



General Assembly

**Amendment**

January Session, 2007

LCO No. 7588

\*HB0718607588HDO\*

Offered by:

REP. FELTMAN, 6<sup>th</sup> Dist.

REP. FRITZ, 90<sup>th</sup> Dist.

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To: Subst. House Bill No. 7186

File No. 432

Cal. No. 360

**"AN ACT CONCERNING CLUSTER DEVELOPMENT ZONES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 8-376 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2007*):

5 (a) As used in this section and section 8-378, as amended by this act,  
6 "blighted property" means any structure or vacant or unimproved lot  
7 or parcel (1) that has significant unremedied building, housing or  
8 health code violations; (2) that has a high vacancy rate or is  
9 abandoned, vacant or unoccupied; (3) for which taxes are delinquent;  
10 or (4) that has been deemed a public nuisance under any provision of  
11 the general statutes or any local ordinance; and

12 (b) Any municipality [which is a distressed municipality as defined

13 in subsection (b) of section 32-9p, on October 1, 1987,] (1) that is  
14 classified as a public investment community within the meaning of  
15 subdivision (9) of subsection (a) of section 7-545, and (2) in which at  
16 least twenty-five per cent of the real property in one United States  
17 census tract or two contiguous census tracts, or adjacent portions  
18 thereof, is blighted property may apply to the Commissioner of  
19 Economic and Community Development to designate an area of such  
20 municipality as a housing development zone. Any such area shall  
21 consist of one or two contiguous United States census tracts or [a  
22 portion of an individual census tract] portions of one or more census  
23 tracts as determined in accordance with the most recent United States  
24 census in which at least twenty-five per cent of the real property is  
25 blighted. At least twenty-five per cent of the designated area shall be  
26 zoned or allow for multifamily residential dwellings.

27 Sec. 2. Section 8-378 of the general statutes is repealed and the  
28 following is substituted in lieu thereof (*Effective July 1, 2007*):

29 (a) The Commissioner of Economic and Community Development  
30 may approve the designation of [up to three areas in the state]  
31 qualified portions of a municipality as housing development zones,  
32 provided the commissioner shall not approve the designation of more  
33 than one housing development zone in any municipality. [Proposals  
34 for financial assistance received by the commissioner from eligible  
35 developers, as defined in section 8-39, for programs or projects  
36 authorized pursuant to chapter 128, 130, 133 or 138 which will be  
37 located in a housing development zone shall be accorded a high  
38 priority to receive financial assistance from the commissioner.] A  
39 municipality applying for approval of the designation shall include  
40 information in such application sufficient for the commissioner to  
41 determine that the proposed housing development zone meets the  
42 criteria established in subsection (b) of section 8-376, as amended by  
43 this act. The commissioner may remove the designation of any area  
44 which has been approved as a housing development zone if such area  
45 no longer meets the criteria for designation as such a zone set forth in  
46 sections 8-376 and 8-377 or in regulations adopted pursuant to section

47 8-381, provided no such designation shall be removed less than ten  
48 years from the original date of approval of such zone.

49 (b) The commissioner shall give immediate consideration for  
50 financial assistance pursuant to chapter 128, 130, 133, 138 or 588l or  
51 section 8-37pp or 8-336p to proposals from eligible developers, as  
52 defined in section 8-39, that will be located in a housing development  
53 zone. If a project to be located in a housing development zone is  
54 comparable to a project that will not be located in a housing  
55 development zone, the commissioner shall give priority to  
56 authorization of the project in the housing development zone.

57 Sec. 3. Section 32-1m of the general statutes is amended by adding  
58 subdivision (16) as follows (*Effective July 1, 2007*):

59 (NEW) (16) A detailed summary of projects funded in housing  
60 development zones, designated pursuant to section 8-378, as amended  
61 by this act, along with a description of the priority the projects  
62 received, the number funded and the amount of funds awarded. The  
63 commissioner shall submit a copy of the detailed summary to the joint  
64 standing committee of the General Assembly having cognizance of  
65 matters relating to planning and development and to the select  
66 committee of the General Assembly having cognizance of matters  
67 relating to housing.

68 Sec. 4. Subdivision (v) of section 32-222 of the general statutes is  
69 repealed and the following is substituted in lieu thereof (*Effective July*  
70 *1, 2007*):

71 (v) "Targeted investment community" means a municipality which  
72 contains an enterprise zone designated pursuant to section 32-70 or a  
73 housing development zone designated pursuant to section 8-378, as  
74 amended by this act.

75 Sec. 5. Subsection (d) of section 10-416 of the general statutes is  
76 repealed and the following is substituted in lieu thereof (*Effective July*  
77 *1, 2007*):

78 (d) The commission shall, in consultation with the Commissioner of  
79 Revenue Services, adopt regulations, in accordance with chapter 54, to  
80 carry out the purposes of this section. Such regulations shall provide  
81 that if an historic home located in a housing development zone  
82 designated pursuant to section 8-378, as amended by this act, is  
83 comparable to an historic home that is not located in a housing  
84 development zone, priority for issuance of tax credit vouchers shall be  
85 given to the historic home located in the housing development zone.

86 Sec. 6. Subsection (d) of section 10-416a of the general statutes is  
87 repealed and the following is substituted in lieu thereof (*Effective July*  
88 *1, 2007*):

89 (d) The commission shall adopt regulations, in accordance with  
90 chapter 54, to carry out the purposes of this section. Such regulations  
91 shall include provisions for filing of applications, rating criteria and for  
92 timely approval by the commission. Such regulations shall provide  
93 that if a certified historic structure located in a housing development  
94 zone designated pursuant to section 8-378, as amended by this act, is  
95 comparable to a certified historic structure that is not located in a  
96 housing development zone, priority for issuance of tax credit vouchers  
97 shall be given to the certified historic structure located in the housing  
98 development zone.

