



General Assembly

January Session, 2007

Committee Bill No. 615

LCO No. 5334

05334SB00615PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING MEDIATION OF LAND USE DISPUTES.

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

1 Section 1. Section 8-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) As used in this section, "mediation" means the process where the
4 parties in an appeal filed under section 8-8, 22a-34 or 22a-43 meet with
5 an impartial third party to work toward resolution of the issues in the
6 decision that was the subject of the appeal in accordance with
7 generally accepted principles of mediation.

8 (b) At any time after filing of the appeal, the parties may agree to
9 mediate the decision that was appealed. The parties shall file a
10 statement advising the court that the dispute may be resolved by
11 mediation. Mediation shall take place with the consent of each party.

12 (c) Mediation shall begin on the date the statement is filed under
13 subsection (b) of this section and conclude not more than one hundred
14 eighty days after such filing. Such period may be extended for an
15 additional one hundred eighty days upon mutual agreement of the

16 parties. A party may submit a petition to the court requesting another
17 extension or stating why no other extension should be granted. The
18 court, in its discretion, may extend the time for mediation after the
19 second period of one hundred eighty days has elapsed. A party may
20 withdraw from mediation at any time after notification to other parties
21 and to the Superior Court.

22 (d) The contents of mediating sessions shall not be admissible as
23 evidence. A mediator shall not act as or be summoned as a witness in a
24 court proceeding on an appeal if mediation has not resolved the issues
25 of the appeal.

26 (e) A mediator may request the participation in mediation of any
27 person deemed by the mediator necessary for effective resolution of
28 the issues, including representatives of governmental agencies not a
29 party to the action, abutting property owners, intervenors or other
30 persons significantly involved in the decision being appealed.

31 (f) Not more than fifteen days after the conclusion of mediation, the
32 mediators shall file a report with the court describing the proceedings
33 and specifying the issues resolved. If no resolution is made, the
34 mediators shall file a report with the court stating that the issues have
35 not been resolved.

36 (g) The cost of mediation shall be distributed equally among the
37 parties.

38 (h) (1) The Chief Court Administrator shall prepare a list of
39 organizations approved by aid administrator to certify land use
40 mediators.

41 (2) Any person may serve as a mediator under this section if such
42 person is certified to be a mediator by an organization that is on the list
43 prepared by the Chief Court Administrator under subdivision (1) of
44 this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	8-8a

Statement of Purpose:

To authorize individuals to serve as mediators in land disputes after successful completion of an approved course of study.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. COLEMAN, 2nd Dist.

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