



General Assembly

**Amendment**

January Session, 2021

LCO No. 9027



Offered by:

REP. GRESKO, 121<sup>st</sup> Dist.

SEN. COHEN, 12<sup>th</sup> Dist.

To: Subst. House Bill No. **6441**

File No. 470

Cal. No. 339

**"AN ACT CONCERNING CLIMATE CHANGE ADAPTATION."**

1 Strike sections 1 and 2 in their entirety and insert the following in lieu  
2 thereof:

3 "Section 1. Section 22a-498 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) Any municipality [selected by the commissioner to participate in  
6 the pilot program established pursuant to section 22a-497] may, by  
7 ordinance adopted by its legislative body, designate any existing board  
8 or commission or establish a new board or commission as the  
9 stormwater authority for such municipality. If a new board or  
10 commission is created, such municipality shall, by ordinance, determine  
11 the number of members thereof, their compensation, if any, whether  
12 such members shall be elected or appointed, the method of their  
13 appointment, if appointed, and removal and their terms of office, which  
14 shall be so arranged that not more than one-half of such terms shall  
15 expire within any one year.

16 (b) The purposes of the stormwater authority shall be to: (1) Develop  
17 a stormwater management program, including, but not limited to, (A) a  
18 program for construction and post-construction site stormwater runoff  
19 control, including control detention and prevention of stormwater  
20 runoff from development sites; or (B) a program for control and  
21 abatement of stormwater pollution from existing land uses, and the  
22 detection and elimination of connections to the stormwater system that  
23 threaten the public health, welfare or the environment; (2) provide  
24 public education and outreach in the municipality relating to  
25 stormwater management activities and to establish procedures for  
26 public participation; (3) provide for the administration of the  
27 stormwater management program; (4) establish geographic boundaries  
28 of the stormwater authority district; and (5) recommend to the  
29 legislative body of the municipality in which such district is located the  
30 imposition of a [levy] fee upon the [taxable] interests in real property  
31 within such district, subject to the fifteen per cent limitation on, or  
32 alternative election to exempt, properties owned by hospitals described  
33 in subdivision (3) of subsection (c) of this section, the revenues from  
34 which [may] shall be used in carrying out any of the powers of such  
35 district. In accomplishing the purposes of this section, the stormwater  
36 authority may plan, layout, acquire, construct, reconstruct, repair,  
37 maintain, supervise and manage stormwater control systems.

38 (c) (1) Any stormwater authority created by a municipality pursuant  
39 to subsection (a) of this section may levy fees, [from] approved by the  
40 legislative body of the municipality in accordance with the provisions  
41 of subdivision (3) of this subsection, on property owners of the  
42 municipality, except as specified in subdivision (2) of this subsection,  
43 for the purposes described in subsection (b) of this section. In  
44 establishing fees for [any property] properties in its district, the  
45 stormwater authority [may] shall consider criteria, including, but not  
46 limited to, the following: The area of the property containing  
47 impervious surfaces from which stormwater runoff is generated, land  
48 use types that result in higher or lower concentrations of stormwater  
49 pollution and the grand list valuation of the property. In establishing

50 fees for property in its district, the stormwater authority shall offer  
51 partial fee reduction, in the form of a credit for any property owner in  
52 its district who has installed and is operating and maintaining current  
53 stormwater best management practices that reduce, retain, or treat  
54 stormwater onsite and that are approved by the stormwater authority.

55 (2) [The stormwater authority may reduce or defer such fees for land  
56 classified as, or consisting of, farm, forest or open space land.] In the case  
57 of land classified as, and consisting of, farm, forest or open space land,  
58 or property owned by the state government, or any of its political  
59 subdivisions or respective agencies, the stormwater authority may only  
60 levy such fees on areas of such land that contain impervious surfaces  
61 from which stormwater discharges to a municipal separate storm sewer  
62 system.