99 Sec. 7. Subsection (k) of section 8-395 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective July*  
101 *1, 2007*):

102 (k) The Connecticut Housing Finance Authority, with the approval  
103 of the Commissioner of Revenue Services, shall adopt written  
104 procedures in accordance with section 1-121 to implement the  
105 provisions of this section. Such procedures shall include provisions for  
106 issuing tax credit vouchers for cash contributions to housing programs  
107 based on a system of ranking housing programs. In establishing such  
108 ranking system, the authority shall consider the following: (1) The  
109 readiness of the project to be built; (2) use of the funds to build or

110 rehabilitate a specific housing project or to capitalize a revolving loan  
111 fund providing low-cost loans for housing construction, repair or  
112 rehabilitation to benefit persons of very low, low and moderate  
113 income; (3) the extent the project will benefit families at or below  
114 twenty-five per cent of the area median income and families with  
115 incomes between twenty-five per cent and fifty per cent of the area  
116 median income, as defined by the United States Department of  
117 Housing and Urban Development; (4) evidence of the general  
118 administrative capability of the nonprofit corporation to build or  
119 rehabilitate housing; (5) evidence that any funds received by the  
120 nonprofit corporation for which a voucher was issued were used to  
121 accomplish the goals set forth in the application; and (6) with respect  
122 to any income year commencing on or after January 1, 1998: (A) Use of  
123 the funds to provide housing opportunities in urban areas and the  
124 impact of such funds on neighborhood revitalization; and (B) the  
125 extent to which tax credit funds are leveraged by other funds. Ten  
126 additional points shall be awarded for projects located in housing  
127 development zones.

128 Sec. 8. (NEW) (*Effective July 1, 2007*) On or before February 1, 2008,  
129 and annually thereafter, the Commission on Culture and Tourism shall  
130 submit a report to the joint standing committee of the General  
131 Assembly having cognizance of matters relating to planning and  
132 development and to the select committee of the General Assembly  
133 having cognizance of matters relating to housing on the issuance of tax  
134 credit vouchers for historic homes located in housing development  
135 zones pursuant to section 10-416 of the general statutes, as amended by  
136 this act, and certified historic structures in housing development  
137 zones, pursuant to section 10-426a of the general statutes, as amended  
138 by this act. Such report shall include detailed information on the  
139 vouchers issued for historic homes and certified historic structures  
140 located in housing development zones, along with a description of the  
141 priority they received, the number and the amount of such vouchers  
142 issued.

143 Sec. 9. (NEW) (*Effective July 1, 2007*) In issuing tax credits under the

144 Low Income Tax Credit Program, 26 USC 42, the Connecticut Housing  
145 Finance Authority shall award ten individual points for projects  
146 located in housing development zones.

147 Sec. 10. (NEW) (*Effective July 1, 2007*) On or before February 1, 2008,  
148 and annually thereafter, the Connecticut Housing Finance Authority  
149 shall submit a report on the issuance of tax credits under section 8-395  
150 of the general statutes, as amended by this act, and under the Low  
151 Income Tax Credit Program, 26 USC 42 to the joint standing committee  
152 of the General Assembly having cognizance of matters relating to  
153 planning and development and to the select committee of the General  
154 Assembly having cognizance of matters relating to housing. Such  
155 report shall include detailed information on the vouchers issued for  
156 housing located in housing development zones, along with a  
157 description of the priority they received, the number and amount of  
158 such vouchers issued.

159 Sec. 11. (NEW) (*Effective July 1, 2007*) (a) The zoning commission of  
160 each municipality may establish a conservation development zone as  
161 part of the zoning regulations adopted under section 8-2 of the general  
162 statutes or any special act.

163 (b) A conservation development zone shall be an overlay zone and  
164 shall satisfy the following requirements:

165 (1) The housing density of the conservation development zone shall  
166 constitute an increase of at least ten per cent more than the housing  
167 density of the underlying zone;

168 (2) The size of lots in the conservation development zone shall be  
169 based on soil characteristics. If a lot does not have an on-site well and  
170 septic system, the regulations may authorize the commission to waive  
171 the requirements of the zoning regulations, including, but not limited  
172 to, requirements for acreage, setbacks, lot coverage, building height  
173 and road frontage; and

174 (3) Open space in a development shall follow the contours of the  
175 land in the area to be developed;

176 (4) The minimum amount of open space within a development is  
177 forty per cent of the land that can be improved excluding: (A) Land  
178 already committed to a public use or purpose, whether publicly or  
179 privately owned; (B) existing parks, recreation areas and open space  
180 that is dedicated to the public or subject to a recorded conservation  
181 easement; (C) land otherwise subject to an enforceable restriction on or  
182 prohibition of development; (D) wetlands or watercourses as defined  
183 in chapter 440 of the general statutes; and (E) areas of contiguous land  
184 that are unsuitable for development because of topographic features;  
185 and

186 (5) The open space within the development shall be transferred by  
187 easement or conveyance to the municipality or to a nonprofit land  
188 holding conservation organization.

189 Sec. 12. (NEW) (*Effective July 1, 2007*) A zoning commission, at the  
190 time of and as part of its adoption of regulations for a conservation  
191 development zone, may adopt design standards for conservation  
192 within such zone. An application for a development in a housing  
193 development shall not be subject to review under section 8-3c of the  
194 general statutes, but shall be subject to site plan review under  
195 subsection (g) of section 8-3 of the general statutes.

