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TESTIMONY of EDWARD ROSENBLATT, FORMER CHAIR AND MEMBER, CONNECTICUT
BAR ASSOCIATION REAL PROPERTY SECTION LEGISLATIVE COMMITTEE

SUPPORT

Senate Bill 144, "AN ACT CONCERNING LAND THAT IS SUBJECT TO A CONSERVATION
RESTRICTION HELD BY A NONPROFIT LAND-HOLDING ORGANIZATION"

Judiciary Committee
February 24, 2016

Sen. Coleman, Rep. Tong, members of the Judiciary Committee:

My name is Edward Rosenblatt. I am a past Chair of the Connecticut Bar Association Real Property Section and a member of its Legislative Committee. I am before you today on behalf of the Section and the Connecticut Bar Association to REQUEST YOUR SUPPORT of Senate Bill 144 "An Act Concerning Land That is Subject to a Conservation Restriction Held by a Nonprofit Land-Holding Organization."

This bill would provide much needed clarification to section 47-27 of the Connecticut General Statutes. Section 47-27 was amended last year by section 30 of Public Act 15-211, the budget implementer bill. The purpose of last year's amendments was to protect conservation restrictions held by nonprofit land trust from being wiped out by the doctrine of adverse possession. The Real Property Section supports that goal. Last year's amendments, however, inadvertently went much further than the laudable goal of protecting conservation restrictions, and in the process, made the language of section 47-27 unclear and subject to conflicting interpretations. As modified by last

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year's amendment, if a large tract of land has a small conservation restriction on one side of it, it is unclear whether section 47-27 would exempt the entire tract of land from being adversely possessed or just the part subject to the conservation restriction.

What Senate Bill 144 would do is to clarify that if a parcel of land is subject to a Conservation Restriction, the Conservation Restriction cannot be terminated or modified through the doctrine of adverse possession, while not disturbing the doctrine as it applies to the remainder of the land.

This bill will preserve the goal of protecting conservation easements from people trying to encroach onto them, while clarifying the language of section 47-27 to avoid needless litigation regarding its intent and scope. JUDtestimony@cga.ct.gov

Thank you for the opportunity to be heard in connection with this matter.

Edward Rosenblatt
Past Chair, Real Property Section
Member, Legislative Committee
Connecticut Bar Association

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