



General Assembly

**Amendment**

January Session, 2021

LCO No. 9417



Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.  
SEN. CASSANO, 4<sup>th</sup> Dist.  
SEN. HWANG, 28<sup>th</sup> Dist.  
SEN. CHAMPAGNE, 35<sup>th</sup> Dist.

To: Subst. Senate Bill No. 968

File No. 320

Cal. No. 216

**"AN ACT CONCERNING FORECLOSURE, ASSIGNMENT AND  
OTHER ENFORCEMENT ACTIONS FOR UNPAID SEWER  
ASSESSMENTS AND OTHER FEES AND CHARGES."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 7-254 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective October 1, 2021, and*  
5 *applicable to actions filed on or after October 1, 2021*):

6 (a) Any assessment of benefits or any installment thereof, not paid  
7 within thirty days after the due date, shall be delinquent and shall be  
8 subject to interest from such due date at the interest rate and in the  
9 manner provided by the general statutes for delinquent property taxes.  
10 Each addition of interest shall be collectible as a part of such assessment.

11 (b) (1) Whenever any installment of an assessment becomes

12 delinquent, the interest on such delinquent installment shall be as  
13 provided in subsection (a) of this section or five dollars, whichever is  
14 greater. Any unpaid assessment and any interest due thereon shall  
15 constitute a lien upon the real estate against which the assessment was  
16 levied from the date of such levy. Each such lien may be continued,  
17 recorded and released in the manner provided by the general statutes  
18 for continuing, recording and releasing property tax liens. Each such  
19 lien shall take precedence over all other liens and encumbrances except  
20 taxes and may be enforced, except as provided in subdivision (2) of this  
21 subsection, in the same manner as property tax liens. The tax collector  
22 of the municipality may collect such assessments in accordance with any  
23 mandatory provision of the general statutes for the collection of  
24 property taxes and the municipality may recover any such assessment  
25 in a civil action against any person liable therefor.

26 (2) In the case of one or more liens for any unpaid assessment and  
27 any interest due thereon, as described in subdivision (1) of this  
28 subsection, upon any owner-occupied real estate, no such lien or liens  
29 may be enforced unless (A) the principal for all such liens upon such  
30 owner-occupied real estate exceeds four thousand dollars, or (B) such  
31 unpaid assessment and such interest due thereon have been delinquent  
32 for at least four years.

33 (c) (1) [Any] Except as provided in subdivision (2) of this subsection,  
34 any municipality, by resolution of its legislative body, may assign, for  
35 consideration, any and all liens filed by the tax collector to secure unpaid  
36 sewer assessments as provided under the provisions of this chapter. The  
37 consideration received by the municipality shall be negotiated between  
38 the municipality and the assignee. The assignee or assignees of such  
39 liens shall have and possess the same powers and rights at law or in  
40 equity as such municipality and municipality's tax collector would have  
41 had if the lien had not been assigned with regard to the precedence and  
42 priority of such lien, the accrual of interest and the fees and expenses of  
43 collection. The assignee shall have the same rights to enforce such liens  
44 as any private party holding a lien on real property, including, but not  
45 limited to, foreclosure and a suit on the debt. Costs and reasonable

46 attorneys' fees incurred by the assignee as a result of any foreclosure  
47 action or other legal proceeding brought pursuant to this section and  
48 directly related to the proceeding shall be taxed in any such proceeding  
49 against each person having title to any property subject to the  
50 proceedings. Such costs and fees may be collected by the assignee at any  
51 time after demand for payment has been made by the assignee.

52 (2) In the case of one or more liens filed by the tax collector to secure  
53 unpaid sewer assessments, as described in subdivision (1) of this  
54 subsection, upon any owner-occupied real estate, no such lien or liens  
55 may be assigned unless (A) the principal for all such liens upon such  
56 owner-occupied real estate exceeds four thousand dollars, or (B) such  
57 unpaid sewer assessments have been delinquent for at least four years.