196 Sec. 13. (NEW) (*Effective July 1, 2007*) (a) A zoning commission, at  
197 the time of and as part of its adoption of regulations for a cluster zone,  
198 may adopt design standards for conservation development within  
199 such zone. Such design standards may (1) ensure that construction  
200 within the conservation development zone is complementary to  
201 adjacent and neighboring buildings and structures; and (2) address the  
202 scale and proportions of buildings; site coverage; alignment, width and  
203 grade of streets and sidewalks; type and location of infrastructure;  
204 location of building and garage entrances; off-street parking;  
205 protection of significant natural site features; location and design of

206 open spaces; signage; and setbacks and buffering from adjacent  
207 properties.

208 (b) A design standard shall not be adopted if such standard will  
209 unreasonably impair the economic or physical feasibility of  
210 constructing housing at the increased density required in the  
211 conservation development zone.

212 Sec. 14. (NEW) (*Effective July 1, 2007*) A zoning commission, at the  
213 time of and as part of its adoption of regulations for a conservation  
214 development zone, may adopt design standards for developments  
215 within such zone. Such design standards may (1) ensure that  
216 construction within the conservation development zone is  
217 complementary to adjacent and neighboring buildings and structures;  
218 and (2) address the scale and proportions of buildings; site coverage;  
219 alignment, width and grade of streets and sidewalks; type and location  
220 of infrastructure; location of building and garage entrances; off-street  
221 parking; protection of significant natural site features; location and  
222 design of open spaces; signage; and setbacks and buffering from  
223 adjacent properties.

224 Sec. 15. (NEW) (*Effective July 1, 2007*) (a) A zoning commission shall  
225 prescribe, consistent with the provisions of this section and sections 11  
226 to 14, inclusive, of this act, the form of an application for approval of a  
227 conservation development. Receipt and processing of applications  
228 shall follow the time periods and procedures of chapter 124 or chapter  
229 126 of the general statutes, as applicable. A zoning commission or its  
230 agent is authorized, to the extent allowed by the Freedom of  
231 Information Act, to conduct one or more preliminary or preapplication  
232 planning or workshop meetings with regard to a conservation  
233 development zone or development. A zoning commission may  
234 conduct a public hearing in connection with an application for site  
235 plan or subdivision approval of a conservation development.

236 (b) The regulations of a conservation development zone may require  
237 the applicant for approval of a conservation development to pay the

238 cost of reasonable consulting fees to provide peer review of the  
239 technical aspects of the application for the benefit of the zoning  
240 commission. Such fees shall be held in a separate account and used  
241 only for expenses associated with the technical review of the  
242 application by consultants who are not otherwise salaried employees  
243 of the municipality or the zoning commission, and any surplus  
244 remaining, including any interest accrued, shall be returned to the  
245 applicant within forty-five days of the completion of such technical  
246 review.

247 (c) Conservation development zone regulations may provide for the  
248 referral of a site plan or subdivision application for comment to other  
249 agencies, boards or commissions of the municipality. If a site plan or  
250 subdivision application is referred to another agency, board or  
251 commission, such agency, board or commission shall provide any  
252 comments within thirty-five days of referral of such application.

253 (d) A conservation development shall be approved by the zoning  
254 commission subject only to conditions that are necessary to (1) ensure  
255 substantial compliance of the proposed development with the  
256 requirements of the conservation zone regulations, design standards  
257 and, if applicable, subdivision regulations; or (2) ensure compliance  
258 with the provisions of any state law or regulations adopted thereunder  
259 or local ordinance concerning land use. An application may be denied  
260 only on the grounds that: (A) The development does not meet the  
261 requirements set forth in the conservation zone regulations; (B) the  
262 applicant failed to submit information and fees required by the  
263 regulations and necessary for an adequate and timely review of the  
264 design of the development or potential development impacts; or (C)  
265 there is no grantee for an easement or conveyance of the open space.

266 (e) The duration and renewal of an approval of a conservation  
267 development shall be governed by subsection (i) of section 8-3,  
268 subsection (j) of section 8-3, section 8-26c or section 8-26g of the general  
269 statutes, as applicable. The time to complete the work approved shall  
270 be extended (1) by the time required to adjudicate to final judgment

271 any appeal from a decision of the commission on a conservation  
272 development site plan or subdivision plan or any required coordinate  
273 permit; (2) by the zoning commission if the applicant is actively  
274 pursuing other permits needed for the development; (3) if there is  
275 other good cause for the failure to complete such work; or (4) as  
276 provided in an approval for a multiphase development.

277 (f) Approval of or amendment to regulations or design standards  
278 for a conservation development zone or subzone, or site plan or  
279 subdivision approval of a conservation development, may be appealed  
280 to the Superior Court in compliance with the provisions of section 8-8  
281 or section 8-28 of the general statutes, as applicable, provided that (1)  
282 upon motion made to the court by the defendant municipality, zoning  
283 commission, planning commission or applicant, the court shall order  
284 each appealing party to post a bond in an amount sufficient to cover  
285 (A) each moving defendant's anticipated attorney's fees and costs for  
286 defending against the appeal, and (B) if applicable, an applicant's  
287 anticipated or actual costs to carry and maintain its interest in the  
288 subject property for a period of one year, as established by affidavit  
289 filed with the court, which bond shall be forfeited in the event that the  
290 appealing party does not substantially prevail in the appeal; (2) any  
291 such appeal, upon motion by any defendant made at any time after the  
292 return date, shall be transferred from the judicial district to which it is  
293 returned to the judicial district of New Britain and shall be heard and  
294 decided by one of the judges designated by the Chief Court  
295 Administrator under chapter 126a of the general statutes; and (3) any  
296 such appeal shall be a privileged case in the order of trial, to be heard  
297 by the court as soon after the return day as is practicable.

