
OLR Bill Analysis

HB 5219

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

SUMMARY:

This bill requires the owner of a one- to four-family residential property located in Connecticut, who uses a private easement or right-of-way to access his or her property (i.e., the “benefited property”), to be responsible for the cost to maintain (including snow removal), repair, or restore any damage to the easement or right-of-way.

Under the bill, “benefited property” does not include property owned by the state, but it includes the property burdened by the easement or right-of-way if its owner uses the easement or right-of-way.

Under the bill, in the case of more than one benefited property, the owners must share the cost (1) according to any enforceable written agreement, or (2) in proportion to the benefit received by each property, if there is no agreement. (The bill does not specify the basis on which the proportion of benefit is determined.)

The bill makes the owner of a benefited property who damages, directly or indirectly, any portion of the easement or right-of-way, solely responsible for repairing or restoring the portion he or she damaged. (Presumably, this means specific performance, not a requirement that is limited to paying the cost.)

The bill also gives owners of benefited properties the right to bring action in Superior Court, for specific performance or contribution, against an owner who (1) refuses to repair or restore damage for which he or she is solely responsible or (2) after a demand in writing, fails to pay his or her share of the maintenance, repair, or restoration cost of the easement or right-of-way.

Lastly, the bill specifies that the terms of an enforceable written agreement govern, if they conflict with the bill's provisions.

EFFECTIVE DATE: October 1, 2014

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 36 Nay 0 (03/28/2014)