AN ACT CONCERNING VARIOUS REVISIONS TO THE PROPERTY TRANSFER LAW.

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

Section 1. Section 22a-134 of the 2020 supplement to the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

For the purposes of this section and sections 22a-134a to 22a-134d, inclusive, as amended by this act:

(1) "Transfer of establishment" means any transaction or proceeding on or before July 1, 2022, or the date regulations are adopted pursuant to section 10 of this act, whichever is earlier, through which an establishment undergoes a change in ownership, but does not mean:

(A) Conveyance or extinguishment of an easement;

(B) Conveyance of an establishment through (i) a foreclosure, as defined in subsection (b) of section 22a-452f, (ii) foreclosure of a municipal tax lien [or] through a tax warrant sale pursuant to section...
12-157[,] or transfer of title to a municipality by deed in lieu of foreclosure, (iii) an exercise of eminent domain by a municipality or pursuant to section 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or purchase pursuant to a resolution by the legislative body of a municipality authorizing the acquisition through eminent domain for establishments that also meet the definition of a brownfield, as defined in section 32-760, or (iv) a subsequent transfer by such municipality that has [foreclosed on the property, foreclosed municipal tax liens or that has acquired title to the property through section 12-157, or is within the pilot program established in subsection (c) of section 32-9cc of the general statutes, revision of 1958, revised to January 1, 2013, or] acquired the property pursuant to any mechanism described in subparagraphs (B)(i) to (B)(iii), inclusive, of this subdivision or pursuant to the remedial action and redevelopment municipal grant program established in section 32-763, [or has acquired such property through the exercise of eminent domain by a municipality or pursuant to section 8-128, 8-169e or 8-193 or by condemnation pursuant to section 32-224 or a resolution adopted in accordance with this subparagraph,] provided [(i)] (I) the party acquiring the property from the municipality did not establish, create or contribute to the contamination at the establishment and is not affiliated with any person who established, created or contributed to such contamination or with any person who is or was an owner or certifying party for the establishment, and [(ii)] (II) on or before the date the party acquires the property from the municipality, such party or municipality enters and subsequently remains in the voluntary remediation program administered by the commissioner pursuant to section 22a-133x and remains in compliance with schedules and approvals issued by the commissioner. For purposes of this subparagraph, subsequent transfer by a municipality includes any transfer to, from or between a municipality, municipal economic development agency or entity created or operating under chapter 130 or 132, a nonprofit economic development corporation formed to promote the common good, general welfare and economic development of a municipality that is funded, either directly or through in-kind services, in part by a municipality, a nonstock corporation or limited liability
company controlled or established by a municipality, municipal economic development agency or entity created or operating under chapter 130 or 132, or a Connecticut brownfield land bank;

(C) Conveyance of a deed in lieu of foreclosure to a lender, as defined in and that qualifies for the secured lender exemption pursuant to subsection (b) of section 22a-452f;

(D) Conveyance of a security interest, as defined in subdivision (7) of subsection (b) of section 22a-452f;

(E) Termination of a lease and conveyance, assignment or execution of a lease for a period less than ninety-nine years including conveyance, assignment or execution of a lease with options or similar terms that will extend the period of the leasehold to ninety-nine years, or from the commencement of the leasehold, ninety-nine years, including conveyance, assignment or execution of a lease with options or similar terms that will extend the period of the leasehold to ninety-nine years, or from the commencement of the leasehold;

(F) Any change in ownership approved by the Probate Court;

(G) Devolution of title to a surviving joint tenant, or to a trustee, executor or administrator under the terms of a testamentary trust or will, or by intestate succession;

(H) Corporate reorganization not substantially affecting the ownership of the establishment;

(I) The issuance of stock or other securities of an entity which owns or operates an establishment;

(J) The transfer of stock, securities or other ownership interests representing [less than forty] fifty per cent or less of the ownership of the entity that owns or operates the establishment;

(K) Any conveyance of an interest in an establishment where the transferor is the sibling, spouse, child, parent, grandparent, child of a
sibling or sibling of a parent of the transferee;

(L) Conveyance of an interest in an establishment to a trustee of an inter vivos trust created by the transferor solely for the benefit of one or more siblings, spouses, children, parents, grandchildren, children of a sibling or siblings of a parent of the transferor;

(M) Any conveyance of a portion of a parcel upon which portion no establishment is or has been located and upon which there has not occurred a discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste, provided either the area of such portion is not greater than fifty per cent of the area of such parcel or written notice of such proposed conveyance and an environmental condition assessment form for such parcel is provided to the commissioner sixty days prior to such conveyance;

[(N) Conveyance of a service station, as defined in subdivision (5) of this section;]

[(O)] (N) Any conveyance of an establishment which, prior to July 1, 1997, had been developed solely for residential use and such use has not changed;

[(P)] (O) Any conveyance of an establishment to any entity created or operating under chapter 130 or 132, or to an urban rehabilitation agency, as defined in section 8-292, or to a municipality under section 32-224, or to Connecticut Innovations, Incorporated or any subsidiary of the corporation;

[(Q)] (P) Any conveyance of a parcel in connection with the acquisition of properties to effectuate the development of the overall project, as defined in section 32-651;

[(R)] (Q) The conversion of a general or limited partnership to a limited liability company;

[(S)] (R) The transfer of general partnership property held in the names of all of its general partners to a general partnership which
includes as general partners immediately after the transfer all of the
same persons as were general partners immediately prior to the transfer;

