



General Assembly

Substitute Bill No. 911

January Session, 2019



AN ACT CONCERNING THE OPENING OF A JUDGMENT OF STRICT FORECLOSURE.

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

1 Section 1. Subsection (b) of section 49-15 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2019*):

4 (b) (1) Upon the filing of a bankruptcy petition by a mortgagor
5 under Title 11 of the United States Code, that also imposes an
6 automatic stay pursuant to 11 USC 362(a), and only to the extent the
7 filing of the bankruptcy petition imposes the automatic stay pursuant
8 to 11 USC 362(a), any judgment against the mortgagor foreclosing the
9 title to real estate by strict foreclosure shall be opened automatically
10 without action by any party or the court, provided, (A) the provisions
11 of such judgment, other than the establishment of law days, shall not
12 be set aside under this subsection, [provided] and (B) no such
13 judgment shall be opened (i) after the title has become absolute in any
14 encumbrancer or the mortgagee, or any person claiming under such
15 encumbrancer or mortgagee, or (ii) if the automatic stay pursuant to 11
16 USC 362(a) does not come into existence upon the filing of the
17 bankruptcy petition.

18 (2) Notwithstanding the provisions of this section, no judgment

19 shall be opened, despite the filing of a bankruptcy petition, if (A) a
20 prior order granting in rem relief from the automatic stay has been
21 issued pursuant to 11 USC 362(d)(4) in favor of the plaintiff or the
22 plaintiff's predecessor in interest regarding the subject property, (B)
23 such order has been recorded on the appropriate land records, and (C)
24 such in rem relief is still binding on the subject property at the time of
25 the filing of the bankruptcy petition.

26 (3) The mortgagor shall file a copy of the bankruptcy petition, or an
27 affidavit setting forth the date the bankruptcy petition was filed, with
28 the clerk of the court in which the foreclosure matter is pending.
29 [Upon]

30 (4) If an automatic stay under 11 USC 362 was applicable, upon the
31 termination of the automatic stay authorized pursuant to 11 USC 362,
32 the mortgagor shall file with such clerk an affidavit setting forth the
33 date the automatic stay was terminated. Any party, person or entity
34 taking title by virtue of a judgment of strict foreclosure may, at any
35 time, file with the court an affidavit or other document that evidences
36 that the judgment was not opened pursuant to the provisions of this
37 subsection, notwithstanding the filing of a bankruptcy petition by a
38 mortgagor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	49-15(b)

JUD *Joint Favorable Subst.*