



General Assembly

Bill No. 1200

November 24 Special
Session, 2008

LCO No. 7040

*07040 _____ *

Referred to Committee on No Committee

Introduced by:

SEN. WILLIAMS, 29th Dist.

REP. AMANN, 118th Dist.

**AN ACT CONCERNING VARIOUS MEASURES TO PROVIDE RELIEF
FOR MUNICIPALITIES.**

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

1 Section 1. (NEW) (*Effective from passage*) The Commissioner of
2 Administrative Services may serve as the contracting agent for a group
3 of three or more municipalities that seek to purchase supplies,
4 materials or equipment, upon the request of such group of
5 municipalities, provided (1) the commissioner determines that the
6 municipalities will achieve a cost savings through the commissioner
7 serving as the contracting agent, and (2) such cost savings are greater
8 than the administrative costs to the state for the commissioner serving
9 as the contracting agent. As the contracting agent for such a group of
10 municipalities, the Commissioner of Administrative Services may
11 perform administrative functions in accordance with state
12 procurement laws and regulations, including, but not limited to, the
13 following: Issuing requests for bids or proposals, selecting the
14 successful bidder based on competitive bidding or competitive

15 negotiation and administering any contracts for such purchases.
16 Nothing in this section shall be construed to require the state to be a
17 party to any such contract entered into pursuant to this section.

18 Sec. 2. Section 7-148v of the general statutes is repealed and the
19 following is substituted in lieu thereof (*Effective from passage*):

20 Notwithstanding the provisions of any municipal charter or any
21 special act to the contrary, any municipality may, by ordinance,
22 establish requirements for competitive bidding for the award of any
23 contract or the purchase of any real or personal property by the
24 municipality. Such ordinance may provide that, except as otherwise
25 required by any provision of the general statutes, sealed bidding shall
26 not be required for contracts or purchases having a value less than or
27 equal to an amount established in the ordinance, which amount shall
28 not be greater than seven thousand five hundred dollars. Nothing in
29 this section shall be deemed to invalidate any ordinance enacted by a
30 municipality prior to October 1, 1989. Nothing in this section and no
31 ordinance adopted pursuant to this section shall be construed to limit
32 the ability of a municipality to enter into a contract pursuant to section
33 1 of this act.

34 Sec. 3. Section 7-378a of the 2008 supplement to the general statutes
35 is repealed and the following is substituted in lieu thereof (*Effective*
36 *from passage*):

37 Notwithstanding the provisions of sections 7-264 and 7-378, and any
38 other public or special act or charter which limits the renewal of
39 temporary notes issued in anticipation of the receipt of the proceeds of
40 bond issues to two years or any lesser period of time from the date of
41 the original notes, any municipality, as defined in section 7-369, may
42 renew any temporary notes for a period of not more than [eight] ten
43 years from the date of the original issue of such temporary notes if the
44 municipality promptly applies all project grant payments toward
45 project costs or toward payment of such temporary notes as the same
46 shall become due and payable or deposits such grants in trust for such

47 purposes and if the legislative body of such municipality (1) authorizes
48 the inclusion in the annual budget for each year or otherwise
49 appropriates sufficient sums, from funds other than project grants or
50 note proceeds, to retire notes equal to at least one-twentieth of the
51 town's estimated net cost of the project no later than three years from
52 the date of the original issue of such temporary notes and again for
53 each subsequent year during which such temporary notes remain
54 outstanding; (2) reduces the principal amount of each bond issue when
55 sold by the amount spent under subdivision (1) of this section, and
56 provides for the payment or amortization of the principal of such
57 bonds in annual installments commencing no later than [nine] eleven
58 years from the date of original issue of the temporary notes being
59 permanently financed by such bonds; (3) reduces the maximum
60 authorized term of the bonds when sold by not less than the number of
61 months by which the date of issue exceeds two years from the date of
62 the original notes. For sewer projects or school building projects, as
63 defined in section 7-380c of the 2008 supplement to the general
64 statutes, the annual payments required under said subdivision (1) shall
65 be at least one-thirtieth of the town's estimated net cost of such sewer
66 or school building project. Any federal or state grants which are to be
67 paid over a period of years to reimburse the municipality for a portion
68 of principal due on bonds or notes may be used in computing the
69 municipality's net cost of the project. That portion of the proceeds of
70 the issue of any such temporary notes being issued as part of a
71 common sale, which portion is not used to refund outstanding
72 temporary notes, shall be deemed a separate loan and be considered to
73 have a separate original issue date. Each such portion of any such
74 temporary notes may be renewed in accordance with the provisions of
75 this section.

