

Attorneys At Real Estate Closings In Connecticut

By: Alex Reger, Principal Analyst
December 14, 2021 | 2021-R-0222

Issue

Summarize state law requiring Connecticut real estate closings to be conducted by attorneys. This report updates OLR Report [2015-R-0186](#).

Summary

State law requires anyone conducting a real estate closing to be a Connecticut-admitted attorney in good standing (i.e., the attorney cannot be disqualified from practicing law due to resignation, disbarment, inactive status, or suspension) ([CGS § 51-88a](#)).

For the purposes of this law, a “real estate closing” is a closing for a mortgage loan or any other transaction where consideration is paid to change the ownership of real property in the state. However, it excludes a home equity line of credit or any other loan that is secured by real property but that does not involve the issuance of a lender’s or mortgagee’s title insurance policy.

Violating this law constitutes an unauthorized practice of law, which is generally a class D felony or, if the person is admitted in another jurisdiction, a class C misdemeanor.

According to the floor debate, [PA 19-88](#) (which established this requirement) was passed partially in response to “witness-only” or “notary-only” closings. A “witness-only” or “notary-only” closing is a real estate transaction in which an individual (who may or may not be an attorney) acts only as a notary or witness for a closing and is not actively involved in the transaction. In practice, these individuals generally act on behalf of the mortgagee or lender.

In 2021, there were legislative proposals to limit or repeal the law, including [HB 5021](#) and [SB 321](#), neither of which passed. [SB 1202](#) § 98 (2021) contained a provision to limit the requirement to residential mortgages. However, the provision was removed prior to the bill's passage.

AR:kc