



Senate

General Assembly

File No. 98

February Session, 2006

Senate Bill No. 332

Senate, March 23, 2006

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING TIME LIMITS FOR ACQUIRING RIGHTS TO PROPERTY THROUGH ADVERSE POSSESSION.

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

1 Section 1. Section 52-575 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) No person shall make entry into any lands or tenements but
4 within [~~fifteen~~] twenty years next after [~~his~~] such person's right or title
5 to the same first descends or accrues or within [~~fifteen~~] twenty years
6 next after such person or persons have been ousted from possession of
7 such land or tenements; and every person, not entering as aforesaid,
8 and [~~his~~] such person's heirs, shall be utterly disabled to make such
9 entry afterwards; and no such entry shall be sufficient, unless within
10 such [~~fifteen-year~~] twenty-year period, any person or persons claiming
11 ownership of such lands and tenements and the right of entry and
12 possession thereof against any person or persons who are in actual
13 possession of such lands or tenements, gives notice in writing to the
14 person or persons in possession of the land or tenements of the

15 intention of the person giving the notice to dispute the right of
 16 possession of the person or persons to whom such notice is given and
 17 to prevent the other party or parties from acquiring such right, and the
 18 notice being served and recorded as provided in sections 47-39 and 47-
 19 40 shall be deemed an interruption of the use and possession and shall
 20 prevent the acquiring of a right thereto by the continuance of the use
 21 and possession for any length of time thereafter, provided an action is
 22 commenced thereupon within one year next after the recording of such
 23 notice. The limitation herein prescribed shall not begin to run against
 24 the right of entry of any owner of a remainder or reversionary interest
 25 in real estate, which is in the adverse possession of another, until the
 26 expiration of the particular estate preceding such remainder or
 27 reversionary estate.

28 (b) If any person who has such right or title of entry into any lands
 29 or tenements is, at the time of the first descending or accruing of such
 30 right or title, a minor, non compos mentis or imprisoned, [he and his]
 31 the person and the person's heirs may, notwithstanding the expiration
 32 of such [fifteen] twenty years, make such entry and serve and record
 33 such notice at any time within five years next after full age, coming of
 34 sound mind or release from prison, or [his] the heirs shall, within five
 35 years after [his] the person's death, make such entry and serve and
 36 record such notice, and take benefit of the same.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	52-575

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill increases the statutory period of time necessary to establish title to property by adverse possession. There is no fiscal impact since the law of adverse possession does not apply to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**SB 332*****AN ACT CONCERNING TIME LIMITS FOR ACQUIRING RIGHTS TO PROPERTY THROUGH ADVERSE POSSESSION.*****SUMMARY:**

The bill increases, from 15 to 20 years, the time required to establish title by adverse possession.

EFFECTIVE DATE: October 1, 2006

BACKGROUND***Adverse Possession***

Adverse possession is recognized as a mode of acquiring title to property. It is as good as title by deed from the record owner. But adverse possession requires evidence showing the existence of all necessary elements. Apparently, this can be done only in a judicial proceeding to which those to be bound by the decision have been made parties.

The essential elements of an adverse possession sufficient to give the claimant title to land are that the owner is ousted from possession and kept out uninterruptedly for 15 years by the claimant's open, visible, and exclusive possession under a claim of right, and with the intention of using the property as his own, and without the title owner's consent. The possession must be hostile, actual, open, notorious, exclusive, continuous, and uninterrupted (*Goodman v. Quadrato*, 142 Conn. 398 (1954); *Boccanfuso v. Green*, 91 Conn. App. 296 (2005)).

Related Law: Rights-of-Way and Easements

No one may acquire a right-of-way or any other easement from, in, upon, or over someone else's land by the adverse use or enjoyment of

it, unless the use has continued uninterruptedly for 15 years (CGS § 47-37). A landowner may give written notice to the person claiming or using the land of his intention to dispute the right-of-way or other easement and to prevent him from acquiring the rights. Serving the notice and recording it on the land records is deemed an interruption of the use and prevents the acquisition of the right-of-way or other easement by continuing the use thereafter (CGS § 47-38). This notice is considered a disturbance of the right-of-way or other easement that allows the person claiming the right to go to court to settle the controversy.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 38 Nay 0 (03/13/2006)