR HER PRIVACY BY A MORTGAGE HOLDER.

SUMMARY

This bill prohibits the following actions:

1. an owner or servicer of a debt secured by a first mortgage (i.e., “mortgagee”) on a one-to-four-family residential dwelling from entering the secured property without permission or a court order and
2. beginning October 1, 2021, a mortgagee from requiring, as a condition for obtaining a residential real property loan, a mortgagor to give it or its assignee the right to enter the property without permission or a court order.

A “mortgagor” for the bill’s purposes is an owner-occupant of a one-to-four-family dwelling who is also the borrower under the loan secured by a mortgage. It includes his or her heirs or assigns.

The bill also specifies that residential mortgage “property preservation clauses” giving mortgagees the right to secure, preserve, or protect property do not permit a mortgagee or its agents, employees, or representatives from entering the property involved without permission or a court order.

Under the bill, the ban on entering the property also applies to the debt owner’s or servicer’s agents, employees, and representatives. These entities must either obtain (1) permission to enter the property from the property owner, occupant, or mortgagor or (2) an order from the Superior Court in the judicial district where the property is located.

EFFECTIVE DATE: October 1, 2021

MORTGAGES INVOLVED

The bill applies to mortgage deeds, deeds of trust, or other equivalent consensual security interests on one-to-four-family dwellings that secure loans made primarily for personal, family, or household purposes. It applies only to first mortgages, which are those with priority over all other mortgages or liens on the property, except those given priority by state or federal law (e.g., tax liens).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 1 (03/29/2021)