

CATIC®
Legislative Review
Realtor® Edition
Connecticut
2009

To Our Realtor Friends:

Since its founding in 1965, CATIC has produced a *Legislative Review* for its agents following each session of the Connecticut General Assembly. In 1990, we began producing a separate *Realtor Edition* of the *Legislative Review*, tailored to meet the specific concerns of Realtors. The *Realtor Edition* has been used since that time as a component of the continuing education programs administered by the Connecticut Association of Realtors® at its annual convention and at other educational activities.

We are pleased to continue this tradition with the following on-line summary of recent legislative enactments from the 2009 session of the Connecticut General Assembly. Working with Eugene Marconi, General Counsel for the Connecticut Association of Realtors, we have selected 37 acts which we feel are of special interest to Realtors.

We hope that you find this material helpful and informative in your continuing efforts to keep current on new laws which affect your business.

Very truly yours,

Colleen Danehy Lindroos
Legal Publications Manager

Regular Session:

Public Act 13, An Act Implementing the Guarantee of Equal Protection Under the Constitution of the State for Same Sex Couples

This act amends a number of statutes, in order to accommodate the Connecticut Supreme Court's decision in *Kerrigan v. Department of Public Health*, which held that it was unconstitutional to restrict marriage to a man and a woman. The act addresses matters such as standards of eligibility to marry; recognition of marriages, or similar unions, entered into in other jurisdictions; the impact of the act on parties to civil unions; and exemptions granted to certain religious organizations. *Effective, generally, on April 23, 2009.*

Public Act 18, An Act Concerning Disclosures by Home Improvement Contractors and New Home Construction Contractors

This act requires home improvement and new home construction contracts to contain a provision setting forth the name of all entities under which the contractor performed similar services, within the last five years. Testimony submitted at a public hearing on the legislation indicated that this provision would assist consumers in evaluating whether to hire a particular contractor. *Effective July 1, 2009.*

Public Act 19, An Act Requiring Small Business Impact Analyses for Proposed Regulations

Conn. Gen. Stat. § 4-168(a) provides that prior to adopting a proposed regulation, an agency shall prepare a fiscal note that estimates the fiscal impact the regulation will have on the state or on any municipality. Public Act 19 provides that the fiscal note shall also contain an estimate of the impact on small businesses in the state. A revised definition of “small business,” in § 4-168a, increases the maximum number of full-time employees, from fewer than 50, to fewer than 75. The act makes a number of other revisions to the Uniform Administrative Procedures Act, § 4-166, *et seq.* *Effective October 1, 2009.*

Public Act 31, An Act Concerning Utility Service Termination

This act provides that utility companies shall require reasonable identification methods for confirming that an order to terminate service to a residential dwelling is in fact authorized by the utility customer. If the order to terminate comes from another person, the utility shall not terminate service unless, nine days prior to termination, the utility sends written notice to the customer of record, at the customer’s last-known address. Other provisions of the act concern the obligation of the owner, agent, lessor or manager of a residential dwelling to provide utilities with proper access to meters and other facilities. *Effective July 1, 2009.*

Public Act 32, An Act Concerning Efficiency Standards for Residential Automatic Lawn Sprinkler Systems

Conn. Gen. Stat. § 29-265b concerns the installation of automatic sprinkler systems, and provides that municipalities *may require* that systems installed on or after October 1, 2003 shall be equipped with a rain sensor device that overrides the irrigation cycle if sufficient rainfall has occurred. Public Act 32 adds a new subsection (c) to the statute, *requiring* all such systems installed on residential property on or after July 1, 2010 to contain such a device. *Effective October 1, 2009.*

Public Act 38, An Act Concerning the Resignation or Absence of an Agent for Service of Process for Certain Business Entities

This act revises several statutes governing agents for service of process on foreign limited partnerships, foreign limited liability companies, and foreign statutory trusts. If such an entity fails to have an agent for at least 60 days, the Secretary of State is authorized (but no longer

required) to revoke the entity's authority to conduct business. Written notice shall be provided to the entity at least 20 days before the date of revocation. *Effective October 1, 2009.*

Public Act 60, An Act Concerning a Municipal Option to Delay Revaluations, A Program Allowing Regional Revaluations, and the Repeal of the Municipal Option to Make Annual Adjustments in Property Values

Section 1 of this act allows a municipality to delay a scheduled revaluation or suspend a current revaluation phase-in. Section 2 allows a similar delay for municipalities that are party to an interlocal agreement for regional revaluation of property. [*Editor's Note: Section 5 of Public Act 196 amended Section 1 of Public Act 60, making it effective on May 15, 2009, and applicable to assessment years commencing on or after October 1, 2008.*] *Effective, generally, on May 15, 2009, with Section 1 applicable to assessment years commencing on or after October 1, 2008, and Section 2 applicable to assessment years commencing on and after October 1, 2009.*