298 Sec. 16. (NEW) (*Effective October 1, 2007*) (a) Any municipality that is  
299 eligible for small town economic assistance under section 4-66g of the  
300 general statutes may designate, by ordinance adopted by its legislative  
301 body, a nutmeg zone within the municipality. Such ordinance shall  
302 identify a specific geographic area as such zone and shall establish  
303 criteria and goals for economic activity in the zone.

304 (b) Upon designation of a nutmeg zone under subsection (a) of this  
305 section, the municipality may apply to the Commissioner of Economic  
306 and Community Development for state approval of the designation.  
307 The municipality seeking the approval of the commissioner for  
308 designation of an area of the municipality as a nutmeg zone shall file  
309 with the commissioner a preliminary application. Not later than sixty  
310 days after receipt of such a preliminary application, the commissioner  
311 shall indicate to the municipality, in writing, any recommendations for  
312 improving the municipality's application. On or before July 1, 2008,  
313 and annually thereafter, the commissioner shall conduct a lottery to  
314 select ten nutmeg zones in the state.

315 (c) The amount of property taxes due under chapter 203 of the  
316 general statutes for a facility that is constructed, improved  
317 substantially renovated or expanded in a nutmeg zone, on or after the  
318 effective date of this section, that is attributable to such construction,  
319 improvement, substantial renovation or expansion shall be abated by  
320 the municipality in which such facility is located for a period of three  
321 years after the date of construction, improvement, substantial  
322 renovation or expansion. The state, acting through the Commissioner  
323 of Economic and Community Development, shall provide a grant to  
324 the municipality in the amount of taxes abated under this section.

325 (d) The Commissioner of Economic and Community Development  
326 may adopt regulations, in accordance with chapter 54 of the general  
327 statutes, to implement this section.

328 Sec. 17. (NEW) (*Effective July 1, 2007*) (a) The zoning commission of  
329 each municipality may establish a farm restoration zone as part of the  
330 zoning regulations adopted under section 8-2 of the general statutes or  
331 any special act.

332 (b) A farm restoration zone shall be an overlay zone and shall  
333 satisfy the following requirements:

334 (1) The farm may use acreage for new rental residential building  
335 structures;

336 (2) New residential structures shall be owned in whole or part by  
337 the owner of the farm; and

338 (3) The maximum acreage for rental residential structures shall be  
339 fifteen per cent of the total farm acreage, including existing farm  
340 related buildings.

341 (c) Proposed residential structures in a farm restoration zone shall  
342 be developed in accordance with the zoning regulations of the  
343 municipality. A proposal shall not be approved unless the applicant  
344 submits to the zoning commission sufficient information for such  
345 commission to determine that (1) at least fifty per cent of the net  
346 revenue from the development will be paid to the owner of the farm,  
347 quarterly, for restoration and perpetual support of the farm; (2) twenty  
348 per cent of the dwelling units in new residential structures shall be  
349 affordable housing as defined in section 8-39a of the general statutes;  
350 (3) residential structures shall be taxed as comparable residential  
351 structures in the municipality and the owner shall maintain the farm  
352 land classification of the remaining portion of the property; (4)  
353 buildings constructed in the zone shall reflect the design and style of  
354 the existing farm building and farm related buildings on the site; and  
355 (5) parking areas shall be constructed of pervious material, have  
356 proper screening using farmland landscaping material, maintain the  
357 natural farmland character and blend into general farmland aesthetics.

358 (d) After approval of an application by the zoning commission, and  
359 at the time of filing the plans in the office of the town clerk, the  
360 applicant shall also file in such clerk's office a deed restriction designed  
361 to prohibit nonfarm related development on the property for a period  
362 of not less than ten years after the date of filing.

363 (e) After the expiration of the deed restriction provided for in  
364 subsection (d) of this section, the owner may sell the property to a  
365 government entity or nonprofit land holding conservation  
366 organization for agriculture or open space preservation. Such sale shall  
367 be for fair market value, as determined by an independent appraiser

368 selected by the municipality in which the property is located. If a  
369 government entity or nonprofit land holding conservation  
370 organization has not purchased such property by a date that is not  
371 more than three years after the expiration of the deed restriction, the  
372 owner may convey the property to any person without a restriction  
373 limiting the use of the property to agriculture or open space  
374 preservation. Until the sale of the property, the property shall not be  
375 subdivided.

376 Sec. 18. Section 19a-343 of the general statutes is repealed and the  
377 following is substituted in lieu thereof (*Effective October 1, 2007*):

378 (a) For the purposes of sections 19a-343 to 19a-343h, inclusive, a  
379 person creates or maintains a public nuisance if such person erects,  
380 establishes, maintains, uses, owns or leases any real property or  
381 portion thereof for any of the purposes enumerated in subdivisions (1)  
382 to (11), inclusive, of subsection (c) of this section.