[(T)] (S) The transfer of general partnership property held in the
names of all of its general partners to a limited liability company which
includes as members immediately after the transfer all of the same
persons as were general partners immediately prior to the transfer;

[(U)] (T) Acquisition of an establishment by any governmental or
quasi-governmental condemning authority;

[(V) Conveyance of any real property or business operation that
would qualify as an establishment solely as a result of (i) the generation
of more than one hundred kilograms of universal waste in a calendar
month, (ii) the storage, handling or transportation of universal waste
generated at a different location, or (iii) activities undertaken at a
universal waste transfer facility, provided any such real property or
business operation does not otherwise qualify as an establishment; there
has been no discharge, spillage, uncontrolled loss, seepage or filtration
of a universal waste or a constituent of universal waste that is a
hazardous substance at or from such real property or business
operation; and universal waste is not also recycled, treated, except for
treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2)
or 40 CFR 273.33 (a)(2) or (c)(2), or disposed of at such real property or
business operation;]

[(W)] (U) Conveyance of a unit in a residential common interest
community; [in accordance with section 22a-134i;]

[(X) Acquisition of an establishment that is in the abandoned
brownfield cleanup program established pursuant to section 32-768 and
all subsequent transfers of the establishment, provided the
establishment is undergoing remediation or is remediated in accordance
with subsection (f) of section 32-768;]

(V) Acquisition and all subsequent transfers of an establishment (i)
that is in the abandoned brownfield cleanup program established
pursuant to section 32-768 or the brownfield remediation and
revitalization program established pursuant to section 32-769, provided
such establishment is in compliance with the requirements of such
program, as applicable, or (ii) by a Connecticut brownfield land bank,
provided such establishment was entered into a remediation or liability
relief program under section 22a-133x, 22a-133y, 32-768 or 32-769, and
the transferor of such establishment is in compliance with such program
at the time of transfer of such establishment or has completed the
requirements of such program.

[(Y)] (W) Any transfer of title from [a bankruptcy court or] a
municipality to a nonprofit organization, as ordered or approved by a
bankruptcy court;

[(Z) Acquisition of an establishment that is in the brownfield
remediation and revitalization program and all subsequent transfers of
the establishment, provided the establishment is in compliance with the
brownfield investigation plan and remediation schedule, the
commissioner has issued a no audit letter or successful audit closure
letter in response to a verification or interim verification submitted
regarding the remediation of such establishment under the brownfield
remediation and revitalization program, or a one-hundred-eighty-day
period has expired since a verification or interim verification submitted
regarding the remediation of such establishment under the brownfield
remediation and revitalization program without an audit decision from
the Commissioner of Energy and Environmental Protection;

(AA) Conveyance of an establishment in connection with the
acquisition of properties to effectuate the development of a project
certified and approved pursuant to section 32-9v, provided any such
property is investigated and remediated in accordance with section 22a-
133y;]

[(BB)] (X) Conveyance from the Department of Transportation to the
Connecticut Airport Authority of any properties comprising (i) Bradley
International Airport and all related improvements and facilities now in
existence and as hereafter acquired, added, extended, improved and
equipped, including any property or facilities purchased with funds of,
or revenues derived from, Bradley International Airport, and any other
property or facilities allocated by the state, the Connecticut Airport
Authority or otherwise to Bradley International Airport, (ii) the state-
owned and operated general aviation airports, including Danielson
Airport, Groton/New London Airport, Hartford Brainard Airport,
Waterbury-Oxford Airport and Windham Airport and any such other
airport as may be owned, operated or managed by the Connecticut
Airport Authority and designated as general aviation airports, (iii) any
other airport as may be owned, operated or managed by the Connecticut
Airport Authority, and (iv) any airport site or any part thereof,
including, but not limited to, any restricted landing areas and any air
navigation facilities; or

[(CC) Conveyance of an establishment to a Connecticut brownfield
land bank and all subsequent transfers of such establishment, provided
(i) such establishment was entered into a remediation or liability relief
program under section 22a-133x, 22a-133y, 32-768, or 32-769, and the
conveyor or transferor of such establishment is in compliance with such
program at the time of transfer of such establishment, and (ii) none of
the activities described in subdivision (3) of this section were conducted
at such establishment after the date such establishment was entered into
such remediation or liability relief program;]

(Y) The change in the name of a limited liability company as an
amendment to such company’s certificate of organization, pursuant to
34-247a.

(2) "Commissioner" means the Commissioner of Energy and
Environmental Protection or the designated agent of the commissioner;

(3) "Establishment" means any real property at which or any business
operation from which (A) on or after November 19, 1980, there was
generated more than one hundred kilograms of hazardous waste in any
one month, (B) hazardous waste generated at a different location was
recycled, reclaimed, reused, stored, handled, treated, transported or disposed of, (C) the process of dry cleaning was conducted on or after May 1, 1967, (D) furniture stripping was conducted on or after May 1, 1967, or (E) a vehicle body repair facility was located on or after May 1, 1967. For the purposes of subparagraph (A) of this subdivision, "hazardous waste" does not include universal waste. If a property is owner occupied or leased to a single tenant, "establishment" means the parcel or parcels on which the business operation operated. If a property is leased to two or more tenants, "establishment" means a business operation's leased premises and any areas utilized by such business operation where hazardous waste is or was recycled, reclaimed, reused, stored, handled, treated, disposed of or transported. If a property is a commercial or industrial unit in a common interest community, "establishment" means the unit, the limited common elements under exclusive use of the unit owner on which the establishment is or was operated and any portion of the common area used by such unit owner where hazardous waste is or was recycled, reclaimed, reused, stored, handled, treated, disposed of or transported. "Establishment" does not include any real property or any business operation from which more than one hundred kilograms of hazardous waste was generated in any one month solely as a result of either:

