

The Office of Legislative Research provided this brief overview of Public Act 11-201, Sections 13 through 15. The overview does not convey the full significance of the Act. Study Public Act 11-201: CGS §§ 7-148hh and 7-148ii. **Contact your Town Attorney with questions about implementation.**

Foreclosure Registration Requirements

Effective October 1, 2011

PA 11-201 (§§ 13-15) makes changes in several laws affecting banking and housing, including foreclosure. Among other things, the act requires anyone who commences a foreclosure action concerning a subject property to register the property with the town clerk in the municipality where the property is located. They must pay a land record filing fee and the municipality must maintain the registration separate from the land records.

The act requires anyone taking title to a subject property after foreclosure to register with the town clerk within 15 days of absolute title vesting in the person. It eliminates the option of registering with the Mortgage Electronic Registration Systems (MERS). If the registering owner was also the plaintiff in the foreclosure action, the person must update its prior registration rather than registering anew.

Prior law required those who register with a municipality, but not with MERS, to pay a \$100 fee to the municipality. The act instead requires all registrants (including foreclosure plaintiffs updating their prior registration) to pay to the municipality a land record filing fee.

The act permits a municipality to issue a notice for violations of state laws or municipal ordinances on property repair or maintenance only for registrations after title has vested following foreclosure (including updated registrations by those previously registered as plaintiffs). It also makes other changes regarding these notices.

Note: This is an excerpt from the July 13, 2011, *OLR Research Report for Town Clerks*, 2011-R-0243. CGS Section 7-148ii

PUBLIC ACT 11-201, SECTIONS 13 THROUGH 15

Sec. 13. Section 7-148hh of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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

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

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

(3) ["Vacant" means uninhabited.] "Dwelling unit" means any house or building, or portion thereof, which is occupied, designed to be occupied, or rented, leased or hired out to be occupied, exclusively as a home or residence of one or more persons.

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

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

Sec. 14. Section 7-148ii of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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

(b) [If the registration is with the municipality, it] Registration made pursuant to subsection (a) of this section shall contain (1) the name, address, telephone number and electronic mail address of the [registrant] plaintiff in the foreclosure action and, if [the registrant] such plaintiff is [a corporation] an entity or an individual who resides out-of-state, the name, address, telephone number and electronic mail address of a direct contact in the state, provided such a direct contact is available; [and] (2) the name, address, telephone number and electronic mail address of the person, local property maintenance company [responsible for the security and maintenance of the vacant] or other entity serving as such plaintiff's contact with the municipality for any matters concerning the residential

property; [, if such a management company has been engaged by the registrant] and (3) the following heading in at least ten-point boldface capital letters: NOTICE TO MUNICIPALITY: REGISTRATION OF PROPERTY BEING FORECLOSED. The [registrant] plaintiff in the foreclosure action shall indicate on such registration whether it prefers to be contacted by first class mail or electronic mail and the preferred addresses for such communications. [The registrant] Such plaintiff shall report to the town clerk of the municipality in which the property is located, by mail or other form of delivery, any change in the information provided on the registration [no] not later than [ten] thirty days following the date of the change of information. At the time of registration, [the registrant] such plaintiff shall pay a [one-hundred-dollar] land record filing fee to the municipality as specified in section 7-34a.

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

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

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

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

citing the conditions on such property that violate such provisions. Such notice shall be sent by either first class or electronic mail, or both, and shall be sent to the address or addresses of the registrant identified on the registration. A copy of such notice shall be sent by first class mail or electronic mail to the person, property maintenance company [if such a company has been identified] or other entity responsible for the security and maintenance of the residential property designated on the registration. Such notice shall comply with section 7-148gg.

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

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

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

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

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

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

Sec. 15. Subsection (h) of section 49-73b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

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

Approved July 13, 2011

Town Clerk Guidelines for Connecticut General Statutes Section 7-34a, Sections 7-1488hh & 7-148ii, Public Act 11-201. Effective October 1, 2011	
<u>FORM 1</u>	Registration of Residential Property Being Foreclosed <i>or</i> Filing to Report Changes
<u>FORM 2</u>	Registration of Property Acquired through Foreclosure <i>or</i> Updated Registration for Property Acquired Through Foreclosure <i>or</i> Filing to Report Changes

These Guidelines do not convey the full significance of Public Act 11-201. Study Public Act 11-201: CGS §§ 7-148hh and 7-148ii. Contact your Town Attorney with questions about implementation.