76 Sec. 4. Subsection (c) of section 10-56 of the 2008 supplement to the
77 general statutes is repealed and the following is substituted in lieu
78 thereof (*Effective from passage*):

79 (c) When a district has been authorized to issue general obligation

80 bonds, notes or other obligations as provided by this section, the board
81 may authorize, for a period not to exceed [eight] ten years, the issue of
82 temporary notes in anticipation of the receipt of the proceeds from the
83 sale of such bonds. Notes issued for a shorter period of time may be
84 renewed by the issue of other notes, provided the period from the date
85 of the original notes to the maturity of the last notes issued in renewal
86 thereof shall not exceed [eight] ten years. The term of such notes shall
87 not be included in computing the time within which such bonds shall
88 mature, provided such term does not exceed four years. For any series
89 of notes the term of which is extended past the fourth year, the
90 provisions of section 7-378a of the 2008 supplement to the general
91 statutes, as amended by this act, providing for the retirement from
92 budgeted funds of one-twentieth, or one-thirtieth, as applicable, of the
93 net project cost, the reduction of the term of the bonds when sold and
94 the commencement of the first principal payment of such bonds, shall
95 apply with respect to each year beyond the fourth that the notes are
96 outstanding. The provisions of section 7-373 shall be deemed to apply
97 to such notes. The board, or such officer or body to whom the board
98 delegates the authority to make such determinations, shall determine
99 the date, maturity, interest rate, form, manner of sale and other terms
100 of such notes which shall be general obligations of the regional school
101 district and member towns. Such notes may bear interest or be sold at
102 a discount. The interest or discount on such notes and any renewals
103 thereof and the expense of preparing, issuing and marketing them may
104 be included as a part of the cost of the project for the financing of
105 which such bonds were authorized. Upon the sale of such bonds, the
106 board shall apply immediately the proceeds thereof, to the extent
107 required, to the payment of the principal and interest of all notes
108 issued in anticipation thereof or deposit the proceeds in trust for such
109 purpose with a bank or trust company, which may be the bank or trust
110 company, if any, at which such notes are payable.

111 Sec. 5. (*Effective from passage*) (a) For purposes of this section,
112 "municipality" means any town, consolidated town and city,
113 consolidated town and borough, borough, district as defined in section

114 7-324 of the general statutes, and any city not consolidated with a
115 town.

116 (b) On or before December 31, 2009, any municipality, by ordinance
117 adopted by its legislative body, may establish a one-time amnesty
118 program for persons owing any tax, assessment, fee, fine or other
119 payment to such municipality. Such program may (1) apply to any
120 unpaid or partially paid taxes, fees, assessments, including those for
121 special districts, fines, including those for alleged violations of any
122 municipal ordinance, or other payments required to be paid to such
123 municipality, (2) provide for full or partial forgiveness of interest,
124 penalties, fines, costs or other fees due on such unpaid or partially paid
125 taxes, fees, assessments, fines or other payments, (3) limit the
126 applicability of such program to a time period prior to the institution
127 of such program during which such unpaid or partially paid taxes,
128 fees, assessments, fines or other payments were levied by such
129 municipality, (4) provide exclusions for persons who fail to meet
130 criteria that such municipality may set for eligibility for such program,
131 and (5) establish such other terms as such municipality may deem
132 necessary to conduct such program effectively and efficiently.

133 (c) No municipality may make such program available for a period
134 of time in excess of ninety calendar days. Such municipality shall
135 apply the terms of such program in the same manner to each person
136 owing any tax, assessment, fee, fine or other payment to such
137 municipality.

138 Sec. 6. (NEW) (*Effective from passage*) (a) For purposes of this section:

139 (1) "Bona fide tenant" means a tenant who (A) is not the mortgagor
140 or owner of the property, and (B) entered into the rental agreement in
141 an arms-length transaction; and

142 (2) "Premises", "rental agreement" and "tenant" have the same
143 meanings as provided in section 47a-1 of the general statutes.

144 (b) Whenever a mortgage or lien of residential real property has
145 been foreclosed and there is a bona fide tenant in possession on the
146 date absolute title to the property vests in the mortgagee, lienholder or
147 successor in interest, any execution of ejectment issued pursuant to
148 section 49-22 of the general statutes against such tenant shall be stayed
149 and no summary process action pursuant to chapter 832 of the general
150 statutes or other action to dispossess such tenant shall be commenced
151 until (1) in the case of a written rental agreement entered into more
152 than sixty days before the commencement of the foreclosure action, the
153 expiration date contained in such rental agreement or sixty days after
154 the date absolute title vests in the mortgagee, lienholder or successor in
155 interest, whichever occurs first, or (2) in the case of a rental agreement
156 other than one described in subdivision (1) of this subsection, thirty
157 days after the date absolute title vests in the mortgagee, lienholder or
158 successor in interest, except that a summary process action or other
159 action to dispossess such tenant may be commenced prior to such date
160 for a reason set forth in section 47a-23 or 47a-31 of the general statutes
161 other than for the reason that the tenant no longer has the right or
162 privilege to occupy the premises as a result of such judgment of
163 foreclosure.