(i) The one-time generation of hazardous waste in any one month, as a result of either the first time such waste was generated or such a one-time generation since the last time a Form I, Form II, Form III or Form IV was required to be submitted; or

(ii) One or more of the following:

(I) Remediation of polluted soil, groundwater or sediment;

(II) The removal or abatement of building materials or removal of materials used for maintaining or operating a building;

(III) The removal of unused chemicals or materials as a result of the emptying or clearing out of a building, provided such removal is supported by facts reasonably established at the time of such removal;
or

(IV) The complete cessation of a business operation, provided the waste is removed not later than ninety days after such cessation and such cessation is supported by facts reasonably established at the time of such cessation; "Establishment" does not include any real property or business operation that qualifies as an establishment solely as a result of the generation of more than one hundred kilograms of universal waste in a calendar month, the storage, handling or transportation of universal waste generated at a different location, or activities undertaken at a universal waste transfer facility, provided any such real property or business operation does not otherwise qualify as an establishment; there has been no discharge, spillage, uncontrolled loss, seepage or filtration of a universal waste or a constituent of universal waste that is a hazardous substance at or from such real property or business operation; and universal waste is not also recycled, treated, except for treatment of a universal waste pursuant to 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33(a)(2) or (c)(2), or disposed of at such real property or business operation. When transferring real property or a business that comprises the entire establishment, such real property or business shall not be an "establishment" if the conditions set forth in subdivisions (1) and (2) of subsection (l) of section 22a-134a, as amended by this act, apply to such real property or business, or the time for the commissioner to conduct an audit pursuant to subdivision (3) of subsection (g) of section 22a-134a passed without the commissioner requiring any further action or the commissioner issued a no audit letter or a successful audit closure letter pursuant to subdivision (3) of subsection (g) of section 22a-134a.

(4) "Hazardous waste" means any waste which is (A) hazardous waste identified in accordance with Section 3001 of the federal Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq., (B) hazardous waste identified by regulations adopted by the Commissioner of Energy and Environmental Protection, or (C) polychlorinated biphenyls in concentrations greater than fifty parts per million except that sewage, sewage sludge and lead paint abatement
wastes shall not be considered to be hazardous waste for the purposes of this section and sections 22a-134a to 22a-134d, inclusive, as amended by this act;

[(5) "Service station" means a retail operation involving the resale of motor vehicle fuel including, but not limited to, gasoline, diesel fuel and kerosene and which operation does not otherwise meet the definition of an establishment;]

[(6) (5) "Certifying party" means, in the case of a Form III or Form IV, a person associated with the transfer of an establishment who signs a Form III or Form IV and who agrees to investigate the parcel in accordance with prevailing standards and guidelines and to remediate pollution caused by any release at the establishment in accordance with the remediation standards and, in the case of a Form I or Form II, a transferor of an establishment who signs the certification on a Form I or II;

[(7) (6) "Party associated with the transfer of an establishment" means (A) the present or past owner or operator of the establishment, (B) the owner of the real property on which the establishment is located, (C) the transferor, transferee, lender, guarantor or indemnitor, (D) the business entity which operates or operated the establishment, or (E) the state;

[(8) (7) "Remediation standards" means regulations adopted by the commissioner pursuant to section 22a-133k;

[(9) (8) "Parcel" means piece, parcel or tract of land which constitutes an establishment, as defined in subdivision (3) of this section, or on which is or was located any business operation which constitutes an establishment;

[(10) (9) "Form I" means a written certification by the transferor of an establishment on a form prescribed and provided by the commissioner that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance has occurred at the
establishment which certification is based on an investigation of the parcel in accordance with prevailing standards and guidelines, or (B) no discharge spillage, uncontrolled loss, seepage or filtration of hazardous waste has occurred at the establishment based upon an investigation of the parcel in accordance with the prevailing standards and guidelines and the commissioner has determined, in writing, or a licensed environmental professional has verified, in writing, that any discharge, spillage, uncontrolled loss, seepage or filtration of a hazardous substance has been remediated in accordance with the remediation standards and that since any such written approval or verification, including any approval or verification for a portion of an establishment, no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or hazardous substances has occurred at any portion of the establishment;

[(11)] (10) "Form II" means a written certification by the transferor of an establishment on a form prescribed and provided by the commissioner that the parcel has been investigated in accordance with prevailing standards and guidelines and that (A) any pollution caused by a discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or a hazardous substance which has occurred from the establishment has been remediated in accordance with the remediation standards and that the remediation has been approved in writing by the commissioner or has been verified pursuant to section 22a-133x or section 22a-134a, as amended by this act, in writing attached to such form by a licensed environmental professional to have been performed in accordance with the remediation standards and that since any such written approval or verification, including any approval or verification for a portion of an establishment, no discharge, spillage, uncontrolled loss, seepage or filtration of hazardous waste or hazardous substances has occurred at any portion of the establishment, (B) the commissioner has determined in writing or a licensed environmental professional has verified pursuant to section 22a-133x or section 22a-134a, as amended by this act, in writing, attached to the form that no remediation is necessary to achieve compliance with the remediation standards, or (C)
a Form IV verification was previously submitted to the commissioner
and, since the date of the submission of the Form IV, no discharge,
spillage, uncontrolled loss, seepage or filtration of hazardous waste or a
hazardous substance has occurred at the establishment, which
certification is based on an investigation of the parcel in accordance with
prevailing standards and guidelines;

