



General Assembly

**Substitute Bill No. 1100**

January Session, 2007

\* SB01100INS\_\_030207\_\_ \*

**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2 repealed and the following is substituted in lieu thereof (*Effective July*  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] not later than  
12 ninety days [of] after the expiration of the appeal period under section  
13 8-8, or in the case of an appeal, [within] not later than ninety days [of]  
14 after the termination of such appeal by dismissal, withdrawal or  
15 judgment in favor of the applicant but, if it is a plan for subdivision  
16 wholly or partially within a district, it shall be filed in the offices of  
17 both the district clerk and the town clerk, and any plan not so filed or  
18 recorded within the prescribed time shall become null and void, except  
19 that the commission may extend the time for such filing for two  
20 additional periods of ninety days and the plan shall remain valid until

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

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

126 sale of any lot shall not constitute a sale or offer for sale, provided such  
127 final approval is without amendments or any conditions that are  
128 unacceptable to the prospective purchaser.

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

**Statement of Legislative Commissioners:**

In the third sentence of subsection (a), the phrase "not later than ninety days [of] after" was substituted for "within ninety days of" for statutory consistency and clarity. The last sentence in subsection (a) was restated for clarity and consistency.

**INS**      *Joint Favorable Subst.-LCO*