58 Sec. 2. Section 7-258 of the general statutes is repealed and the  
59 following is substituted in lieu thereof (*Effective October 1, 2021, and*  
60 *applicable to actions filed on or after October 1, 2021*):

61 (a) (1) Any charge for connection with or for the use of a sewerage  
62 system, not paid within thirty days of the due date, shall thereupon be  
63 delinquent and shall bear interest from the due date at the rate and in  
64 the manner provided by the general statutes for delinquent property  
65 taxes. Each addition of interest shall be collectible as a part of such  
66 connection or use charge. Any such unpaid connection or use charge  
67 shall constitute a lien upon the real estate against which such charge was  
68 levied from the date it became delinquent. Each such lien may be  
69 continued, recorded and released in the manner provided by the general  
70 statutes for continuing, recording and releasing property tax liens. Each  
71 such lien shall take precedence over all other liens and encumbrances  
72 except taxes and may be foreclosed, except as provided in subdivision  
73 (2) of this subsection, in the same manner as a lien for property taxes.  
74 The municipality may by ordinance designate the tax collector or any  
75 other person as collector of sewerage system connection and use charges  
76 and such collector of sewerage system connection and use charges may  
77 collect such charges in accordance with the provisions of the general  
78 statutes for the collection of property taxes. The municipality may

79 recover any such charges in a civil action against any person liable  
80 therefor. For the purpose of establishing or revising such connection or  
81 use charges and for the purpose of collecting such charges any  
82 municipality may enter into agreements with any water company or  
83 municipal water department furnishing water in such municipality for  
84 the purchase from such water company or municipal water department  
85 of information or services and such agreement may designate such  
86 water company or municipal water department as a billing or collecting  
87 agent of the collector of sewerage system connection and use charges in  
88 the municipality. Any water company or municipal water department  
89 may enter into and fulfill any such agreements and may utilize for the  
90 collection of such charges any of the methods utilized by it for the  
91 collection of its water charges.

92 (2) In the case of one or more liens for any unpaid connection or use  
93 charge, as described in subdivision (1) of this subsection, upon any  
94 owner-occupied real estate, no such lien or liens may be foreclosed  
95 unless (A) the principal for all such liens upon such owner-occupied real  
96 estate exceeds four thousand dollars, or (B) such unpaid connection or  
97 use charge has been delinquent for at least four years.

98 (b) (1) [Any] Except as provided in subdivision (2) of this subsection,  
99 any municipality, by resolution of its legislative body, may assign, for  
100 consideration, any and all liens filed by the tax collector or collector of  
101 sewerage system connection and use charges to secure unpaid sewerage  
102 connection and use charges as provided under the provisions of this  
103 chapter. The consideration received by the municipality shall be  
104 negotiated between the municipality and the assignee. The assignee or  
105 assignees of such liens shall have and possess the same powers and  
106 rights at law or in equity as such municipality and municipality's tax  
107 collector would have had if the lien had not been assigned with regard  
108 to the precedence and priority of such lien, the accrual of interest and  
109 the fees and expenses of collection. The assignee shall have the same  
110 rights to enforce such liens as any private party holding a lien on real  
111 property, including, but not limited to, foreclosure and a suit on the  
112 debt. Costs and reasonable attorneys' fees incurred by the assignee as a

113 result of any foreclosure action or other legal proceeding brought  
114 pursuant to this section and directly related to the proceeding shall be  
115 taxed in any such proceeding against each person having title to any  
116 property subject to the proceedings. Such costs and fees may be  
117 collected by the assignee at any time after demand for payment has been  
118 made by the assignee.

119 (2) In the case of one or more liens filed by the tax collector or collector  
120 of sewerage system connection and use charges to secure unpaid  
121 sewerage connection and use charges, as described in subdivision (1) of  
122 this subsection, upon any owner-occupied real estate, no such lien or  
123 liens may be assigned unless (A) the principal for all such liens upon  
124 such owner-occupied real estate exceeds four thousand dollars, or (B)  
125 such unpaid sewerage connection and use charges have been delinquent  
126 for at least four years.

127 Sec. 3. Section 22a-506 of the general statutes is repealed and the  
128 following is substituted in lieu thereof (*Effective October 1, 2021, and*  
129 *applicable to actions filed on or after October 1, 2021*):

130 (a) An authority may (1) levy and collect benefit assessments upon  
131 the lands and buildings within its jurisdiction that, in its judgment, are  
132 especially benefited by a wastewater system; (2) establish, revise and  
133 collect rates, fees, charges, penalties and assessments for the use and  
134 benefits of a wastewater system; and (3) order the owner of any building  
135 which is accessible to a wastewater system to connect to such system, all  
136 in the manner provided in sections 7-249 to 7-257, inclusive, and sections  
137 22a-416 to 22a-599, inclusive.