[(12)] (11) "Form III" means a written certification signed by a
certifying party on a form prescribed and provided by the
commissioner, which certification states that (A) a discharge, spillage,
uncontrolled loss, seepage or filtration of hazardous waste or a
hazardous substance has occurred at the establishment or the
environmental conditions at the establishment are unknown, and (B)
that the person signing the certification agrees to investigate the parcel
in accordance with prevailing standards and guidelines and to
remediate pollution caused by any release of a hazardous waste or
hazardous substance from the establishment in accordance with the
remediation standards;

[(13)] (12) "Form IV" means a written certification signed by one or
more certifying parties on a form prescribed and provided by the
commissioner and which is accompanied by a written determination by
the commissioner or by a verification by a licensed environmental
professional pursuant to section 22a-134a, as amended by this act, or
22a-133x, which certification states and is accompanied by
documentation demonstrating that the parcel has been investigated in
accordance with prevailing standards and guidelines and that (A) there
has been a discharge, spillage, uncontrolled loss, seepage or filtration of
hazardous waste or a hazardous substance on the establishment, and (B)
all actions to remediate any pollution caused by any release at the
establishment have been taken in accordance with the remediation
standards except postremediation monitoring, natural attenuation
monitoring or the recording of an environmental land use restriction,
and (C) the person or persons signing the certification agree, in
accordance with the representations made in the form, to conduct
postremediation monitoring or natural attenuation monitoring in
accordance with the remediation standards and if further investigation
and remediation are necessary to take further action to investigate the
establishment in accordance with prevailing standards and guidelines
and to remediate the establishment in accordance with the remediation
standards;

[(14)] (13) "Person" means person, as defined in section 22a-2;

[(15)] (14) "Remediate" means to contain, remove or abate pollution,
potential sources of pollution and substances in soil or sediment which
pose an unacceptable risk to human health or the environment and
includes, but is not limited to, the reduction of pollution by natural
attenuation;

[(16)] (15) "Licensed environmental professional" means an
environmental professional licensed pursuant to section 22a-133v;

[(17)] (16) "Environmental condition assessment form" means a form
prescribed and provided by the commissioner, prepared under the
supervision of a licensed environmental professional, and executed by
(A) the certifying party under sections 22a-134 to 22a-134e, inclusive, as
amended by this act, or (B) the owner of the property under section 22a-
133x which form describes the environmental conditions at the parcel;

[(18)] (17) "Pollution" means pollution, as defined in section 22a-423;

[(19)] (18) "Verification" means the rendering of a written opinion by
a licensed environmental professional on a form prescribed by the
commissioner that an investigation of the parcel has been performed in
accordance with prevailing standards and guidelines and that the
establishment has been remediated in accordance with the remediation
standards;

[(20)] (19) "Vehicle" means any motorized device for conveying
persons or objects except for an aircraft, boat, railroad car or engine, or
farm tractor;

[(21)] (20) "Business operation" means any business that has, or any
series of substantially similar businesses that have, operated  
continuously or with only brief interruption on the same parcel, either  
with a single owner or successive owners;

[(22)] (21) "Corporate reorganization not substantially affecting the  
ownership of an establishment" means implementation of a business  
plan to restructure a corporation through a merger, spin-off or other  
plan or reorganization under which the direct owner of the  
establishment does not change;

[(23)] (22) "Form IV verification" means the rendering of a written  
opinion by a licensed environmental professional, after a Form IV has  
been filed, that postremediation monitoring, natural attenuation or the  
recording of an environmental land use restriction has been completed  
in accordance with the Form IV;

[(24)] (23) "Hazardous substance" means hazardous substance, as  
defined in Section 101 of the Comprehensive Environmental Response,  
Compensation, and Liability Act of 1980, 42 USC 9601, or a petroleum  
product or by-product for which there are remediation standards  
adopted pursuant to section 22a-133k or for which such remediation  
standards have a process for calculating the numeric criteria of such  
substance;

[(25)] (24) "Sediment" means unconsolidated material occurring in a  
stream, pond, wetland estuary or other water body;

[(26)] (25) "Universal waste" means batteries, pesticides, thermostats,  
lamps and used electronics regulated as a universal waste under  
regulations adopted pursuant to subsection (c) of section 22a-449.  
"Universal waste" does not mean (A) batteries, pesticides, thermostats  
and lamps that are not covered under 40 CFR Part 273, or (B) used  
electronics that are not regulated as a universal waste under regulations  
adopted pursuant to subsection (c) of section 22a-449;

[(27)] (26) "Universal waste transfer facility" means any facility  
related to transportation, including loading docks, parking areas,
storage areas and other similar areas where shipments of universal
waste are held during the normal course of transportation for ten days
or less;

[(28)] (27) "Interim verification" means a written opinion by a licensed
environmental professional, on a form prescribed by the commissioner,
that (A) the investigation has been performed in accordance with
prevailing standards and guidelines, (B) the remediation has been
completed in accordance with the remediation standards, except that,
for remediation standards for groundwater, the selected remedy is in
operation but has not achieved the remediation standards for
groundwater, (C) identifies the long-term remedy being implemented
to achieve groundwater standards, the estimated duration of such
remedy, and the ongoing operation and maintenance requirements for
continued operation of such remedy, and (D) there are no current
exposure pathways to the groundwater area that have not yet met the
remediation standards.

[(29)] (28) "Connecticut brownfield land bank" has the same meaning
as provided in section 32-760.

