

# Judiciary Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-7064

**Title:** AN ACT CONCERNING REVISIONS TO THE VALIDATING ACT.

**Vote Date:** 4/4/2025

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/3/2025

**File No.:**

**Disclaimer:** *The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

### SPONSORS OF BILL:

Judiciary Committee

### REASONS FOR BILL:

The Validating Act is a curative statute that blesses minor, insubstantial defects, discrepancies, and omissions from recorded (and sometimes unrecorded) documents. When deeds for Connecticut real estate are executed pursuant to a Power of Attorney (POA), the original Power of Attorney (with a wet-ink signature) must be recorded along with the Deed. If not, the Deed is ineffective in transferring title. In the title insurance industry, many deeds are, for whatever reason, neglected to record the POA along with the Deed. Some of those deeds go back decades, which means getting a duplicate, correcting deed decades later proves very challenging. The Validating Act was changed in 2019 to cure a defect but the phrase "Recorded after January 1, 1997" was accidentally left in the bill text and needs to be deleted. If a Deed is found in the chain of title from a date prior to 1997, that section should apply.

### SUBSTITUTE LANGUAGE:

The substitute language makes a change in line 90 to remove the word "state" and replace it with the word "evidence".

### RESPONSE FROM ADMINISTRATION/AGENCY:

None expressed.

## **NATURE AND SOURCES OF SUPPORT:**

**Jennifer McGrath, Connecticut Bar Association, Real Property Section:** She testified in support of this legislation because the members of the section voted unanimously in favor of removing the date January 1, 1997, so that instruments recorded before then are likewise validated.

**Lisa Lugauskas, Esq., Senior VP, Underwriting, Old Republic National Title Insurance:** She testified in support of the bill on the grounds that it removes the date effective of Jan 1, 1997. She explained that the request for removal is because it could be subject to legal challenges in the future.

## **NATURE AND SOURCES OF OPPOSITION:**

None expressed.

**Reported by:** Griffin Olshan

**Date:** April 7, 2025