383 (b) The state [has the exclusive right to] may bring an action to abate  
384 a public nuisance under this section and sections 19a-343a to 19a-343h,  
385 inclusive, involving any real property or portion thereof, [commercial  
386 or residential, including single or multifamily dwellings,] provided  
387 there have been three or more arrests, or the issuance of three or more  
388 arrest warrants and convictions for such arrests or arrest warrants,  
389 indicating a pattern of criminal activity and not isolated incidents, for  
390 conduct on the property documented by a law enforcement officer for  
391 any [of the offenses enumerated in subdivisions (1) to (11), inclusive, of  
392 subsection (c) of this section within the three hundred sixty-five days  
393 preceding commencement of the action] offense, as defined in section  
394 53a-24 that significantly affects the health, safety, peace or order of the  
395 municipality. The municipality in which such public nuisance is  
396 located may also bring such action.

397 [(c) Three or more arrests, or the issuance of three or more arrest  
398 warrants indicating a pattern of criminal activity and not isolated  
399 incidents, for the following offenses shall constitute the basis for

- 400 bringing an action to abate a public nuisance:
- 401 (1) Prostitution under section 53a-82, 53a-83, 53a-86, 53a-87, 53a-88  
402 or 53a-89.
- 403 (2) Promoting an obscene performance or obscene material under  
404 section 53a-196 or 53a-196b, employing a minor in an obscene  
405 performance under section 53a-196a, importing child pornography  
406 under section 53a-196c, possessing child pornography in the first  
407 degree under section 53a-196d, possessing child pornography in the  
408 second degree under section 53a-196e or possessing child pornography  
409 in the third degree under section 53a-196f.
- 410 (3) Transmission of gambling information under section 53-278b or  
411 53-278d or maintaining of a gambling premises under section 53-278e.
- 412 (4) Offenses for the sale of controlled substances, possession of  
413 controlled substances with intent to sell, or maintaining a drug factory  
414 under section 21a-277, 21a-278 or 21a-278a or use of the property by  
415 persons possessing controlled substances under section 21a-279.  
416 Nothing in this section shall prevent the state from also proceeding  
417 against property under section 21a-259 or 54-36h.
- 418 (5) Unauthorized sale of alcoholic liquor under section 30-74 or  
419 disposing of liquor without a permit under section 30-77.
- 420 (6) Violations of the inciting injury to persons or property law under  
421 section 53a-179a.
- 422 (7) Maintaining a motor vehicle chop shop under section 14-149a.
- 423 (8) Murder or manslaughter under section 53a-54a, 53a-54b, 53a-55,  
424 53a-56 or 53a-56a.
- 425 (9) Assault under section 53a-59, 53a-59a, subdivision (1) of  
426 subsection (a) of section 53a-60 or section 53a-60a.
- 427 (10) Sexual assault under section 53a-70 or 53a-70a.

428 (11) Fire safety violations under section 29-292, subsection (b) of  
429 section 29-310, or section 29-315, 29-317, 29-320, 29-325, 29-329, 29-337,  
430 29-349 or 29-357.]

431 Sec. 19. Section 19a-343a of the general statutes is repealed and the  
432 following is substituted in lieu thereof (*Effective October 1, 2007*):

433 (a) The Chief State's Attorney or a deputy chief state's attorney,  
434 state's attorney or assistant or deputy assistant state's attorney or an  
435 attorney for a municipality desiring to commence an action to abate a  
436 public nuisance shall attach his proposed unsigned writ, summons and  
437 complaint to the following documents:

438 (1) An application directed to the Superior Court to which the action  
439 is made returnable, for the remedies requested to abate the public  
440 nuisance; and

441 (2) An affidavit sworn to by the state or municipality or any  
442 competent affiant setting forth a statement of facts showing by  
443 probable cause the existence of a public nuisance upon the real  
444 property or any portion thereof.

445 (b) The court, or if the court is not in session, any judge of the  
446 Superior Court, may order that a show cause hearing be held before  
447 the court or a judge thereof to determine whether or not the temporary  
448 relief requested should be granted and the court shall direct the state  
449 or municipality to give notice to any defendant of the pendency of the  
450 application and of the time when it will be heard by causing a true and  
451 attested copy of the application, the proposed unsigned writ,  
452 summons, complaint, affidavit and of its order to be served upon the  
453 defendant by some proper officer or indifferent person. Such hearing  
454 shall be scheduled within ten days after service is effected by the state  
455 or municipality.

456 (c) If in the application, the state or municipality requests the  
457 issuance of a temporary ex parte order for the abatement of a public  
458 nuisance, the court, or if the court is not in session, any judge of the

459 Superior Court, may grant a temporary ex parte order to abate the  
460 public nuisance. The court or judge shall direct the state or  
461 municipality to give notice and service of such documents, including a  
462 copy of the ex parte order, in accordance with subsection (b) of this  
463 section. At such hearing, any defendant may show cause why the  
464 abatement order shall be modified or vacated. No such ex parte order  
465 may be granted unless it appears from the specific facts shown by  
466 affidavit and by complaint that there is probable cause to believe that a  
467 public nuisance exists and the temporary relief requested is necessary  
468 to protect the public health, welfare or safety. Such show cause hearing  
469 shall be scheduled within five business days after service is effected by  
470 the state or municipality. The affidavit may be ordered sealed by the  
471 court or judge upon a finding that the state's or municipality's interest  
472 in nondisclosure substantially outweighs the defendant's right to  
473 disclosure. A copy of the state's or municipality's application and the  
474 temporary order to cease and desist shall be posted on any outside  
475 door to any building on the real property.

476 (d) Such a public nuisance proceeding shall be deemed a civil action  
477 and venue shall lie in the superior court for the judicial district within  
478 which the real property alleged to constitute a public nuisance is  
479 located. Service shall be made in accordance with chapter 896. In  
480 addition, service of process may be made by an inspector of the  
481 Division of Criminal Justice or sworn member of a local police  
482 department or the Division of State Police.

