



General Assembly

January Session, 2007

Raised Bill No. 1100

LCO No. 3382

03382_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

AN ACT CONCERNING OFFERS TO PURCHASE SUBDIVISION LOTS.

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

1 Section 1. Subsection (a) of section 8-25 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2007*):

4 (a) No subdivision of land shall be made until a plan for such
5 subdivision has been approved by the commission. Any person, firm
6 or corporation making any subdivision of land without the approval of
7 the commission shall be fined not more than five hundred dollars for
8 each lot sold or offered for sale or so subdivided. Any plan for
9 subdivision shall, upon approval, or when taken as approved by
10 reason of the failure of the commission to act, be filed or recorded by
11 the applicant in the office of the town clerk within ninety days of the
12 expiration of the appeal period under section 8-8, or in the case of an
13 appeal, [within] not later than ninety days [of] after the termination of
14 such appeal by dismissal, withdrawal or judgment in favor of the
15 applicant but, if it is a plan for subdivision wholly or partially within a
16 district, it shall be filed in the offices of both the district clerk and the
17 town clerk, and any plan not so filed or recorded within the prescribed

18 time shall become null and void, except that the commission may
19 extend the time for such filing for two additional periods of ninety
20 days and the plan shall remain valid until the expiration of such
21 extended time. All such plans shall be delivered to the applicant for
22 filing or recording not more than thirty days after the time for taking
23 an appeal from the action of the commission has elapsed or not more
24 than thirty days after the date that plans modified in accordance with
25 the commission's approval and that comply with section 7-31 are
26 delivered to the commission, whichever is later, and in the event of an
27 appeal, not more than thirty days after the termination of such appeal
28 by dismissal, withdrawal or judgment in favor of the applicant or not
29 more than thirty days after the date that plans modified in accordance
30 with the commission's approval and that comply with section 7-31 are
31 delivered to the commission, whichever is later. No such plan shall be
32 recorded or filed by the town clerk or district clerk or other officer
33 authorized to record or file plans until its approval has been endorsed
34 thereon by the chairman or secretary of the commission, and the filing
35 or recording of a subdivision plan without such approval shall be void.
36 Before exercising the powers granted in this section, the commission
37 shall adopt regulations covering the subdivision of land. No such
38 regulations shall become effective until after a public hearing held in
39 accordance with the provisions of section 8-7d. Such regulations shall
40 provide that the land to be subdivided shall be of such character that it
41 can be used for building purposes without danger to health or the
42 public safety, that proper provision shall be made for water, sewerage
43 and drainage, including the upgrading of any downstream ditch,
44 culvert or other drainage structure which, through the introduction of
45 additional drainage due to such subdivision, becomes undersized and
46 creates the potential for flooding on a state highway, and, in areas
47 contiguous to brooks, rivers or other bodies of water subject to
48 flooding, including tidal flooding, that proper provision shall be made
49 for protective flood control measures and that the proposed streets are
50 in harmony with existing or proposed principal thoroughfares shown
51 in the plan of conservation and development as described in section

52 8-23, especially in regard to safe intersections with such thoroughfares,
53 and so arranged and of such width, as to provide an adequate and
54 convenient system for present and prospective traffic needs. Such
55 regulations shall also provide that the commission may require the
56 provision of open spaces, parks and playgrounds when, and in places,
57 deemed proper by the planning commission, which open spaces, parks
58 and playgrounds shall be shown on the subdivision plan. Such
59 regulations may, with the approval of the commission, authorize the
60 applicant to pay a fee to the municipality or pay a fee to the
61 municipality and transfer land to the municipality in lieu of any
62 requirement to provide open spaces. Such payment or combination of
63 payment and the fair market value of land transferred shall be equal to
64 not more than ten per cent of the fair market value of the land to be
65 subdivided prior to the approval of the subdivision. The fair market
66 value shall be determined by an appraiser jointly selected by the
67 commission and the applicant. A fraction of such payment the
68 numerator of which is one and the denominator of which is the
69 number of approved parcels in the subdivision shall be made at the
70 time of the sale of each approved parcel of land in the subdivision and
71 placed in a fund in accordance with the provisions of section 8-25b.
72 The open space requirements of this section shall not apply if the
73 transfer of all land in a subdivision of less than five parcels is to a
74 parent, child, brother, sister, grandparent, grandchild, aunt, uncle or
75 first cousin for no consideration, or if the subdivision is to contain
76 affordable housing, as defined in section 8-39a, equal to twenty per
77 cent or more of the total housing to be constructed in such subdivision.
78 Such regulations, on and after July 1, 1985, shall provide that proper
79 provision be made for soil erosion and sediment control pursuant to
80 section 22a-329. Such regulations shall not impose conditions and
81 requirements on manufactured homes having as their narrowest
82 dimension twenty-two feet or more and built in accordance with
83 federal manufactured home construction and safety standards or on
84 lots containing such manufactured homes which are substantially
85 different from conditions and requirements imposed on single-family

86 dwellings and lots containing single-family dwellings. Such
87 regulations shall not impose conditions and requirements on
88 developments to be occupied by manufactured homes having as their
89 narrowest dimension twenty-two feet or more and built in accordance
90 with federal manufactured home construction and safety standards
91 which are substantially different from conditions and requirements
92 imposed on multifamily dwellings, lots containing multifamily
93 dwellings, cluster developments or planned unit developments. The
94 commission may also prescribe the extent to which and the manner in
95 which streets shall be graded and improved and public utilities and
96 services provided and, in lieu of the completion of such work and
97 installations previous to the final approval of a plan, the commission
98 may accept a bond in an amount and with surety and conditions
99 satisfactory to it securing to the municipality the actual construction,
100 maintenance and installation of such improvements and utilities
101 within a period specified in the bond. Such regulations may provide,
102 in lieu of the completion of the work and installations above referred
103 to, previous to the final approval of a plan, for an assessment or other
104 method whereby the municipality is put in an assured position to do
105 such work and make such installations at the expense of the owners of
106 the property within the subdivision. Such regulations may provide
107 that in lieu of either the completion of the work or the furnishing of a
108 bond as provided in this section, the commission may authorize the
109 filing of a plan with a conditional approval endorsed thereon. Such
110 approval shall be conditioned on (1) the actual construction,
111 maintenance and installation of any improvements or utilities
112 prescribed by the commission, or (2) the provision of a bond as
113 provided in this section. Upon the occurrence of either of such events,
114 the commission shall cause a final approval to be endorsed thereon in
115 the manner provided by this section. Any such conditional approval
116 shall lapse five years from the date it is granted, provided the
117 applicant may apply for and the commission may, in its discretion,
118 grant a renewal of such conditional approval for an additional period
119 of five years at the end of any five-year period, except that the

120 commission may, by regulation, provide for a shorter period of
121 conditional approval or renewal of such approval. Any person, firm or
122 corporation who, prior to such final approval, sells or offers for sale
123 any lot subdivided pursuant to a conditional approval shall be fined
124 not more than five hundred dollars for each lot sold or offered for sale
125 if such sale or offer for sale is not conditioned upon final approval as
126 required by this subsection and provided such final approval is
127 without amendments or any conditions that are unacceptable to the
128 prospective purchaser.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	8-25(a)

Statement of Purpose:

To provide that any person or entity who sells a lot subdivided prior to final approval and pursuant to conditional approval shall be fined if such sale is not conditioned upon final approval and such final approval is without amendments or conditions unacceptable to the prospective purchaser.

[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.]