164 Sec. 7. (NEW) (*Effective from passage*) Upon the foreclosure of a
165 mortgage or lien of residential real property, any money or other
166 valuable consideration offered by a mortgagee, lienholder or successor
167 in interest to a tenant in possession as an incentive to vacate the
168 premises shall (1) if there is evidence of the amount or value of the
169 security deposit paid by the tenant, be at least equal in amount or
170 value to the security deposit and interest that would be due such
171 tenant pursuant to chapter 831 of the general statutes upon the
172 termination of the tenancy and be in addition to any such security
173 deposit and interest, or (2) if there is no evidence of the amount or
174 value of the security deposit paid by the tenant or no security deposit
175 was paid by the tenant, be in the amount of two months' rent or two
176 thousand dollars, whichever is greater. No mortgagee, lienholder or
177 successor in interest may require a tenant in possession, as a condition

178 of the receipt of such money or other valuable consideration, to waive
179 or forfeit any rights or remedies such tenant may have under law
180 against such mortgagee, lienholder or successor in interest other than
181 the right to bring an action to reclaim the security deposit and interest
182 that would be due such tenant.

183 Sec. 8. Section 18 of public act 08-176 is repealed and the following is
184 substituted in lieu thereof (*Effective from passage*):

185 (a) The mediation period under the foreclosure mediation program
186 established in section 17 of [this act] public act 08-176 shall commence
187 when the court sends notice to each appearing party that a foreclosure
188 mediation request form has been submitted by a mortgagor to the
189 court, which notice shall be sent not later than three business days after
190 the court receives a completed foreclosure mediation request form. The
191 mediation period shall conclude not more than sixty days after the
192 return day for the foreclosure action, except that the court may, in its
193 discretion, for good cause shown, (1) extend, by not more than [ten]
194 thirty days, or shorten [,] the mediation period on its own motion or
195 upon motion of any party, or (2) extend by not more than thirty days
196 the mediation period upon written request of the mediator.

197 (b) The first mediation session shall be held not later than [ten]
198 fifteen business days after the court sends notice to all parties that a
199 foreclosure mediation request form has been submitted to the court.
200 The mortgagor and mortgagee shall appear in person at each
201 mediation session and shall have authority to agree to a proposed
202 settlement, except that if the mortgagee is represented by counsel, the
203 mortgagee's counsel may appear in lieu of the mortgagee to represent
204 the mortgagee's interests at the mediation, provided such counsel has
205 the authority to agree to a proposed settlement and the mortgagee is
206 available during the mediation session by telephone or electronic
207 means.

208 (c) Not later than two days after the conclusion of the first
209 mediation session, the mediator shall determine whether the parties

210 will benefit from further mediation. The mediator shall file with the
211 court a report setting forth such determination and mail a copy of such
212 report to each appearing party. If the mediator reports to the court that
213 the parties will not benefit from further mediation, the mediation
214 period shall terminate automatically. If the mediator reports to the
215 court after the first mediation session that the parties may benefit from
216 further mediation, the mediation period shall continue.

217 (d) If the mediator has submitted a report to the court that the
218 parties may benefit from further mediation pursuant to subsection (c)
219 of this section, not more than two days after the conclusion of the
220 mediation, but no later than the termination of the mediation period
221 set forth in subsection (a) of this section, the mediator shall file a report
222 with the court describing the proceedings and specifying the issues
223 resolved, if any, and any issues not resolved pursuant to the
224 mediation. The filing of the report shall terminate the mediation period
225 automatically. If certain issues have not been resolved pursuant to the
226 mediation, the mediator may refer the mortgagor to any appropriate
227 community-based services that are available in the judicial district, but
228 any such referral shall not cause a delay in the mediation process.

229 (e) The Chief Court Administrator shall establish policies and
230 procedures to implement this section. Such policies and procedures
231 shall, at a minimum, provide that the mediator shall advise the
232 mortgagor at the first mediation session required by subsection (b) of
233 this section that: (1) Such mediation does not suspend the mortgagor's
234 obligation to respond to the foreclosure action in accordance with
235 applicable rules of the court; and (2) a judgment of strict foreclosure or
236 foreclosure by sale may cause the mortgagor to lose the residential real
237 property to foreclosure.

