



General Assembly

February Session, 2014

Raised Bill No. 5219

LCO No. 1116



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING MAINTENANCE OF PRIVATE EASEMENTS
AND RIGHTS-OF-WAY.**

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) As used in this
2 section: (1) "Residential real property" has the same meaning as
3 provided in section 20-325c of the general statutes, but does not
4 include property owned by the state or any political subdivision
5 thereof; (2) "benefited property" or "property that benefits" includes
6 residential real property burdened by an easement or right-of-way, the
7 owner of which residential real property uses such easement or right-
8 of-way; and (3) "easement" or "right-of-way" means a private
9 appurtenant easement or right-of-way.

10 (b) The owner of any residential real property that benefits from an
11 easement or right-of-way, the purpose of which is to provide access to
12 such residential real property, shall be responsible for the cost of
13 maintaining such easement or right-of-way in good repair and the cost
14 of repairing or restoring any damaged portion of such easement or
15 right-of-way. Such maintenance shall include, but not be limited to, the
16 removal of snow from such easement or right-of-way.

17 (c) If more than one residential real property benefits from such
18 easement or right-of-way, the cost of maintaining and repairing or
19 restoring such easement or right-of-way shall be shared by each owner
20 of a benefited property, pursuant to the terms of any enforceable
21 written agreement entered into for such purpose. In the absence of
22 such agreement, the cost of maintaining and repairing or restoring
23 such easement or right-of-way shall be shared by each owner of a
24 benefited property in proportion to the benefit received by each such
25 property.

26 (d) Notwithstanding the provisions of subsections (b) and (c) of this
27 section, any owner of a benefited property who directly or indirectly
28 damages any portion of the easement or right-of-way shall be solely
29 responsible for repairing or restoring the portion damaged by such
30 owner.

31 (e) If any owner of a benefited property refuses to repair or restore a
32 damaged portion of an easement or right-of-way in accordance with
33 subsection (d) of this section, or fails, after a demand in writing, to pay
34 such owner's proportion of the cost of maintaining or repairing or
35 restoring such easement or right-of-way in accordance with subsection
36 (c) of this section, an action for specific performance or contribution
37 may be brought in the Superior Court against such owner by other
38 owners of benefited properties, either jointly or severally.

39 (f) In the event of any conflict between the provisions of this section
40 and an agreement described in subsection (c) of this section, the terms
41 of the agreement shall control.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2014 | New section |

JUD *Joint Favorable*