Sec. 2. Subsection (l) of section 22a-134a of the 2020 supplement to the
general statutes is repealed and the following is substituted in lieu
thereof (Effective October 1, 2020):

(l) Notwithstanding any other provisions of this section, no person
shall be required to comply with the provisions of sections 22a-134 to
22a-134e, inclusive, as amended by this act, when transferring real
property (1) (A) for which a Form I or Form II has been filed for the
transfer of the parcel on or after October 1, 1995, or (B) for which parcel
a Form III or Form IV has been filed and which has (i) been remediated
and such remediation has been approved in writing by the
commissioner, or (ii) has been verified in writing in accordance with this
section by a licensed environmental professional that an investigation
has been performed in accordance with prevailing standards and
guidelines and that the remediation has been performed in accordance
with the remediation standards, and (2) at which no activities described in subdivision (3) of section 22a-134, as amended by this act, have been conducted since (A) the date of [such approval or verification] the commissioner's approval of the remediation, or (B) the date to which the verification applies, as designated on the Form III or Form IV or the date on which the Form I or Form II was filed.

Sec. 3. Section 22a-134i of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) [Notwithstanding the provisions of this chapter, a conveyance of a unit in a residential common interest community shall not be subject to the requirements of sections 22a-134 to 22a-133e, inclusive, provided the declarant for the residential common interest community of which the unit is a part is a certifying party, as defined in section 22a-134, for purposes of remediation of any establishment, as defined in section 22a-134, within such community and provides to the Commissioner of Energy and Environmental Protection a surety bond or other form of financial assurance acceptable to the commissioner.] The conveyance of a unit in a residential common interest community that is an establishment, as defined in section 22a-134, as amended by this act, shall not occur until the declarant for the residential common interest community of which the unit is a part or the declarant's immediate predecessor in title (1) becomes a certifying party, as defined in section 22a-134, as amended by this act, for the purposes of investigation and remediation of the parcel on which such community is located; (2) provides financial assurance pursuant to subsection (b) of this section; and (3) records notice on the land records in the municipality where the common interest community is located that the parcel on which the common interest community is located is being investigated and remediated pursuant to sections 22a-134 to 22a-134e, inclusive, as amended by this act. Such notice shall identify the volume and page number of any recorded environmental use restriction, as defined in section 22a-133o. If the declarant does not record such notice, the commissioner may record or require an individual or entity authorized to act on behalf of the common interest community to record on the land
records in the municipality where the common interest community is located a notice which contained the information required by subdivision (3) of this subsection.

(b) The [surety bond or other form of] financial assurance required pursuant to subsection (a) of this section shall (1) identify [both] the [Department] Commissioner of Energy and Environmental Protection [and the unit owners association for the common interest community as beneficiaries, and] as the beneficiary, (2) be in an amount and in a form approved by the commissioner that is [, at all times when the real property comprising the common interest community is an establishment,] equal to the cost of investigation and remediation of the contaminants on the subject property [, In calculating such remediation costs, the amount of the bond or other form of financial assurance may be reduced] subject to the standards specified in sections 22a-134 to 22a-133e, inclusive, as amended by this act, and (3) be used solely at the affected common interest community for the benefit of the unit owners of such community. The commissioner may reduce the amount of such financial assurance from time to time as work [covered by the bond] is completed [, may exclude] Such financial assurance need not include the costs of any improvements to the real estate not required to remediate the contamination [, and may exclude] or the costs of remediation work already completed or on parcels of real estate that may be added to the common interest community by the exercise of development rights pursuant to section 47-229.

[(c) Each time a seller conveys to a purchaser a unit in a common interest community that is an establishment, the seller shall provide a notice to the purchaser that summarizes (1) the status of the environmental condition of the common interest community, (2) any investigation or remediation activities, and (3) any environmental land use restrictions. Such notice requirement applies to all such conveyances, including those conveyances otherwise excepted from the requirement for delivery of a public offering statement or of a resale certificate under subsection (b) of section 47-262 and section 47-270.]
Sec. 4. Subsection (a) of section 47-270 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2020):

(a) Except in the case of a sale in which delivery of a public offering statement is required under either this chapter or chapter 825, or unless exempt under subsection (b) of section 47-262, a unit owner shall furnish to a purchaser or such purchaser's attorney, before the earlier of conveyance or transfer of the right to possession of a unit, a copy of the declaration, other than any surveys and plans, the bylaws, the rules or regulations of the association, and a certificate containing: (1) A statement disclosing the effect on the proposed disposition of any right of first refusal or other restraint on the free alienability of the unit held by the association; (2) a statement setting forth the amount of the periodic common expense assessment and any unpaid common expense or special assessment currently due and payable from the selling unit owner; (3) a statement of any other fees payable by the owner of the unit being sold; (4) a statement of any capital expenditures in excess of one thousand dollars approved by the executive board for the current and next succeeding fiscal year; (5) a statement of the amount of any reserves for capital expenditures; (6) the current operating budget of the association; (7) a statement of any unsatisfied judgments against the association and the existence of any pending suits or administrative proceedings in which the association is a party, including foreclosures but excluding other collection matters; (8) a statement of the insurance coverage provided for the benefit of unit owners, including any schedule of standard fixtures, improvements and betterments in the units covered by the association's insurance that the association prepared pursuant to subsection (b) of section 47-255; (9) a statement of any restrictions in the declaration affecting the amount that may be received by a unit owner on sale, condemnation, casualty loss to the unit or the common interest community or termination of the common interest community; (10) in a cooperative, an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the unit owner of real property taxes and interest paid
by the association; (11) if the association is unincorporated, the name of
the statutory agent for service of process filed with the Secretary of the
State pursuant to section 47-244a; (12) a statement describing any
pending sale or encumbrance of common elements; (13) a statement
disclosing the effect on the unit to be conveyed of any restrictions on the
owner's right to use or occupy the unit or to lease the unit to another
person; (14) a statement disclosing the number of units whose owners
are at least sixty days' delinquent in paying their common charges on a
specified date within sixty days of the date of the statement; (15) a
statement disclosing the number of foreclosure actions brought by the
association during the past twelve months and the number of such
actions pending on a specified date within sixty days of the date of the
statement; (16) a statement disclosing (A) the most recent fiscal period
within the five years preceding the date on which the certificate is being
furnished for which an independent certified public accountant
reported on a financial statement, and (B) whether such report on a
financial statement was a compilation, review or audit; [and] (17) any
established maintenance standards adopted by the association pursuant
to subsection (e) of section 47-257; (18) a copy of any notice recorded on
land records pursuant to subsection (a) of section 22a-134i, as amended
by this act; and (19) a statement that provides the volume and page
number from the applicable municipal land records of any
environmental use restriction, as defined in section 22a-133n, that
cumbers the parcel or any portion of the parcel on which the common
interest community is located.