Public Act 61, An Act Concerning the Tax Incremental Financing Program

This act extends the sunset dates for two programs run by the Connecticut Development Authority, under Conn. Gen. Stat. § 32-23zz and § 32-285. These programs use tax incremental financing revenues to assist large-scale development projects. Prior to the passage of Public Act 61, these statutes discontinued funding for such projects on and after July 1, 2010. The new legislation extends the sunset dates to July 1, 2012. *Effective May 27, 2009.*

Public Act 71, An Act Concerning State Chartered Banks

Conn. Gen. Stat. § 42-471 requires that those who possess the personal information of others must safeguard the information and use proper disposal methods. Public Act 71 adds a new subsection to the statute, providing that if a financial institution has adopted safeguards that comply with the standards set forth in the federal Gramm-Leach-Bliley Act (15 U.S.C. 6801), those safeguards shall constitute compliance with the provisions of the Connecticut statute. [*Editor's Note: Public Act 239 restores a subsection that was repealed by Public Act 71, concerning the "Privacy Protection Guaranty and Enforcement Account."* This Account shall receive any civil penalties that are assessed under § 42-471. The Account was first authorized by legislation introduced in the 2008 session. That legislation, however, was not enacted and the Account therefore was never established. Public Act 239 of the 2009 session establishes the Account, and restores the reference to the Account that had been deleted by Act 71.] *Effective October 1, 2009.*

Public Act 89, An Act Concerning Interest on Charges for Sewer System Expansion

Conn. Gen. Stat. § 7-253 concerns assessments made by a water pollution control authority and the recording of a certificate of notice of installment payment on the land records for the subject properties. This legislation amends the statute to allow such assessments not only when the cost of the sewer system is financed by municipal bonds, but also when the cost is financed from the municipality's general reserves. The statute is also amended to provide that the tax collector

shall prepare and record a release of certificate within seven calendar days after the last installment is paid or the total assessment is paid in full. *Effective October 1, 2009.*

Public Act 93, An Act Concerning the Definition of Median Income in Enterprise Zones for Assessment Purposes

Conn. Gen. Stat. § 32-71 provides for the fixing of assessments on real property that is improved and located in one of the state's designated enterprise zones. The statute provides that the fixed assessment shall be for a period of seven years from the time of such improvement, in accordance with the schedule set forth in the statute. This legislation amends subsection (b) of the statute to revise the income criterion for determining whether the fixed assessment continues for improved residential property when it is rented, or a conversion condominium when it is sold. *Effective June 2, 2009.*

Public Act 114, An Act Concerning Probate Court Reforms and Establishing a Probate Redistricting Commission

This act makes major revisions to the state's probate court system, covering matters such as compensation and qualification of judges, staffing levels of probate courts, and consolidation of probate court districts. Four "classes" of probate courts are established, based on a particular district's population and its annual weighted workload. Salaries of probate court judges are tied to the class to which the judge's court belongs. The act provides that, with few exceptions for "grandfathered" judges, all probate judges shall be a member of the Bar of the state of Connecticut. The act establishes a probate redistricting commission to develop a plan for consolidation of probate court districts, with at least 44 districts but no more than 50. *Effective at various times, with most of the act's provisions effective in January, 2011.*

Public Act 122, An Act Eliminating Surety Bond Requirements for Residential Underground Heating Oil Tank Removal or Replacement Contractors

This act eliminates surety bond requirements imposed upon contractors who remove or replace underground heating oil tanks (Conn. Gen. Stat. § 20-420). No revision is made to the requirement that the contractor present evidence of liability insurance coverage of \$1 million. The act also amends Conn. Gen. Stat. § 22a-449k, concerning contractors who wish to register for payment from the Department of Environmental Protection's Residential Underground Heating Oil Storage Tank System Clean-Up Account. The revised statute eliminates the surety bond as a means of proving financial responsibility, and raises the minimum amount of liability insurance coverage or liquid company assets from \$250,000 to \$1 million. *Effective June 9, 2009.*

Public Act 127, An Act Concerning Disclosure of Historic District Designations and Leased Items to Prospective Purchasers of Residential Property

This act requires the Commissioner of Consumer Protection to revise the residential property disclosure report (Conn. Gen. Stat. § 20-327b) to include the following: leased items on the premises, including propane fuel tanks, water heaters, major appliances and alarm systems; and

information concerning whether the property is located in a municipally designated village district or historic district, or is listed on the National Register of Historic Places. The form shall also include a statement that information concerning village districts and historic districts may be obtained from the municipality's village or historic district commission. *Effective June 18, 2009, with the revised form to be developed no later than April 1, 2010.*

Public Act 141, An Act Concerning Floodplain Management and Use of Mill Properties

Conn. Gen. Stat. § 25-68d provides that the Department of Environmental Protection must review and approve certain state agency activities that will be located in or affect floodplains. Public Act 141 amends the statute to add a new exemption from this process, for the use of a mill located on a brownfield (defined in § 32-9kk) so long as the agency demonstrates that the activity is subject to state environmental remediation requirements; is limited to the area of the subject property where historical mill uses occurred; is above the five hundred year flood elevation; and complies with the provisions of the National Flood Insurance Program. *Effective June 25, 2009.*

