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## **OLR Bill Analysis**

**sHB 7185**

### ***AN ACT CONCERNING LIABILITY OF A POLITICAL SUBDIVISION AND ITS EMPLOYEES, OFFICERS AND AGENTS.***

#### **SUMMARY**

This bill provides guidance on applying the term “all relevant circumstances” under the municipal liability statute.

Existing law provides municipalities and their officials, employees, and agents immunity from liability for personal or property damage resulting from certain actions or omissions if the official, employee, or agent was acting within the scope of his or her official duties or employment when the damage occurred. Actions for which these individuals and municipalities have immunity include failure to inspect or inadequately or negligently inspecting a property, other than property the municipality owns or leases, to determine if it violates any law or contains a health or safety hazard. However, there is an exception to this immunity if the (1) municipality had notice of the violation or hazard or (2) municipality’s failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for health or safety under all relevant circumstances.

The bill specifies that in this context, “all relevant circumstances” includes a consideration of the balance between the magnitude of the danger and the burden of performing an inspection.

EFFECTIVE DATE: October 1, 2019

#### **BACKGROUND**

##### ***State Supreme Court Case***

Among other things, the Court, in *Williams v. Housing Authority of Bridgeport* (327 Conn. 338 (2017)) applied the municipal liability law to a specific fact pattern. It specifically examined the exception to

immunity if a municipality fails to inspect or inadequately or negligently inspects a property and those actions or omissions constitute a reckless disregard for health and safety under all relevant circumstances. In doing so, the Court noted:

“[a]lthough the statute itself provides no guidance as to the specific types of circumstances that are to be taken into account when assessing the recklessness of a municipality’s decision not to conduct a health or safety inspection, the legislature’s use of the modifying phrase ‘under *all* the relevant circumstances’...suggests that we are to view the exception through a broad lens.”

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (04/10/2019)