

(Reprint of File No. 65)

Substitute House Bill No. 5489
As Amended by House Amendment
Schedules "A" and "C"

Approved by the Legislative Commissioner
April 9, 1998

AN ACT CONCERNING SUBDIVISIONS AND WITHHOLDING
BUILDING APPROVAL WHEN WATER AND SEWER FEES ARE
DELINQUENT.

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

1 Section 1. Subsection (d) of section 8-26c of
2 the general statutes is repealed and the following
3 is substituted in lieu thereof:

4 (d) Notwithstanding the provisions of this
5 section, any subdivision approval made under this
6 section on or before October 1, 1991, shall expire
7 not more than seven years from the date of such
8 approval and the commission may grant one or more
9 extensions of time to complete all or part of the
10 work in connection with such subdivision, provided
11 the time for all extensions under this subsection
12 shall not exceed ten years from the date the
13 subdivision was approved. If the subdivider or his
14 successor in interest submits evidence to the
15 commission that completion of the project was
16 delayed because of a state or federal construction
17 project, the approval shall expire not more than
18 ten years from the date of such approval and the
19 commission may grant one or more extensions of
20 time to complete all or part of the work in

21 connection with such subdivision, provided the
22 time for all extensions shall not exceed fifteen
23 years from the date the subdivision was approved.
24 IF THE SUBDIVIDER OR HIS SUCCESSOR IN INTEREST
25 PREVAILS IN AN APPEAL OF A DECISION OF THE
26 COMMISSION ON THE SUBDIVISION UNDER SECTION 8-8,
27 THE TIME TO COMPLETE THE SUBDIVISION SHALL BE
28 TOLLED FOR THE TIME OF SUCH APPEAL AND UNTIL THE
29 COMMISSION IMPLEMENTS THE JUDICIAL DECISION.

30 Sec. 2. Subdivision (2) of subsection (c) of
31 section 7-148 of the general statutes is repealed
32 and the following is substituted in lieu thereof:

33 (2) (A) Establish and maintain a budget
34 system;

35 (B) Assess, levy and collect taxes for general
36 or special purposes on all property, subjects or
37 objects which may be lawfully taxed, and regulate
38 the mode of assessment and collection of taxes and
39 assessments not otherwise provided for, including
40 establishment of a procedure for the withholding
41 of approval of building application when taxes OR
42 WATER OR SEWER RATES, CHARGES OR ASSESSMENTS
43 IMPOSED BY A MUNICIPALITY are delinquent for the
44 property for which an application was made;

45 (C) Make appropriations for the support of
46 the municipality and pay its debts;

47 (D) Make appropriations for the purpose of
48 meeting a public emergency threatening the lives,
49 health or property of citizens, provided such
50 appropriations shall require a favorable vote of
51 at least two-thirds of the entire membership of
52 the legislative body or, when the legislative body
53 is the town meeting, at least two-thirds of those
54 present and voting;

55 (E) Make appropriations to military
56 organizations, hospitals, health care facilities,
57 public health nursing organizations, nonprofit
58 museums and libraries, organizations providing
59 drug abuse and dependency programs and any other
60 private organization performing a public function;

61 (F) Provide for the manner in which contracts
62 involving unusual expenditures shall be made;

63 (G) When not specifically prescribed by
64 general statute or by charter, prescribe the form
65 of proceedings and mode of assessing benefits and
66 appraising damages in taking land for public use,
67 or in making public improvements to be paid for,
68 in whole or in part, by special assessments, and

69 prescribe the manner in which all benefits
70 assessed shall be collected;

71 (H) Provide for the bonding of municipal
72 officials or employees by requiring the furnishing
73 of such bond, conditioned upon honesty or faithful
74 performance of duty and determine the amount,
75 form, and sufficiency of the sureties thereof;

76 (I) Regulate the method of borrowing money
77 for any purpose for which taxes may be levied and
78 borrow on the faith and credit of the municipality
79 for such general or special purposes and to such
80 extent as is authorized by general statute;

81 (J) Provide for the temporary borrowing of
82 money;

83 (K) Create a sinking fund or funds or a trust
84 fund or funds or other special funds, including
85 funds which do not lapse at the end of the
86 municipal fiscal year;

87 (L) Provide for the assignment of municipal
88 tax liens on real property to the extent
89 authorized by general statute.

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER SHB 5489

STATE IMPACT	None
MUNICIPAL IMPACT	Potential Revenue Gain, see explanation below
STATE AGENCY(S)	None

EXPLANATION OF ESTIMATES:

MUNICIPAL IMPACT: To the extent that the withholding of building permits and related approvals increases payment of delinquent water or sewer rates, charges or assessments, municipalities could incur a revenue gain. The overall impact is estimated to be minimal.

No fiscal impact is anticipated due to the extension under limited circumstances, of the amount of time a developer has to complete work on a subdivision.

House "A" and "C" allows a municipality to withhold an approval due to delinquent sewer rates and charges and water assessments and reduces the period in the bill that does not count toward the subdivision completion period, which does not change the impact of the bill.

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OLR AMENDED BILL ANALYSIS

sHB 5489 (as amended by House "A" and "C")*

AN ACT CONCERNING SUBDIVISIONS AND WITHHOLDING BUILDING APPROVAL WHEN WATER AND SEWER FEES ARE DELINQUENT

SUMMARY: This bill allows municipalities to withhold building permits and related approvals when water or sewer rates, charges, or assessments are delinquent. Municipalities already have this power with regard to delinquent taxes.

The bill also extends, under limited circumstances, the amount of time a developer has to complete work on a subdivision. Under current law, for subdivisions approved on or before October 1, 1991, the developer has seven years to complete all or part of the work. The municipality can grant an extension up to 10 years. If the developer shows that completion of the subdivision was delayed due to a state or federal construction project, the initial approval is good for up to 10 years and the municipality can grant extensions up to 15 years. The bill specifies that if an approval is revoked, and the developer or his successor successfully appeals the revocation, the period between the appeal and the reinstatement does not count towards the limit. The bill does not affect subdivision approvals issued after October 1, 1991.

*House Amendment "A" (1) allows a municipality to withhold an approval due to delinquent sewer rates and charges and water assessments and (2) shortens the period, compared to the original file (65), that does not count toward the subdivision completion period.

*House Amendment "C" is identical to House "A".

EFFECTIVE DATE: Upon passage

BACKGROUND**Legislative History**

On April 1, the House adopted House "A" and passed the bill temporarily. On April 8, the House adopted House "C" and passed the bill as amended.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute
Yea 19 Nay 0