483 (e) At the show cause hearing, the court shall determine whether  
484 there is probable cause to believe that a public nuisance exists, and that  
485 the circumstances demand the temporary relief requested be ordered,  
486 or the temporary ex parte order be continued during the pendency of  
487 the public nuisance proceeding. The court may, upon motion by the  
488 state, municipality or any defendant, enter such orders as justice  
489 requires. The court shall schedule the evidentiary hearing within  
490 ninety days from the show cause hearing.

491 (f) The record owner of the real property, any person claiming an

492 interest of record pursuant to a bona fide mortgage, assignment of  
493 lease or rent, lien or security in the property and any lessee or tenant  
494 whose conduct is alleged to have contributed to the public nuisance  
495 shall be made a defendant to the action, except that the state or  
496 municipality shall exempt as a defendant any owner, lienholder,  
497 assignee, lessee, tenant or resident who cooperates with the state or  
498 municipality in making bona fide efforts to abate the nuisance or any  
499 tenant or resident who has been factually uninvolved in the conduct  
500 contributing to such public nuisance. If the state or municipality  
501 exempts as a defendant any record owner or any person claiming an  
502 interest of record pursuant to a mortgage, assignment of lease or rent,  
503 lien or security in the property, notice of the commencement of a  
504 nuisance proceeding shall be given by certified mail, return receipt  
505 requested, with a copy of such summons and complaint and a notice of  
506 exemption and right to be added as a party to any such person at his  
507 usual place of abode or business. Any such exempted person may, at  
508 his option, enter an appearance and participate in the nuisance  
509 proceeding to protect his property rights. Notice of the commencement  
510 of such a public nuisance proceeding shall be given by certified mail to  
511 the highest elected official of the municipality in which the real  
512 property is located.

513 (g) If the defendant is a financial institution and the record owner of  
514 the real property, or if the defendant is a financial institution claiming  
515 an interest of record pursuant to a bona fide mortgage, assignment of  
516 lease or rent, lien or security in the real property and is not determined  
517 to be a principal or an accomplice in the conduct constituting the  
518 public nuisance, the court shall not enter any order against such  
519 defendant. The state or municipality shall have the burden of proving  
520 by clear and convincing evidence that any such defendant claiming an  
521 interest of record under this subsection is a principal or an accomplice  
522 in the alleged conduct constituting the public nuisance. For the  
523 purposes of this subsection, "financial institution" means a bank, as  
524 defined in subdivision (4) of section 36a-2, an out-of-state bank, as  
525 defined in subdivision (44) of section 36a-2, an institutional lender or

526 any subsidiary or affiliate of such bank, out-of-state bank or  
527 institutional lender that directly or indirectly acquires the real property  
528 pursuant to strict foreclosure, foreclosure by sale or deed-in-lieu of  
529 foreclosure, and with the intent of ultimately transferring the property,  
530 or other lender licensed by the Department of Banking.

531 (h) For any defendant who fails to appear, the court may enter a  
532 default following an evidentiary showing by the state or municipality  
533 in support of the relief requested, which shall include affidavits or the  
534 testimony of witnesses. When the court enters a judgment upon  
535 default, the court may enter such orders as appear reasonably  
536 necessary to abate the public nuisance.

537 (i) At the evidentiary hearing upon the public nuisance complaint,  
538 the state or municipality shall have the burden of proving, by clear and  
539 convincing evidence, the existence of a public nuisance upon the real  
540 property as provided in section 19a-343, as amended by this act. If the  
541 state or municipality presents clear and convincing evidence that there  
542 have been three or more arrests, or the issuance of three or more arrest  
543 warrants indicating a pattern of criminal activity and not isolated  
544 incidents, for conduct on the real property or any portion thereof  
545 documented by a law enforcement officer for any of the offenses  
546 enumerated in subdivisions (1) to (11), inclusive, of subsection (c) of  
547 section 19a-343, as amended by this act, within the three hundred  
548 sixty-five days preceding commencement of the action, such evidence  
549 shall create a rebuttable presumption of the existence of a public  
550 nuisance. Any defendant may offer evidence by way of an affirmative  
551 defense that such defendant has taken reasonable steps to abate the  
552 public nuisance, but has been unable to abate the nuisance.

553 Sec. 20. Section 19a-343b of the general statutes is repealed and the  
554 following is substituted in lieu thereof (*Effective October 1, 2007*):

555 In any proceeding to abate a public nuisance, the state or  
556 municipality may request such remedies or relief as are reasonably  
557 necessary to abate the nuisance including, but not limited to, orders for

558 repair or alteration to the real property or any portion thereof,  
559 temporary orders to cease and desist, orders to cease and desist or  
560 appointment of a receiver of rents. In any such action, the court may  
561 enter any orders necessary and proper to abate the nuisance.

562 Sec. 21. Section 19a-343d of the general statutes is repealed and the  
563 following is substituted in lieu thereof (*Effective October 1, 2007*):

564 (a) The court may, upon application of the state or municipality,  
565 appoint a receiver to operate and manage the property or any portion  
566 thereof in accordance with the provisions of this section during the  
567 pendency of the public nuisance proceeding and shall include such  
568 powers and duties as the court may direct.

