



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 22, 2010
Environment Committee

Testimony Submitted by Commissioner Amey W. Marrella
Department of Environment Protection

Raised House Bill No. 5117 - AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5117. The Department of Environmental Protection offers the following testimony in support of AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE.

Conservation and Preservation Restrictions are interests in lands that are acquired through a real estate transaction where a seller and buyer enter into a contract that restricts the seller's use and occupancy of the land. These restrictions are often very detailed in laying out what is permitted on the restricted land including items such as allowing or disallowing structures, accessory structures, utilities, removal of trees, etc.

While the buyer, or grantee, is the holder of the restriction, the seller, or grantor, is still the owner of the remaining interests in the property. It is often the case where the owner may apply for a permit from a state or local land use agency for the construction or improvement of their property that conflicts with the terms of the restriction. This bill will allow the holder of the restriction the opportunity to review the proposal and determine if it complies with the terms of the restriction prior to the issuance of a permit, or alternatively allow the holder of the restriction the ability to appeal the permit if the applicant fails to notify the holder.

This bill will allow the holder of the restriction's a better ability to review and enforce the terms of the restriction prior to the issuance of a permit rather than take after the fact action to force the removal of such structures, often through litigation.

The Department is in strong support of Raised House Bill No. 5117, AN ACT CONCERNING CONSERVATION AND PRESERVATION RESTRICTIONS HELD BY THE STATE.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@ct.gov.