



House of Representatives

File No. 666

General Assembly

February Session, 2024

(Reprint of File No. 56)

House Bill No. 5227
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 3, 2024

**AN ACT CONCERNING THE RELEASE OF CERTAIN LIENS OF THE
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.**

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

1 Section 1. Section 22a-5c of the general statutes is amended by adding
2 subsection (c) as follows (*Effective from passage*):

3 (NEW) (c) Notwithstanding any provision of title 22a, any person
4 that has an interest in any real property described in any certificate of
5 lien, for which lien the Department of Energy and Environmental
6 Protection is the lien holder and satisfaction of relevant conditions was
7 made but discharge has not occurred, may give written notice to such
8 department by registered mail or by certified mail, postage prepaid,
9 return receipt requested, for a request to discharge such lien. Not later
10 than sixty days after receipt of such notice, such department shall
11 discharge such lien by mailing, by certified mail, return receipt
12 requested, a release that meets the requirements of subsection (b) of
13 section 52-380d to the person making such request and to any

14 municipality where such lien is recorded.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-5c(c)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prescribes a process for a person whose lien release requirements have been fully satisfied, to request discharge from the Department of Energy and Environmental Protection (DEEP) within 60 days. As the process applies when all requirements, including the payment of any interest owed to DEEP, have been satisfied, the bill's process will not impact state revenues.

House "A" alters the original bill by applying the lien release deadline only when the release requirements have been fully satisfied, which eliminates the fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

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OLR Bill Analysis**HB 5227 (as amended by House "A")******AN ACT CONCERNING THE RELEASE OF CERTAIN LIENS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.*****SUMMARY**

By law, the Department of Energy and Environmental Protection (DEEP) may record a lien against a property to secure repayment for expenses it paid to comply with certain environmental requirements (e.g., spill cleanup and response).

This bill creates a process by which someone with an interest in real property that is the subject of an undischarged DEEP lien, despite all relevant conditions being satisfied, may request the discharge and DEEP must abide by the request.

Under the bill, the person must request the lien discharge in writing to DEEP, sent by registered or certified mail, postage prepaid, return receipt requested. The bill gives DEEP 60 days after receiving the request to discharge the lien by mailing a release, by certified mail with return receipt requested, to the requester and any municipality where the lien is recorded. The lien release must meet the requirements under existing law for these instruments (e.g., it must include the parties' names, lien date, recording information, and a lienholder signature that was acknowledged and witnessed).

*House Amendment "A" strikes the underlying bill (File 56), which discontinued DEEP liens after 60 days passed the date they were discharged by a final payment or court disposition.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/08/2024)