
OLR Bill Analysis

sHB 7064

AN ACT CONCERNING REVISIONS TO THE VALIDATING ACT.

This bill statutorily extends current law's validation of recorded real property documents with certain defects or omissions to documents recorded before January 2, 1997. (Prior to this date, the defects or omissions were validated by special acts, biennially adopted beginning in 1989.)

The validation generally applies to deeds, mortgages, leases, powers of attorney (POAs), releases, assignments, or other instruments to convey, lease, mortgage, or affect a real property interest with the following:

1. conveyancing defects, such as having a defective acknowledgement or being improperly attested;
2. insubstantial defects, such as having certain incorrect or omitted dates, missing a statement of consideration or grantee address, or referencing a noncompliant map or plan;
3. for a document executed under a POA, defects such as failing to reference a recorded POA or having no recorded POA; or
4. fiduciary conveyance defects, such as failing to post a required bond or give notice of a probate court hearing for an order of sale.

However, validation does not apply, under existing law and the bill, for (1) conveyancing and POA defects if there is an action challenging the document's validity and a *lis pendens* notice was recorded on the land records within two years (or 15 years for an unrecorded POA) after the document's recording and (2) fiduciary conveyance defects if the fiduciary has not accounted for the proceeds or there is pending action challenging the document's validity and a *lis pendens* notice was

recorded within two years after the document's recording. It similarly doesn't apply in situations involving an unrecorded POA and a document that fails to evidence, rather than state as under current law, the consideration reflecting fair market value.

EFFECTIVE DATE: July 1, 2025

BACKGROUND

Lis Pendens

A *lis pendens* is a notice filed in the local land records which advises that a lawsuit is pending against the owner of the designated property and involves that property.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/04/2025)