



House of Representatives

General Assembly

File No. 477

January Session, 2021

House Bill No. 6593

House of Representatives, April 15, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Mortgage" means a mortgage deed, deed of trust or other
3 equivalent consensual security interest on residential real property
4 securing a loan made primarily for personal, family or household
5 purposes that is first in priority over any other mortgages or liens
6 encumbering the residential real property, except those liens that are
7 given priority over a mortgage pursuant to state or federal law;

8 (2) "Mortgagee" means the owner or servicer of the debt secured by a
9 mortgage;

10 (3) "Mortgagor" means the owner-occupant of residential real
11 property located in this state who is also the borrower under the loan
12 that is secured by a mortgage and includes the heirs or assigns of the

13 mortgagor; and

14 (4) "Residential real property" means a one-to-four-family dwelling
15 occupied as a residence by a mortgagor.

16 (b) No property preservation clause set forth in any mortgage
17 permitting the mortgagee the right to secure, preserve or protect the
18 residential real property shall be construed as to permit the mortgagee,
19 or any agent, employee or representative of the mortgagee, to enter
20 upon the residential real property without the permission of the owner,
21 occupant or mortgagor or an order of the superior court for the judicial
22 district in which the property is situated.

23 (c) No mortgagee or any agent, employee or representative of the
24 mortgagee shall enter upon the residential real property secured by the
25 mortgage without the permission of the owner, occupant or mortgagor
26 or an order of the superior court for the judicial district in which the
27 property is situated.

28 (d) On and after October 1, 2021, no mortgagee shall require a
29 mortgagor, as a condition of obtaining a loan, to agree that a mortgagee,
30 or assignee of such mortgagee, has any right to enter the residential real
31 property secured by the mortgage without the permission of the owner,
32 occupant or mortgagor or an order of the superior court for the judicial
33 district in which the property is situated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill involves homeowners and mortgage lenders and does not have an impact on the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

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)