569 (b) The receiver shall with all reasonable speed, remove the  
570 delinquent matters and deficiencies in the property or any portion  
571 thereof constituting a serious fire hazard or a serious threat to life,  
572 health or safety. During the term of the receivership, the receiver shall  
573 repair and maintain the property or any portion thereof in a safe and  
574 healthful condition. The receiver shall have the power to let contracts  
575 therefor in accordance with the provisions of local laws, ordinances,  
576 rules and regulations. Notwithstanding any such laws, ordinances,  
577 rules or regulations, the receiver may let contracts or incur expenses  
578 for individual items of repairs, improvements or supplies without  
579 advertisement or the procurement of competitive bids where the total  
580 amount of any such individual item does not exceed five hundred  
581 dollars or where there exists a condition which constitutes an  
582 imminent and substantial danger to life, health or safety, but in such  
583 event the receiver shall endeavor to obtain contracts on the most  
584 advantageous terms.

585 (c) The receiver shall collect the accrued and accruing rents, issues  
586 and profits of the property or any portion thereof and apply the same  
587 to the cost of removing or remedying such nuisance, to the payment of  
588 expenses reasonably necessary to the proper operation and  
589 management of the property, including insurance and the fees of the

590 managing agent, if any, and to unpaid taxes, assessments, water rents  
591 and sewer rents and penalties and interest thereon.

592 (d) Any excess of income of the property in the hands of the receiver  
593 shall be applied to the necessary expenses in regard to such property  
594 of his office as receiver and then to sums due to mortgagees or lienors.

595 (e) The receiver shall have the power to bring a summary process  
596 action pursuant to the provisions of chapter 832 against any tenant or  
597 occupant of the property.

598 (f) Following appointment, the receiver shall keep complete written  
599 records, including records of all receivership funds on deposit and  
600 records itemizing all receipts and expenditures.

601 (g) The receiver's accounts shall be open to inspection by any  
602 defendant having an ownership interest in the real property, the state,  
603 the municipality, the court or any defendant with a record interest in  
604 the leases or rents.

605 (h) Upon motion by any defendant having an interest in the real  
606 property, [or] the state or the municipality, or upon its own motion,  
607 the court may direct the receiver to render a periodic accounting to the  
608 court.

609 (i) A receiver shall act until removed by the court. Upon the  
610 termination of the receivership, the receiver shall render to the court a  
611 final accounting of all funds pertaining to the real property on deposit,  
612 as well as records of receipts and expenditures. The receiver shall  
613 deliver ledgers, records and the receiver's files and notes pertaining to  
614 any litigation or claim arising out of management of the real property  
615 to any person designated by the court.

616 (j) A receiver appointed pursuant to this section shall not be liable in  
617 his capacity as receiver to any person except for intentional or wilful  
618 misconduct.

619 Sec. 22. Section 19a-343e of the general statutes is repealed and the

620 following is substituted in lieu thereof (*Effective October 1, 2007*):

621 (a) If the court finds by clear and convincing evidence that a public  
622 nuisance exists, the court may enter such orders as justice requires to  
623 abate the public nuisance, including but not limited to, an order to  
624 close the real property or any portion thereof. The court shall retain  
625 jurisdiction over the case until it appears that the nuisance no longer  
626 exists. The state or municipality shall post a copy of any court order to  
627 close the real property or any portion thereof on any outside door of  
628 the premises. The order shall include a notice that any person who  
629 removes, mutilates or defaces the closing order may be punished,  
630 upon conviction, by a fine not to exceed two hundred fifty dollars or  
631 by imprisonment of fifteen days, or both.

632 (b) At any time after entry of an order, any defendant may apply to  
633 the court to have any order vacated or modified for good cause. Prior  
634 to any decision on a defendant's application to vacate or modify an  
635 order, the state or municipality shall be afforded a reasonable  
636 opportunity to inspect the real property or any portion thereof to  
637 verify that the public nuisance has been abated, and the court shall  
638 provide the state or municipality with an opportunity to be heard to  
639 contest the defendant's application.

640 (c) Where the court vacates or modifies any order, it may condition  
641 its decision on the posting of a bond in an amount not to exceed the  
642 current fair market value of the real property, as stated in an  
643 independent appraisal by a certified real estate appraiser, as surety  
644 against recurrence of the public nuisance.

645 (d) Where the court finds that real property or any portion thereof  
646 constitutes a public nuisance and enters a final judgment, the state or  
647 municipality shall record a copy of such judgment and any orders on  
648 the land records in the town in which such real property is located. At  
649 any time after the entry of judgment, any defendant may apply to the  
650 court to modify or vacate any order, including the reduction of the  
651 amount of, or release of liability for any bond required pursuant to this

652 section. The court may grant such application for good cause shown,  
653 which may include, but not be limited to, a showing by such defendant  
654 by clear and convincing evidence that: (1) All court orders have been  
655 complied with, that any named persons have ceased any conduct  
656 constituting a public nuisance upon the real property or any portion  
657 thereof and that the nuisance has abated; (2) the defendant wishes to  
658 refinance or sell the real property to an identified bona fide purchaser  
659 for value whose proposed use for the real property will not constitute  
660 a public nuisance; or (3) the defendant has demolished or razed any  
661 buildings, structures or features upon the real property capable of  
662 supporting a public nuisance. Prior to any decision on a defendant's  
663 application to vacate or modify a final order or release a lien, the state  
664 or municipality shall be afforded a reasonable opportunity to inspect  
665 the real property or any portion thereof. Any modification to any order  
666 shall be recorded on the land records in the town in which such real  
667 property is located.

668 (e) Where the state or municipality applies for an order to close the  
669 real property or any portion thereof, the court shall take into  
670 consideration the rights of all interested parties and shall limit the  
671 scope of a closing order to minimize dispossession or dislocation of  
672 tenants or residents who have been factually uninvolved in the  
673 conduct contributing to the public nuisance, unless closure of the  
674 property is necessary to protect public health, safety or welfare.

