

House of Representatives, March 19, 1998. The Committee on Planning and Development reported through REP. DAVIS, 50th DIST., Chairman of the Committee on the part of the House, that the substitute bill ought to pass.

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2 the general statutes is repealed and the following  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 REVOKING AN APPROVAL, THE TIME FROM THE  
27 REVOCATION BY THE COMMISSION UNTIL REINSTATEMENT  
28 BY THE COMMISSION IN ACCORDANCE WITH THE JUDICIAL  
29 DECISION SHALL NOT BE INCLUDED IN DETERMINATION OF  
30 THE DATE OF EXPIRATION OF THE APPROVAL.

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32 section 7-148 of the general statutes is repealed  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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 PD COMMITTEE VOTE: YEA 19 NAY 0 JFS

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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 increases payment of delinquent sewer assessments or water rates or charges, 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.

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**OLR BILL ANALYSIS**

SHB 5489

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

**SUMMARY:** This bill allows municipalities to withhold building permits when sewer assessments or water rates or charges 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 revocation and the reinstatement does not count towards the limit. The bill does not affect subdivision approvals issued after October 1, 1991.

EFFECTIVE DATE: Upon passage

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute  
Yea 19 Nay 0