



General Assembly

Substitute Bill No. 149

February Session, 2024



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

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

1 Section 1. Subsections (a) to (c), inclusive, of section 7-254 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024, and applicable to actions filed on or after*
4 *October 1, 2024*):

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

10 (b) (1) Whenever any installment of an assessment becomes
11 delinquent, the interest on such delinquent installment shall be as
12 provided in subsection (a) of this section or five dollars, whichever is
13 greater. Any unpaid assessment and any interest due thereon shall
14 constitute a lien upon the real estate against which the assessment was
15 levied from the date of such levy. Each such lien may be continued,
16 recorded and released in the manner provided by the general statutes
17 for continuing, recording and releasing property tax liens. Each such

18 lien shall take precedence over all other liens and encumbrances except
19 taxes and may be enforced, in accordance with subdivision (2) of this
20 subsection, in the same manner as property tax liens. The tax collector
21 of the municipality may collect such assessments in accordance with any
22 mandatory provision of the general statutes for the collection of
23 property taxes and the municipality may recover any such assessment
24 in a civil action against any person liable therefor.

25 (2) In the case of one or more liens for any unpaid assessment and
26 any interest due thereon, as described in subdivision (1) of this
27 subsection, upon any owner-occupied real estate, no such lien or liens
28 may be enforced unless the principal for all such liens upon such owner-
29 occupied real estate exceeds four thousand dollars or five years have
30 elapsed from the date any such lien was filed and such lien remains
31 unpaid.

32 (c) [Any] (1) Except as provided in subdivision (2) of this subsection,
33 any municipality, by resolution of its legislative body, may assign, for
34 consideration, any and all liens filed by the tax collector to secure unpaid
35 sewer assessments as provided under the provisions of this chapter. The
36 consideration received by the municipality shall be negotiated between
37 the municipality and the assignee.

38 (2) In the case of one or more liens filed by the tax collector to secure
39 unpaid assessments, as described in subdivision (1) of this subsection,
40 upon any owner-occupied real estate, no such lien or liens may be
41 assigned unless the principal for all such liens upon such owner-
42 occupied real estate exceeds four thousand dollars or five years have
43 elapsed from the date any such lien was filed and such lien remains
44 unpaid.

45 Sec. 2. Subsections (a) and (b) of section 7-258 of the general statutes
46 are repealed and the following is substituted in lieu thereof (*Effective*
47 *October 1, 2024, and applicable to actions filed on or after October 1, 2024*):

48 (a) (1) Any charge for connection with or for the use of a sewerage

49 system, not paid within thirty days of the due date, shall thereupon be
50 delinquent and shall bear interest from the due date at the rate and in
51 the manner provided by the general statutes for delinquent property
52 taxes. Each addition of interest shall be collectible as a part of such
53 connection or use charge. Any such unpaid connection or use charge
54 shall constitute a lien upon the real estate against which such charge was
55 levied from the date it became delinquent. Each such lien may be
56 continued, recorded and released in the manner provided by the general
57 statutes for continuing, recording and releasing property tax liens. Each
58 such lien shall take precedence over all other liens and encumbrances
59 except taxes and may be foreclosed in the same manner as a lien for
60 property taxes in accordance with subdivision (2) of this subsection. The
61 municipality may by ordinance designate the tax collector or any other
62 person as collector of sewerage system connection and use charges and
63 such collector of sewerage system connection and use charges may
64 collect such charges in accordance with the provisions of the general
65 statutes for the collection of property taxes. The municipality may
66 recover any such charges in a civil action against any person liable
67 therefor. For the purpose of establishing or revising such connection or
68 use charges and for the purpose of collecting such charges any
69 municipality may enter into agreements with any water company or
70 municipal water department furnishing water in such municipality for
71 the purchase from such water company or municipal water department
72 of information or services and such agreement may designate such
73 water company or municipal water department as a billing or collecting
74 agent of the collector of sewerage system connection and use charges in
75 the municipality. Any water company or municipal water department
76 may enter into and fulfill any such agreements and may utilize for the
77 collection of such charges any of the methods utilized by it for the
78 collection of its water charges.

79 (2) In the case of one or more liens for any unpaid connection or use
80 charge, as described in subdivision (1) of this subsection, upon any
81 owner-occupied real estate, no such lien or liens may be foreclosed
82 unless the principal for all such liens upon such owner-occupied real

83 estate exceeds four thousand dollars or five years have elapsed from the
84 date any such lien was filed and such lien remains unpaid.

85 (b) [Any] (1) Except as provided in subdivision (2) of this subsection,
86 any municipality, by resolution of its legislative body, may assign, for
87 consideration, any and all liens filed by the tax collector or collector of
88 sewerage system connection and use charges to secure unpaid sewerage
89 connection and use charges as provided under the provisions of this
90 chapter. The consideration received by the municipality shall be
91 negotiated between the municipality and the assignee.

