



House of Representatives

General Assembly

File No. 399

January Session, 2015

Substitute House Bill No. 5436

House of Representatives, April 2, 2015

The Committee on Insurance and Real Estate reported through REP. MEGNA of the 97th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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 Section 52-575 of the general statutes is repealed and the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.

45 Sec. 2. Section 47-27 of the general statutes is repealed and the
46 following is substituted in lieu thereof (*Effective October 1, 2015*):

47 (a) No length of possession, use or occupancy of land belonging to a
48 railroad or street railway corporation and used for its corporate

49 purposes shall create or continue any right in or to such land. No
 50 length of possession, use or occupancy by a railroad or street railway
 51 corporation of land belonging to another shall create or continue any
 52 right in or to such land.

53 (b) No length of possession, use or occupancy of land belonging to a
 54 nonprofit land-holding organization or of land subject to a
 55 conservation restriction, as defined in section 47-42a, held by a
 56 nonprofit land-holding organization shall create or continue any right
 57 in or to such land. As used in this subsection, "nonprofit land-holding
 58 organization" means a nonprofit corporation incorporated pursuant to
 59 chapter 602 or any predecessor statute thereto, having as one of its
 60 principal purposes the conservation and preservation of land.

61 (c) No length of possession, use or occupancy of land classified as
 62 class I or class II land under section 25-37c and belonging to an
 63 investor-owned water company shall create or continue any right in or
 64 to such land. The provisions of this subsection shall not affect any right
 65 in or to such land acquired by length of possession, use or occupancy
 66 pursuant to law prior to October 1, 2002. As used in this subsection,
 67 "water company" has the same meaning as provided in section 16-1.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	52-575
Sec. 2	October 1, 2015	47-27

INS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill adds criteria that must be met before adverse possession can begin, which does not result in a fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 5436*****AN ACT CONCERNING ADVERSE POSSESSION.*****SUMMARY:**

This bill prevents the 15-year period for adverse possession from beginning to run if the owner of the affected land, or his or her heir, pays the assessed property taxes in full. Under the bill, such payment also interrupts the use and possession of the land by another, thereby preventing anyone from acquiring a right to the land by adverse possession.

The bill also prevents land subject to a conservation restriction held by a nonprofit land-holding organization from being acquired by adverse possession. The law already prevents land owned by a nonprofit land-holding organization from being acquired by adverse possession.

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Adverse Possession***

Connecticut law recognizes adverse possession as a way to acquire title to property. Adverse possession is accomplished by an open, visible, exclusive, and uninterrupted possession of land for 15 years (CGS § 52-575). The law also recognizes the right to acquire a right-of-way or other easement by continuous, uninterrupted use of someone else's land for 15 years (CGS § 47-37).

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 19 Nay 0 (03/19/2015)