675 Sec. 23. Section 19a-343f of the general statutes is repealed and the  
676 following is substituted in lieu thereof (*Effective October 1, 2007*):

677 (a) In any case where dispossession or dislocation of tenants or  
678 residents who have been factually uninvolved with the conduct  
679 contributing to such public nuisance is necessary to abate the public  
680 nuisance, the court may impose the reasonable costs of relocating such  
681 tenants or residents upon any defendant determined by the court to be  
682 liable for the public nuisance.

683 (b) In any public nuisance proceeding, the court may impose the

684 reasonable costs of investigation, prosecution and any extraordinary  
685 expenses incurred in abating the public nuisance upon any defendant  
686 determined by the court to be liable for the public nuisance. In any  
687 public nuisance proceeding, the court may award to the state or any  
688 municipality the reasonable costs of investigation, prosecution and any  
689 extraordinary expenses incurred in abating the public nuisance. The  
690 state or municipality shall submit an affidavit and such other  
691 documents as the court directs in support of a request for award of  
692 costs.

693 (c) The court may authorize the state or municipality or its agents to  
694 make any repairs or alterations to the real property or any portion  
695 thereof to bring it into compliance with applicable state and local  
696 building, fire, health, housing or similar codes. The court may impose  
697 the actual costs of any repairs or alterations upon any defendant  
698 determined by the court to be liable for the public nuisance. The court  
699 shall award the state or municipality the actual costs of any such  
700 repairs or alterations.

701 (d) In any public nuisance proceeding, any monetary penalty  
702 imposed by the court on a defendant with an ownership interest in the  
703 real property and any award of costs to the state or municipality shall  
704 constitute a judgment lien on the real property, and shall be recorded  
705 as such on the land records in the town where the property is located.  
706 In addition, the state or municipality may, at its election, pursue any  
707 remedy under chapter 906.

708 (e) If any defendant in a public nuisance proceeding subject to a  
709 court order to abate the nuisance intentionally violates any such court  
710 order entered in judgment in a public nuisance proceeding under  
711 sections 19a-343 to 19a-343h, inclusive, the court may impose a civil  
712 penalty of not more than one thousand dollars for each day the public  
713 nuisance is found to have existed after such order. Upon recovery,  
714 such penalty shall be deposited in the General Fund.

715 (f) Any person who was not a defendant in a public nuisance action

716 who intentionally violates any court order entered in judgment in a  
 717 public nuisance proceeding, may be fined not more than one hundred  
 718 dollars or imprisoned not more than six months or both.

719 Sec. 24. Section 19a-343g of the general statutes is repealed and the  
 720 following is substituted in lieu thereof (*Effective October 1, 2007*):

721 (a) The state or municipality may use an inspector of the Division of  
 722 Criminal Justice or a state or municipal police officer to assist in the  
 723 enforcement of any court order in a public nuisance proceeding.  
 724 Where a municipal police officer acts at the direction of a prosecutor,  
 725 the state shall first obtain the permission of the municipal chief of  
 726 police. Where a municipal police officer acts at the direction of a  
 727 prosecutor or pursuant to a court order in a public nuisance matter, the  
 728 officer and the municipality shall be indemnified against any losses,  
 729 damages or liabilities arising within the scope of such duties, and the  
 730 police officer shall be deemed an employee of the state for purposes of  
 731 indemnification.

732 (b) In any public nuisance proceeding, an order by the court closing  
 733 the real property or any portion thereof shall not be deemed to pass  
 734 dominion, title, possession or control over the real property to the state  
 735 or municipality.

736 Sec. 25. Section 19a-343h of the general statutes is repealed and the  
 737 following is substituted in lieu thereof (*Effective October 1, 2007*):

738 Availability to the state or municipality of other remedies at law or  
 739 equity shall not prevent the granting of relief under sections 19a-343 to  
 740 19a-343h, inclusive, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	8-376
Sec. 2	<i>July 1, 2007</i>	8-378
Sec. 3	<i>July 1, 2007</i>	32-1m
Sec. 4	<i>July 1, 2007</i>	32-222(v)

Sec. 5	<i>July 1, 2007</i>	10-416(d)
Sec. 6	<i>July 1, 2007</i>	10-416a(d)
Sec. 7	<i>July 1, 2007</i>	8-395(k)
Sec. 8	<i>July 1, 2007</i>	New section
Sec. 9	<i>July 1, 2007</i>	New section
Sec. 10	<i>July 1, 2007</i>	New section
Sec. 11	<i>July 1, 2007</i>	New section
Sec. 12	<i>July 1, 2007</i>	New section
Sec. 13	<i>July 1, 2007</i>	New section
Sec. 14	<i>July 1, 2007</i>	New section
Sec. 15	<i>July 1, 2007</i>	New section
Sec. 16	<i>October 1, 2007</i>	New section
Sec. 17	<i>July 1, 2007</i>	New section
Sec. 18	<i>October 1, 2007</i>	19a-343
Sec. 19	<i>October 1, 2007</i>	19a-343a
Sec. 20	<i>October 1, 2007</i>	19a-343b
Sec. 21	<i>October 1, 2007</i>	19a-343d
Sec. 22	<i>October 1, 2007</i>	19a-343e
Sec. 23	<i>October 1, 2007</i>	19a-343f
Sec. 24	<i>October 1, 2007</i>	19a-343g
Sec. 25	<i>October 1, 2007</i>	19a-343h