92 (2) In the case of one or more liens filed by the tax collector or collector
93 of sewerage system connection and use charges to secure unpaid
94 sewerage connection and use charges, as described in subdivision (1) of
95 this subsection, upon any owner-occupied real estate, no such lien or
96 liens may be assigned unless the principal for all such liens upon such
97 owner-occupied real estate exceeds four thousand dollars or five years
98 have elapsed from the date any such lien was filed and such lien remains
99 unpaid.

100 Sec. 3. Section 22a-506 of the general statutes is repealed and the
101 following is substituted in lieu thereof (*Effective October 1, 2024, and*
102 *applicable to actions filed on or after October 1, 2024*):

103 (a) An authority may (1) levy and collect benefit assessments upon
104 the lands and buildings within its jurisdiction that, in its judgment, are
105 especially benefited by a wastewater system; (2) establish, revise and
106 collect rates, fees, charges, penalties and assessments for the use and
107 benefits of a wastewater system; and (3) order the owner of any building
108 which is accessible to a wastewater system to connect to such system, all
109 in the manner provided in sections 7-249 to 7-257, inclusive, and sections
110 22a-416 to 22a-599, inclusive.

111 (b) (1) Any assessment of benefits, including any installment thereof,
112 and any charge, fee, fine or other amount that is not paid within thirty
113 days after the due date shall be delinquent, shall be subject to interest

114 and shall constitute a lien upon the premises served and a charge upon
115 the owner thereof all in the manner provided both by the provisions of
116 the general statutes for delinquent property taxes and by section 7-258,
117 as amended by this act. The rules and regulations of the authority may
118 provide for the discontinuance of water pollution control service for
119 nonpayment of taxes, special assessments, fees, rates, penalties or other
120 charges therefor imposed under sections 22a-500 to 22a-519, inclusive.
121 Such lien shall take precedence over all other liens or encumbrances
122 except taxes and may be foreclosed against the lot or building served, in
123 accordance with subdivision (2) of this subsection, in the same manner
124 as a lien for taxes, provided all such liens shall continue until such time
125 as they shall be discharged or foreclosed by the authority without the
126 necessity of filing certificates of continuation, but in no event for longer
127 than ten years. The authority may institute a civil action against such
128 owner to recover the amount of any such fee or charge which remains
129 due and unpaid for thirty days along with interest thereon at the same
130 rate as unpaid taxes and with reasonable attorneys' fees, provided no
131 such civil action to recover such amount may be instituted against the
132 owner of an owner-occupied premises unless the principal for such
133 amount exceeds four thousand dollars or five years have elapsed from
134 the date any such lien was filed and such lien remains unpaid.

135 (2) In the case of one or more liens for any assessment of benefits and
136 any charge, fee, fine or other amount that is not paid within thirty days
137 after the due date, as described in subdivision (1) of this subsection,
138 upon any owner-occupied premises served, no such lien or liens may be
139 foreclosed unless the principal for all such liens upon such owner-
140 occupied premises served exceeds four thousand dollars or five years
141 have elapsed from the date any such lien was filed and such lien remains
142 unpaid.

143 Sec. 4. Subsection (a) of section 49-92o of the general statutes is
144 repealed and the following is substituted in lieu thereof (*Effective October*
145 *1, 2024, and applicable to actions filed on or after October 1, 2024*):

146 (a) [Any] (1) Except as provided in subdivision (2) of this subsection,

147 any regional sewer authority established under an act of the General
148 Assembly, may assign, for consideration, any and all liens filed by such
149 regional sewer authority to secure unpaid sewer assessments or
150 connection or use charges of the authority. The consideration received
151 by the authority shall be negotiated between the authority and the
152 assignee.

153 (2) In the case of one or more liens filed by a regional sewer authority
154 to secure unpaid sewer assessment or connection or use charges of the
155 authority, as described in subdivision (1) of this subsection, upon any
156 owner-occupied real estate, no such lien or liens may be assigned unless
157 the principal for all such liens upon such owner-occupied real estate
158 exceeds four thousand dollars or five years have elapsed from the date
159 any such lien was filed and such lien remains unpaid.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024, and applicable to actions filed on or after October 1, 2024</i>	7-254(a) to (c)
Sec. 2	<i>October 1, 2024, and applicable to actions filed on or after October 1, 2024</i>	7-258(a) and (b)
Sec. 3	<i>October 1, 2024, and applicable to actions filed on or after October 1, 2024</i>	22a-506
Sec. 4	<i>October 1, 2024, and applicable to actions filed on or after October 1, 2024</i>	49-92o(a)

PD Joint Favorable Subst.