Sec. 5. Section 47-264 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2020):

(a) Except as provided in subsection (b) of this section, a public
offering statement shall contain or fully and accurately disclose:

(1) The name and principal address of the declarant and of the
common interest community, and a statement that the common interest
community is either a condominium, cooperative or planned
community;
(2) A general description of the common interest community, including to the extent known, the types, number and declarant's schedule of commencement and completion of construction of buildings and amenities that the declarant anticipates including in the common interest community;

(3) The number of units in the common interest community;

(4) Copies of the declaration, including any surveys and plans, and any other recorded covenants, conditions, restrictions and reservations created by the declarant affecting the common interest community; the bylaws, and any rules or regulations of the association; any deeds, contracts and leases to be signed by or delivered to purchasers at closing, and copies of and a brief narrative description of any contracts or leases that will or may be subject to cancellation by the association under section 47-247;

(5) A projected budget for the association, either within or as an exhibit to the public offering statement, for one year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association, a statement of who prepared the budget, and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget shall include, without limitation: (A) A statement of the amount, or a statement that there is no amount, included in the budget as a reserve for repairs and replacement; (B) a statement of any other reserves; (C) the projected common expense assessment by category of expenditures for the association; and (D) the projected monthly common expense assessment for each type of unit;

(6) Any services not reflected in the budget that the declarant provides, or expenses that he pays and which he expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit;

(7) Any initial or special fee due from the purchaser at closing, together with a description of the purpose and method of calculating
the fee;

(8) A brief narrative description of any liens, defects or encumbrances on or affecting the title to the common interest community not otherwise disclosed under subdivision (4) of this subsection;

(9) A description of any financing offered or arranged by the declarant;

(10) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages;

(11) A statement that: (A) Within fifteen days after receipt of a public offering statement a purchaser, before conveyance, may cancel any contract for purchase of a unit from a declarant, and (B) if a declarant fails to provide a public offering statement to a purchaser before conveying a unit, that purchaser may recover from the declarant ten per cent of the sales price of the unit plus ten per cent of the share, proportionate to his common expense liability, of any indebtedness of the association secured by security interests encumbering the common interest community;

(12) A statement of any unsatisfied judgments or pending suits against the association, and the status of any pending suits material to the common interest community of which a declarant has actual knowledge;

(13) A statement that any deposit made in connection with the purchase of a unit will be held in an escrow account until closing and will be returned to the purchaser if the purchaser cancels the contract pursuant to section 47-269, together with the name and address of the escrow agent;

(14) Any restraints on alienation of any portion of the common interest community and any restrictions (A) on use, occupancy and alienation of the units, and (B) on the amount for which a unit may be
sold or on the amount that may be received by a unit owner on sale, condemnation or casualty loss to the unit or to the common interest community, or on termination of the common interest community;

(15) A description of the insurance coverage provided for the benefit of unit owners;

(16) Any current or expected fees or charges to be paid by unit owners for the use of the common elements and other facilities related to the common interest community;

(17) The extent to which financial arrangements have been provided for completion of all improvements that the declarant is obligated to build pursuant to section 47-280;

(18) A brief narrative description of any zoning and other land use requirements affecting the common interest community;

(19) All unusual and material circumstances, features and characteristics of the common interest community and the units;

(20) In a cooperative, (A) either a statement that the unit owners will be entitled, for federal, state and local income tax purposes, to a pass-through of deductions for payments made by the association for real property taxes and interest paid the holder of a security interest encumbering the cooperative, or a statement that no assurances are made in that regard, and (B) a statement as to the effect on every unit owner if the association fails to pay real property taxes or payments due the holder of a security interest encumbering the cooperative; [and]

(21) A description of any arrangement described in section 47-219a; [ ]

(22) A statement, if it is determined that the residential common interest community, of which the unit is a part, is an establishment subject to the requirements of sections 22a-134 to 22a-134e, inclusive, as amended by this act, that summarizes (A) the status of the environmental condition of the common interest community, (B) any
investigation or remediation activities, and (C) any environmental use
restriction placed or required to be placed on such residential common
interest community as a result of such investigation and remediation.
The determination under this subdivision shall be based solely upon
actual knowledge, a notice on the land records or, if there is no such
notice, an inquiry to the Department of Energy and Environmental
Protection of whether a Form I, Form II, Form III or Form IV, as defined
in section 22a-134, as amended by this act, was submitted to the
Department of Energy and Environmental Protection for the residential
common interest community of which the unit is a part.

