



General Assembly

January Session, 2015

Committee Bill No. 5436

LCO No. 2903



* 0 2 9 0 3 H B 0 5 4 3 6 I N S *

Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

AN ACT CONCERNING ADVERSE POSSESSION.

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

1 Section 1. Section 52-575 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) No person shall make entry into any lands or tenements but
4 within fifteen years next after his right or title to the same first
5 descends or accrues or within fifteen years next after such person or
6 persons have been ousted from possession of such land or tenements;
7 and every person, not entering as aforesaid, and his heirs, shall be
8 utterly disabled to make such entry afterwards; and no such entry
9 shall be sufficient, unless within such fifteen-year period, any person
10 or persons claiming ownership of such lands and tenements and the
11 right of entry and possession thereof against any person or persons
12 who are in actual possession of such lands or tenements, gives notice
13 in writing to the person or persons in possession of the land or
14 tenements of the intention of the person giving the notice to dispute
15 the right of possession of the person or persons to whom such notice is
16 given and to prevent the other party or parties from acquiring such

17 right, and the notice being served and recorded as provided in sections
18 47-39 and 47-40 shall be deemed an interruption of the use and
19 possession and shall prevent the acquiring of a right thereto by the
20 continuance of the use and possession for any length of time thereafter,
21 provided an action is commenced thereupon within one year next after
22 the recording of such notice. The limitation herein prescribed shall not
23 begin to run against the right of entry of any owner of a remainder or
24 reversionary interest in real estate, which is in the adverse possession
25 of another, until the expiration of the particular estate preceding such
26 remainder or reversionary estate.

27 (b) If any person who has such right or title of entry into any lands
28 or tenements is, at the time of the first descending or accruing of such
29 right or title, a minor, non compos mentis or imprisoned, he and his
30 heirs may, notwithstanding the expiration of such fifteen years, make
31 such entry and serve and record such notice at any time within five
32 years next after full age, coming of sound mind or release from prison,
33 or his heirs shall, within five years after his death, make such entry
34 and serve and record such notice, and take benefit of the same.

35 (c) Notwithstanding the provisions of subsections (a) and (b) of this
36 section, the payment in full of property taxes assessed on lands or
37 tenements by the owner or heirs of such lands or tenements shall (1)
38 prevent the fifteen-year period under subsections (a) and (b) of this
39 section from beginning to run, and (2) be deemed an interruption of
40 the use and possession of another for the purposes of subsections (a)
41 and (b) of this section and shall prevent the acquiring of a right thereto
42 by the continuance of the use and possession for any length of time
43 thereafter, provided payment in full of the property taxes continues to
44 be made by the owner or heirs.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	52-575

Statement of Purpose:

To provide that payment in full of real property taxes by an owner of such property shall prevent the fifteen-year period for adverse possession from beginning to run and interrupt the use and possession of land by another, preventing the acquiring of a right thereto.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. ACKERT, 8th Dist.

H.B. 5436