63 (3) Each stormwater authority shall present its budget annually to the  
64 legislative body of the municipality for approval. Such budget shall  
65 include the specific programs the authority proposes to undertake  
66 during the fiscal year for which the budget is presented, the projected  
67 expenditures for such programs for the fiscal year and the amount of the  
68 fee or fees the authority proposes to levy to pay for such expenditures.  
69 In no event shall the aggregate amount of the fees proposed for the fiscal  
70 year exceed the aggregate amount of such projected expenditures for  
71 the fiscal year and in no event shall more than fifteen per cent of the  
72 aggregate amount of the fees proposed for any fiscal year prior to July  
73 1, 2026, be generated from properties located in the municipality that  
74 are owned by hospitals that are parties to the settlement agreement with  
75 the state approved pursuant to special act 19-1 of the December 2019  
76 special session. The legislative body of the municipality shall ensure that  
77 the aggregate amount of the fees approved comply with such fifteen per  
78 cent limitation. For each such fiscal year prior to July 1, 2026, the  
79 authority shall, not later than thirty days after the conclusion of the fiscal  
80 year, (A) conduct a review to ensure that not more than fifteen per cent  
81 of the aggregate fees received for such fiscal year were generated from  
82 real property located in the municipality that is owned by one or more  
83 hospitals that are parties to the settlement agreement described in this

84 subdivision, (B) in the event that the fees received from all such  
85 hospitals together exceed fifteen per cent of the aggregate fees received  
86 for such fiscal year, the stormwater authority shall rebate any amounts  
87 received in excess of fifteen per cent, proportionately, to such hospitals,  
88 and (C) provide the results of the stormwater authority's review, in  
89 writing to each hospital, regardless of whether a rebate is due. As an  
90 alternative to imposing the fee on properties located in the municipality  
91 that are owned by hospitals that are parties to such settlement  
92 agreement described in this subdivision, the legislative body may  
93 approve exemption of such properties from the fee until July 1, 2026.  
94 The legislative body of the municipality may approve fee amounts that  
95 are less than the amounts proposed by the authority but in no event shall  
96 the legislative body of the municipality approve fee amounts that are  
97 greater than the amounts proposed by the authority.

98 (d) Any person aggrieved by the action of a stormwater authority  
99 under this section shall have the same rights and remedies for appeal  
100 and relief as are provided in the general statutes for taxpayers claiming  
101 to be aggrieved by the doings of the assessors or board of assessment  
102 appeals.

103 [(d)] (e) The authority may adopt municipal regulations to implement  
104 the stormwater management program.

105 [(e)] (f) The authority may, subject to the commissioner's approval,  
106 enter into contracts with any municipal or regional entity to accomplish  
107 the purposes of this section.

108 (g) For purposes of this section and sections 22a-498a and 22a-498b,  
109 as amended by this act, "municipality" means any town, city, borough,  
110 consolidated town and city or consolidated town or borough.  
111 "Municipality" does not include any local school district, regional school  
112 district, metropolitan district, district, as defined in section 7-324, or any  
113 other municipal corporation or authority authorized to issue bonds,  
114 notes or other obligations under the provisions of the general statutes or  
115 any special act.

116 Sec. 2. Section 22a-498a of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective July 1, 2021*):

118 A municipal stormwater authority created pursuant to section 22a-  
119 498, as amended by this act, and located in a distressed municipality, as  
120 defined in subsection (b) of section 32-9p, having a population of not  
121 more than twenty-eight thousand shall constitute a body politic and  
122 corporate and the ordinance establishing such authority may confer  
123 upon such authority the following powers: (1) To sue and be sued; (2)  
124 to acquire, hold and convey any estate, real or personal; (3) to contract;  
125 (4) to borrow money, including by the issuance of bonds, provided the  
126 issuance of such bonds is approved by the legislative body of the  
127 municipality in which such authority district is located; (5) to  
128 recommend to the legislative body of such municipality the imposition  
129 of [a levy] fees upon the [taxable] interests in real property within such  
130 authority district, subject to the fifteen per cent limitation on, or  
131 alternative election to exempt, properties owned by hospitals described  
132 in subdivision (3) of subsection (c) of section 22a-498, as amended by  
133 this act, the revenues from which [may] shall be used in carrying out  
134 any of the powers of such authority; (6) to deposit and expend funds;  
135 and (7) to enter property to make surveys, soundings, borings and  
136 examinations to accomplish the purposes of section 22a-498, as  
137 amended by this act. Such stormwater authority and legislative body  
138 shall comply with the procedures set forth in subsection (c) of section  
139 22a-498, as amended by this act, concerning the fifteen per cent  
140 limitation on fees imposed upon, and retrospective review and rebate  
141 procedures for fees generated from, properties owned by hospitals  
142 described in subdivision (3) of subsection (c) of said section except if  
143 such legislative body approves exemption of such properties from the  
144 fee until July 1, 2026."

145 Strike section 4 in its entirety and renumber the remaining sections  
146 and internal references accordingly