

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 14-67—HB 5219

Judiciary Committee

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

SUMMARY: This act makes the owner of a one- to four-family house located in Connecticut, who uses a private easement or right-of-way to access his or her property (i.e., the “benefited property”), responsible for the cost of maintaining (including snow removal), repairing, or restoring any damage to the easement or right-of-way.

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

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

The act makes a benefited property owner 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.

The act also gives benefited property owners, either jointly or individually, the right to sue in Superior Court, for specific performance or contribution, 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 act specifies that, in a conflict with the act’s provisions, the terms of an enforceable written agreement govern.

EFFECTIVE DATE: October 1, 2014

OLR Tracking: MK:DC:PF:am