138 (b) (1) Any assessment of benefits, including any installment thereof,  
139 and any charge, fee, fine or other amount that is not paid within thirty  
140 days after the due date shall be delinquent, shall be subject to interest  
141 and shall constitute a lien upon the premises served and a charge upon  
142 the owner thereof all in the manner provided both by the provisions of  
143 the general statutes for delinquent property taxes and by section 7-258,  
144 as amended by this act. The rules and regulations of the authority may

145 provide for the discontinuance of water pollution control service for  
146 nonpayment of taxes, special assessments, fees, rates, penalties or other  
147 charges therefor imposed under sections 22a-500 to 22a-519, inclusive.  
148 Such lien shall take precedence over all other liens or encumbrances  
149 except taxes and may be foreclosed against the lot or building served,  
150 except as provided in subdivision (2) of this subsection, in the same  
151 manner as a lien for taxes, provided all such liens shall continue until  
152 such time as they shall be discharged or foreclosed by the authority  
153 without the necessity of filing certificates of continuation, but in no  
154 event for longer than ten years. The authority may institute a civil action  
155 against such owner to recover the amount of any such fee or charge  
156 which remains due and unpaid for thirty days along with interest  
157 thereon at the same rate as unpaid taxes and with reasonable attorneys'  
158 fees, except that no such civil action to recover such amount may be  
159 instituted against the owner of an owner-occupied premises unless the  
160 principal for such amount exceeds four thousand dollars.

161 (2) In the case of one or more liens for any assessment of benefits and  
162 any charge, fee, fine or other amount that is not paid within thirty days  
163 after the due date, as described in subdivision (1) of this subsection,  
164 upon any owner-occupied premises served, no such lien or liens may be  
165 foreclosed unless (A) the principal for all such liens upon such owner-  
166 occupied premises served exceeds four thousand dollars, or (B) such  
167 assessment and charge, fee, fine or other amount have been delinquent  
168 for at least four years.

169 Sec. 4. Section 49-92o of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective October 1, 2021, and*  
171 *applicable to actions filed on or after October 1, 2021*):

172 (a) [Any] Except as provided in subsection (b) of this section, any  
173 regional sewer authority established under an act of the General  
174 Assembly, may assign, for consideration, any and all liens filed by such  
175 regional sewer authority to secure unpaid sewer assessments or  
176 connection or use charges of the authority. The consideration received  
177 by the authority shall be negotiated between the authority and the

178 assignee. The assignee or assignees of such liens shall have and possess  
 179 the same powers and rights at law or in equity as such authority would  
 180 have had if the lien had not been assigned with regard to the precedence  
 181 and priority of such lien, the accrual of interest and the fees and  
 182 expenses of collection. The assignee shall have the same rights to enforce  
 183 such liens as any private party holding a lien on real property,  
 184 including, but not limited to, foreclosure and a suit on the debt. Costs  
 185 and reasonable attorneys' fees incurred by the assignee as a result of any  
 186 foreclosure action or other legal proceeding brought pursuant to this  
 187 section and directly related to the proceeding shall be taxed in any such  
 188 proceeding against each person having title to any property subject to  
 189 the proceedings. Such costs and fees may be collected by the assignee at  
 190 any time after demand for payment has been made by the assignee.

191 (b) In the case of one or more liens filed by a regional sewer authority  
 192 to secure unpaid sewer assessments or connection or use charges of the  
 193 authority, as described in subdivision (1) of this subsection, upon any  
 194 owner-occupied real estate, no such lien or liens may be assigned unless  
 195 (A) the principal for all such liens upon such owner-occupied real estate  
 196 exceeds four thousand dollars, or (B) such unpaid sewer assessments or  
 197 connection or use charges have been delinquent for at least four years."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2021, and applicable to actions filed on or after October 1, 2021</i>	7-254
Sec. 2	<i>October 1, 2021, and applicable to actions filed on or after October 1, 2021</i>	7-258
Sec. 3	<i>October 1, 2021, and applicable to actions filed on or after October 1, 2021</i>	22a-506
Sec. 4	<i>October 1, 2021, and applicable to actions filed on or after October 1, 2021</i>	49-92o