238 (f) In no event shall any determination issued by a mediator under
239 this program form the basis of an appeal of any foreclosure judgment.

240 (g) Foreclosure mediation request forms shall not be accepted by the
241 court on or after July 1, 2010, and the foreclosure mediation program

242 shall terminate when all mediation has concluded with respect to any
243 applications submitted to the court prior to July 1, 2010.

244 (h) At any time during the mediation period, the mediator may refer
245 the mortgagor to the mortgage assistance programs, except that any
246 such referral shall not prevent a mortgagee from proceeding to
247 judgment when the conditions specified in subsection (d) of section 16
248 of [this act] public act 08-176 have been satisfied.

249 Sec. 9. (*Effective from passage*) Notwithstanding any provision of the
250 general statutes or any special act, charter or ordinance, the vote cast
251 by the board of selectmen of the town of Bolton at the meeting held
252 April 1, 2003, adopting an ordinance creating the Bolton Lakes
253 Regional Water Pollution Control Authority, otherwise valid except for
254 the failure of the town of Bolton to publish notice of the public hearing
255 held on March 19, 2003, concerning said ordinance more than the
256 required five days before the hearing, is validated and effective as of
257 the date taken. All acts, votes and proceedings of the officers and
258 officials of the Bolton Lakes Regional Water Pollution Control
259 Authority and the officers, officials and voters of the town of Bolton
260 and the town of Vernon pertaining to or taken in reliance on the
261 adoption of said ordinance, including, but not limited to, the adoption
262 by the town council of the town of Vernon of an ordinance concurrent
263 with the ordinance validated under this section, and subsequent
264 amendment of said ordinances and the adoption by the board of
265 directors of the Bolton Lakes Regional Water Pollution Control
266 Authority at the meeting held April 23, 2008, of a resolution
267 authorizing an appropriation of \$21,700,000 and borrowing
268 authorization for costs of a regional sewerage system to serve the
269 portions of the Bolton Lakes area of the towns of Bolton and Vernon
270 and connecting the system to existing sewage treatment facilities of the
271 town of Manchester, otherwise valid except for the failure of the town
272 of Bolton to publish notice of the public hearing on the ordinance, are
273 validated and effective as of the date taken.

274 Sec. 10. (*Effective from passage*) Notwithstanding any provision of the
275 general statutes or any special act, charter or ordinance, the vote cast
276 by the electors and voters of the towns of Middlefield and Durham, the
277 member towns of Regional School District Number 13, at the
278 referendum held on May 6, 2008, relating to approval of an
279 appropriation for the design and construction of athletic facilities and
280 water systems and replacement of roofs, and the authorization of the
281 issuance of bonds, notes and temporary notes by said district to
282 finance a portion of said appropriation, otherwise valid except for the
283 failure of the town of Durham to publish notice of the referendum in a
284 newspaper having a general circulation in the town, is validated. All
285 acts, votes and proceedings of the officers and officials of Regional
286 School District Number 13 pertaining to or taken in reliance on said
287 referendum, otherwise valid except for failure of the town of Durham
288 to publish notice of said referendum in a newspaper having a general
289 circulation in the town, are validated and effective as of the date taken.

290 Sec. 11. (*Effective from passage*) Notwithstanding any provision of the
291 general statutes or any special act, charter or ordinance, the vote cast
292 by the electors and voters of the towns of Bridgewater and Roxbury,
293 member towns of Regional School District Number 12, at the
294 referendum held on December 18, 2007, relating to a \$1,550,000
295 appropriation for design, construction and installation of various
296 improvements to Shepaug Valley Middle School and Shepaug Valley
297 High School, and the authorization of the issuance of bonds, notes and
298 temporary notes and the acceptance of grants to defray said
299 appropriation, otherwise valid except for the failure to properly
300 publish notice of said referendum with respect to the towns of
301 Bridgewater and Roxbury, is validated. All acts, votes and proceedings
302 of the officers and officials of the Regional School District Number 12
303 pertaining to or taken in reliance on said referendum, otherwise valid
304 except for the failure to properly publish notice of said referendum
305 with respect to the towns of Bridgewater and Roxbury, are validated
306 and effective as of the date taken.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	7-148v
Sec. 3	<i>from passage</i>	7-378a
Sec. 4	<i>from passage</i>	10-56(c)
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	PA 08-176, Sec. 18
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	New section
Sec. 11	<i>from passage</i>	New section