1. **Do not record any registration form on the land records.**
2. **Filing fee is \$53.00** per registration or updated registration. See CGS §7-34a.
 - a. No fee is required for a change in information made to a registration or an updated registration.
 - b. Fees are payable to the town of registration.
 - i. The fee is collected for filing the initial registration of FORM 1 *or* FORM 2 *or* for an updated registration of FORM 2. Forms are available on the CTCA web site.
 - c. Make monthly surcharge payments to the State Treasurer and the State Library on the same forms used for Land Record surcharge payments. Forms are available on the CTCA web site.
3. **File the registration form** in a loose-leaf binder, folder, or other secure filing system that is easily and readily available to the public, title searchers, attorneys, and other Town staff.
 - a. Enter data in Foreclosure Registration Log by order of “date received.” Enter property location next to the date received. Use separate columns for the street name and street number to help with sorting by street name. File the registrations by the date received. Make the Log available to searchers in order to save time and to preserve the integrity of the records. (The Log is a suggestion and not required.)

FORM 1

Registration **FORM 1** is filed by a Plaintiff who commences an action to foreclose a mortgage in a *Notice of lis pendens*. (\$53.00 fee)

- The *Notice of lis pendens* is recorded on the land records, as in the past; and, (NEW) at the SAME time, the Plaintiff shall file a registration form with the Town Clerk entitled “Notice to Municipality: Registration of Residential Property Being Foreclosed.”
- Initial registration is to be completed and filed by the Plaintiff at the time and place of the recording of the *Notice of lis pendens* on the land records.
- In a *Notice of lis pendens*, the Plaintiff gives notice of pending foreclosure against the property owner known as the Defendant. The Plaintiff (name is at the top) vs. the Defendant (name is below).
- Return the *Notice of lis pendens* as indicated on the document.
- Keep the registration form.
- A \$53.00 fee is collected for a registration or an updated registration filing.

Or

Registration **FORM 1** is filed when there is a change to the information in FORM 1. (No fee)

- Change in information is to be filed not later than 30 days following the change(s).
- No fee is collected for filing a change in information.

FORM 2

Registration **FORM 2** is filed by the person who becomes vested in a property through a foreclosure action. (\$53.00 fee)

- FORM 2 may be filed without a concurrent recording in the land records.
- Registration or updated registration is to be filed not later than 15 days after absolute title vests in such person.
- FORM 2 “registration” is filed by either (a) someone who was not the Plaintiff in the foreclosure action, or (b) a Plaintiff who commenced foreclosure action before October 1, 2011 (before FORM 1 was required).
- FORM 2 “updated registration” is filed by a Plaintiff who filed FORM 1 on or after October 1, 2011.
- A \$53.00 fee is collected for a registration or an updated registration filing.

Or

Registration **FORM 2** is filed when there is a change to the information in FORM 2. (No fee)

- FORM 2 may be filed without a concurrent recording in the land records.
- Change in information is to be filed not later than 30 days following the change(s).
- No fee is collected for filing a change in information.

FORM 1 To be filed by the Plaintiff who commences an action to foreclose a mortgage on residential property.

**NOTICE TO MUNICIPALITY:
REGISTRATION OF PROPERTY BEING FORECLOSED**

\$53.00 Registration Fee Is Payable to the Town of Registration.

Connecticut General Statutes Section 7-34a, Section 7-148ii, Public Act 11-201 - Effective October 1, 2011

- Initial filing of registration form** (\$53.00 Fee) Place a check mark in the box to the left and use this registration form if you are the Plaintiff commencing an action to foreclose a mortgage on residential property. The form shall be mailed or delivered to the Town Clerk of the town in which the property being foreclosed is located at the time and place of recording the *Notice of lis pendens*.
- Filing to report change(s) in the information provided on the initial registration form.** (No Fee) Place a check mark in the box to the left and use this form if you are reporting changes to the registration information that you previously provided in your capacity as the Plaintiff commencing an action to foreclose a mortgage on residential property. You must report any changes in your registration information no later than 30 days following the date of the change in information. The form shall be mailed or delivered to the Town Clerk of the town in which the property being foreclosed is located.