(b) A declarant promptly shall amend the public offering statement
to report any material change in the information required to be included
in the public offering statement.

Sec. 6. (NEW) (Effective from passage) As used in this section and
sections 7 to 10, inclusive, of this act:

(1) "Commissioner" means the Commissioner of Energy and
Environmental Protection;

(2) "Land and waters of the state" means all tidal waters, harbors,
estuaries, rivers, brooks, watercourses, waterways, wells, springs, lakes,
ponds, marshes, drainage systems and all other surface or underground
streams, bodies or accumulations of water, natural or artificial, public or
private, which are contained within, flow through or border upon this
state or any portion thereof, and any land surface, including improved
or unimproved surfaces, soils or subsurface strata;

(3) "Person" means any individual, firm, partnership, association,
syndicate, company, trust, corporation, nonstock corporation, limited
liability company, municipality, agency or political or administrative
subdivision of the state, or other legal entity of any kind and any officer
or governing or managing body of any partnership, association, firm or
corporation or any member or manager of a limited liability company;

(4) "Release" means any spilling, leaking, pumping, pouring,
emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into or onto the land and waters of the state, not authorized under title 22a of the general statutes, of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous waste as defined in section 22a-448 of the general statutes. "Release" does not include the application of fertilizer or pesticides consistent with their labeling;

(5) "Remediation" means determining the nature and extent of a release, in accordance with prevailing standards and guidelines, and the containment, removal and mitigation of such release, and includes, but is not limited to, the reduction of pollution by monitored natural attenuation;

(6) "Report" means to notify the commissioner of a release in accordance with the provisions of sections 7 to 10, inclusive, of this act and in the manner specified by the commissioner; and

(7) "Verification" means the written opinion of a licensed environmental professional on a form prescribed by the commissioner that the remediation of a release has been performed in accordance with prevailing standards and guidelines.

Sec. 7. (NEW) (Effective from passage) No person shall create or maintain a release to the land and waters of the state in violation of any provision of this section and sections 8 to 10, inclusive, of this act. Any such release shall be deemed a public nuisance.

Sec. 8. (NEW) (Effective from passage) (a) Any person who creates or maintains, or created or maintained, a release to the land and waters of the state shall report and remediate such release in accordance with the provisions of this section and sections 9 and 10 of this act. If any person fails to comply with the provisions of this section and sections 9 and 10 of this act, such person shall be liable for any costs incurred by the commissioner in accordance with section 22a-451 of the general statutes, or costs incurred by any other person who contains or removes or otherwise mitigates the effects of such release in accordance with section
(b) On and after July 1, 2022, or after the date when regulations are adopted pursuant to section 10 of this act, whichever is earlier, any person who creates or maintains a release shall, upon discovery of such release:

(1) Report any release immediately, except those releases that conform or comply with the terms and conditions of a currently valid license issued by the commissioner, unless the release is reported pursuant to, or not required to be reported by, regulations adopted pursuant to section 22a-450 of the general statutes or section 10 of this act; and

(2) Remediate any release to standards identified in regulations adopted pursuant to section 10 of this act. Until the effective date of such standards, a release shall be remediated to standards identified in regulations adopted pursuant to section 22a-133k of the general statutes. Any release shall be remediated as soon as is technically practicable. Such obligation to remediate shall only be satisfied upon approval by the commissioner or verification, unless regulations adopted pursuant to section 10 of this act exempt from, or otherwise limit or modify, the requirement to verify.

(c) A release shall not be deemed discovered if the only evidence of such release is data available or generated before July 1, 2022, or before the date when regulations are adopted pursuant to section 10 of this act, whichever is earlier.

Sec. 9. (NEW) (Effective from passage) (a) (1) If the commissioner finds that any person created or maintained a release to the land and waters of the state after July 1, 2022, or the adoption of regulations pursuant to section 10 of this act, whichever is sooner, the commissioner may order such person to take the necessary steps to comply with the provisions of sections 6 to 10, inclusive, of this act. After such order becomes final, the commissioner shall cause a certified copy thereof to be filed on the land records in the town wherein the land is located, and such order shall
constitute a notice to the owner's heirs, successors and assigns. When the order is complied with or revoked, the commissioner shall issue a certificate showing such compliance or revocation, which certificate the commissioner shall cause to be recorded on the land records in the town where the order was previously recorded. A certified copy of the certificate shall be sent to the owner of the land at such owner's last-known address.

(2) Each order issued under this section shall be served by certified mail, return receipt requested, or by service by a state marshal or indifferent person. If the order is served by a state marshal or indifferent person, a true copy of the order shall be served, and the original, with a return of such service endorsed thereon, shall be filed with the commissioner. The order shall be deemed to be issued upon service or upon deposit in the mail. Any order issued pursuant to this section shall state the basis on which it is issued and shall specify a reasonable time for compliance.

(3) Any person who receives an order pursuant to this section shall have the right to a hearing. Unless a person who receives an order files a written request for a hearing before the commissioner within thirty days after the date of issuance, such order shall become final. A request for a hearing shall be a condition precedent to any appeal of such order.

(b) If two or more persons are issued the same order pursuant to subsection (a) of this section or are responsible for a violation of any provision of sections 6 to 10, inclusive, of this act or any regulation, or order adopted or issued under sections 6 to 10, inclusive, of this act, such persons shall be jointly and severally liable under this subsection.