PROPERTY LOCATION:

	NUMBER	STREET	CITY	STATE	UNIT	ZIP
SECTION 1 The Plaintiff in the Foreclosure Action						
1a. Name of Plaintiff Entity or Individual(s)						
1b. Address of Plaintiff (if out of state, complete section 2)	No.	STREET	CITY	STATE		ZIP
1c. Telephone Number of Plaintiff	() (AREA CODE)					
1d. E-mail Address of Plaintiff						
1e. Contact me by:	First Class Mail <input type="checkbox"/>		Electronic mail <input type="checkbox"/>			
1f. My preferred address(es):						
SECTION 2 If Plaintiff Resides Out-of-state, Direct Contact in Connecticut, if Available						
2a. Name of Direct Contact in Connecticut (if Plaintiff is out of state)						
2b. Address of Direct Contact in Connecticut	No.	STREET	CITY	STATE		ZIP
2c. Telephone Number of Direct Contact	() (AREA CODE)					
2d. E-mail Address of Direct Contact						
SECTION 3 Person, Local Property Maintenance Company or Other Entity Serving as the Plaintiff's Contact with the Municipality for Any Matters Concerning the Residential Property						
3a. Name of Person, Local Property Maintenance Company, or Other Entity						
3b. Address of Person, Company, or Entity	No.	STREET	CITY	STATE		ZIP
3c. Telephone Number of Person, Company, or Entity	() (AREA CODE)					
3d. E-mail Address of Person, Company, or Entity						

FORM 2 To be filed by a person in whom title to a residential property becomes vested through a foreclosure action.

**NOTICE TO MUNICIPALITY:
REGISTRATION OF PROPERTY ACQUIRED THROUGH FORECLOSURE**

OR

**NOTICE TO MUNICIPALITY:
UPDATED REGISTRATION FOR PROPERTY ACQUIRED THROUGH FORECLOSURE**

\$53.00 Registration Fee Is Payable to the Town of Registration.

Connecticut General Statutes Section 7-34a, Section 7-148ii, Public Act 11-201 - Effective October 1, 2011

- REGISTRATION OF PROPERTY ACQUIRED THROUGH FORECLOSURE** (\$53.00 Fee). Place a check mark in the box to the left and use this registration form if you acquired the residential property through foreclosure and either (a) you were not the plaintiff in the foreclosure action, or (b) you were the plaintiff in the foreclosure action and an initial registration (FORM 1) has not been filed because the foreclosure action was commenced before October 1, 2011. The form shall be mailed or delivered to the Town Clerk of the town in which the foreclosed property is located. The form must be received no later than 15 days after absolute title vests in you as the new owner.
- UPDATED REGISTRATION FOR PROPERTY ACQUIRED THROUGH FORECLOSURE** (\$53.00 Fee). Place a check mark in the box to the left and use this form if you acquired the residential property through foreclosure and you were the plaintiff in the foreclosure action. This form will update the registration (FORM 1) that you originally filed as the foreclosing plaintiff. The form shall be mailed or delivered to the Town Clerk of the town in which the foreclosed property is located. The form must be received no later than 15 days after absolute title vests in you as the new owner.
- FILING TO REPORT CHANGE(S)** (No Fee). Place a check mark in the box to the left and use this form if you are reporting changes to the registration information that you previously provided in your capacity as the owner of foreclosed residential property. You must report any changes in your registration information no later than 30 days following the date of the change in information. The form shall be mailed or delivered to the Town Clerk of the town in which the foreclosed property is located.

PROPERTY LOCATION:

	NUMBER	STREET	UNIT
SECTION 1 The Registrant, in Whom Title to a Residential Property Has Vested on or after October 1, 2011			
1a. Name of Registrant, Entity or Individual(s)			
1b. Address of Registrant (if out of state, complete section 2)	No.	STREET	CITY STATE
1c. Telephone Number of Registrant	() (AREA CODE)		
1d. E-mail Address of Registrant			
1e. Contact me by:	First Class Mail <input type="checkbox"/>		Electronic mail <input type="checkbox"/>
1f. My preferred address(es)			
SECTION 2 If Registrant Resides Out-of-state, Direct Contact in Connecticut, if Available			
2a. Name of Direct Contact in Connecticut (if Registrant is out of state)			
2b. Address of Direct Contact in Connecticut	No.	STREET	CITY STATE ZIP
2c. Telephone Number of Direct Contact	() (AREA CODE)		
2d. E-mail Address of Direct Contact			
SECTION 3 Date Title Vested in Registrant			
3a. Date on which absolute title was vested in the Registrant:			
SECTION 4 Person, Local Property Management Company or Other Entity Responsible for the Security and Maintenance of the Residential Property			
4a. Name of Person, Local Property Maintenance Company, or Other Entity			
4b. Address of Person, Company, or Entity	No.	STREET	CITY STATE ZIP
4c. Telephone Number of Person, Company, or Entity	() (AREA CODE)		
4d. E-mail Address of Person, Company, or Entity			