(c) If any person violates any provision of sections 6 to 10, inclusive, of this act or any regulation, or order adopted or issued under sections 6 to 10, inclusive, of this act, the commissioner may request the Attorney General to bring an action in the superior court for the judicial district of Hartford to enjoin such person from such violation and to order remedial measures to prevent, control or abate pollution. All actions
brought by the Attorney General pursuant to the provisions of this section shall have precedence in the order of trial as provided in section 52-191 of the general statutes.

(d) Any person who violates any provision of sections 6 to 10, inclusive, of this act shall be assessed a civil penalty not to exceed twenty-five thousand dollars, to be fixed by the court, for each offense. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Attorney General, upon complaint of the commissioner, shall institute a civil action in the superior court for the judicial district of Hartford to recover such penalty. In determining the amount of any penalty assessed under this subsection, the court may consider the nature, circumstances, extent and gravity of the violation, the person's prior history of violations, the economic benefit resulting to the person from the violation, and such other factors deemed appropriate by the court. The court shall consider the status of a person as a persistent violator of the provisions of sections 6 to 10, inclusive, of this act. The provisions of this section concerning a continuing violation shall not apply to a person or municipality during the time when a hearing on the order pursuant to this or an appeal is pending.

(e) Any person who, with criminal negligence, violates any provision of sections 6 to 10, inclusive, of this act shall be fined not more than twenty-five thousand dollars per day for each day of violation or be imprisoned not more than one year, or both. A subsequent conviction for any such violation shall carry a fine of not more than fifty thousand dollars per day for each day of violation or imprisonment for not more than two years, or both. For the purposes of this subsection, "person" includes any responsible corporate officer or municipal official.

(f) Any person who knowingly violates any provision of sections 6 to 10, inclusive, of this act shall be fined not more than fifty thousand dollars per day for each day of violation or be imprisoned not more than three years, or both. A subsequent conviction for any such violation
shall be a class C felony, except that such conviction shall carry a fine of
not more than one hundred thousand dollars per day for each day of
violation. For the purposes of this subsection, "person" includes any
responsible corporate officer or municipal official.

(g) The commissioner may, pursuant to section 22a-6b of the general
statutes, adopt a schedule for administrative civil penalties for
violations of the provisions of sections 6 to 10, inclusive, of this act. Upon
adoption of such schedule, the commissioner may issue administrative
civil penalty notices, pursuant to section 22a-6b of the general statutes,
for violations of sections 6 to 10, inclusive, of this act.

(h) Whenever the commissioner finds, after investigation, that any
person is maintaining a release to the land and waters of the state and
has violated the requirements of sections 6 to 10, inclusive, of this act,
the commissioner may, without prior hearing, issue a cease and desist
order, in writing, to such person to discontinue maintaining such
release. The provisions of subsections (b) to (d), inclusive, of section 22a-
7 of the general statutes shall apply to any order issued pursuant to this
subsection.

Sec. 10. (NEW) (Effective from passage) (a) The Commissioner of
Energy and Environmental Protection shall adopt regulations, in
accordance with the provisions of chapter 54 of the general statutes, that
the commissioner deems necessary for implementation, administration
and enforcement of this section and sections 6 to 9, inclusive, of this act.
Such regulations may include, but need not be limited to, provisions
regarding (1) requirements for reporting releases; (2) procedures and
deadlines for remediation, including public participation; (3) standards
for remediation for any release to the land and waters of the state,
including environmental use restrictions as defined in section 22a-133o
of the general statutes; (4) verification and commissioner's audit of a
remediation; (5) supervision of remediation based on pollutant type,
concentration or volume, or based on the imminence of harm to public
health; and (6) fees.
(b) In regulations adopted pursuant to subsection (a) of this section, the commissioner shall specify tiers of releases based on risk, as determined by the commissioner, and that certain releases may be remediated without being reported, may be remediated under the supervision of a licensed environmental professional without the supervision of the commissioner, and may be remediated without being verified.

(c) In establishing standards for remediation adopted pursuant to subsection (a) of this section, the commissioner shall (1) give preference to clean-up methods that are permanent, if feasible; (2) consider any factor the commissioner deems appropriate, including, but not limited to, groundwater classification of the site; and (3) provide for standards of remediation less stringent than those required for residential land use for polluted properties which (A) are located in areas classified as GB or GC under the standards adopted by the commissioner for classification of groundwater contamination, (B) were historically industrial or commercial property, and (C) are not subject to an order issued by the commissioner regarding such release, consent order or stipulated judgment regarding such release, provided an environmental use restriction is executed for any such property subsequent to the remedial action in accordance with the provisions of section 22a-133aa of the general statutes and such regulations specify the types of industrial or commercial land uses to which any such property may be put subsequent to such remedial action.

Sec. 11. (NEW) (Effective from passage) Nothing in sections 6 to 10, inclusive, of this act shall be construed to affect the authority of the Commissioner of Energy and Environmental Protection under any other statute or regulation.

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<tr>
<th>Section</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Section 1</td>
<td>October 1, 2020</td>
<td>22a-134</td>
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<tr>
<td>Sec. 2</td>
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<td>22a-134a(l)</td>
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<tr>
<td>Sec. 3</td>
<td>October 1, 2020</td>
<td>22a-134i</td>
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### Statement of Purpose:
The bill makes various revisions to the property transfer law and establishes a release-based remediation program.

[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.]