Public Act 144, An Act Concerning Neighborhood Protection

This act creates a registration system for tracking the owners of uninhabited one-to-four family dwellings obtained by strict foreclosure or foreclosure by sale. A person in whom title has so vested shall register the vacant property with the local town clerk (or, if applicable, with MERS, the Mortgage Electronic Registration Systems) within the time frames set forth in the act. This registration system will allow municipalities to give notice to a registrant by first class mail and/or electronic mail with respect to any provisions of the statutes or municipal ordinances concerning violations, special assessments, abatement orders, and the like, as to such real property. *Effective October 1, 2009.*

Public Act 146, An Act Concerning Construction Change Orders

This act requires payment requests made in conjunction with certain construction contracts to state the status of all pending change orders, change directives, and approved changes to the original contract or subcontract. The statement of status shall identify the orders, the date the orders and directives were initiated, the associated costs, and a description of any work completed. These requirements apply to private sector commercial construction contracts subject to Conn. Gen. Stat. § 42-158j and public works contracts subject to § 49-41a. *Effective July 1, 2009.*

Public Act 156, An Act Concerning Time Shares

This act repeals the current statutes that govern time shares (Conn. Gen. Stat. §§ 42-103w through 42-103bb) and replaces them with a new and expanded "Time Share Act." The act provides that a "time share estate" is a real estate interest in the subject property.

The act covers matters such as advertising, recording requirements, disclosure statements, licensing of sales agents, unfair trade practices, registration of time share plans with the

Department of Consumer Protection (DCP), and the enforcement authority granted to the DCP Commissioner. Time shares established in the state on or before December 31, 2009 are not governed by the act. Time share plans that are offered in the state, but without accommodations or amenities located in Connecticut, are subject to most of the act's provisions, but not all of them. *Effective January 1, 2010.*

Public Act 164, An Act Mitigating Fire Losses for Homeowners and Business Owners

Section 1 of this act makes a number of revisions to the standard form of fire insurance policy, Conn. Gen. Stat. § 38a-307. The act shortens, from 60 days to 30 days, the time in which an insurer has to pay a claim after proof of loss. The insured and the insurer may agree to a partial claim payment in advance of final claim adjudication, but any advance payment shall not affect the requirement for payment of the total claim within 30 days. The act also increases, from twelve months to eighteen months, the time in which the insured may file a suit relating to a claim. Section 2 of the act concerns terrorism risk insurance, and provides that any master policy that is required to be purchased by a condominium association shall not exclude coverage for loss caused directly or indirectly by terrorism. *Effective October 1, 2009.*

Public Act 165, An Act Concerning Projects of Regional Significance

This act provides that each regional planning organization shall develop a voluntary process for applicants to request a preapplication review of "proposed projects of regional significance," as defined in the act. The results and information obtained from such a review shall not be subject to appeal, and shall not be binding on the applicant or on any entity having jurisdiction to review the proposed project. *Effective October 1, 2009.*

Public Act 177, An Act Concerning Technical Changes to Title 29 to Incorporate the State Fire Prevention Code

This lengthy act makes numerous changes to various statutes governing the fire safety and fire prevention codes, the state building inspector, local fire marshals, and hazardous chemicals. Most of the revisions are of a technical nature. The act also revises the penalties assessed for certain fire safety violations. *Effective, generally, January 1, 2011, with some provisions effective October 1, 2009.*

Public Act 181, An Act Concerning Extending the Time of Expiration of Certain Land Use Permits

This act extends the initial and extended expiration deadlines that apply to certain subdivisions, wetlands permits and site plans. The affected permits must have been approved between July 1, 2006 through July 1, 2009. The new timeframes set forth in the act range from six to eleven years. There are no permit extensions granted for large-scale residential and commercial projects. *Effective July 2, 2009.*

Public Act 192, An Act Concerning Green Building Standards and Energy Efficiency Requirements for Commercial and Residential Buildings

Section 1 of this act amends Conn. Gen. Stat. § 29-256a, to delay the date when “green building” standards take effect, and narrows the scope of those standards. The State Building Inspector and the Codes and Standards Committee shall, on and after July 1, 2010, revise the State Building Code to require certain buildings to meet established criteria for indoor air quality, water conservation, and other building construction standards. The revised standards shall reference nationally accepted green building ratings systems, including the Leadership in Energy and Environmental Design rating system (LEED), and shall include a method of demonstrating compliance. The act also increases the membership of the Codes and Standards Committee, to add a member with expertise in matters relating to energy efficiency. *Effective July 8, 2009.*

Public Act 196, An Act Concerning Municipal Assessments and Assessment Appeals

This act makes a number of revisions to the statutes that govern the way towns assess property taxes and consider assessment appeals. Section 1, effective October 1, 2009, amends Conn. Gen. Stat. § 12-111(a) to raise the ceiling above which boards of assessment appeals may refuse to hear appeals concerning certain types of property. As amended, the statute provides that the board may elect not to conduct an appeal hearing when the assessed value is greater than one million dollars. A property owner whose appeal will not be heard by the board may appeal directly to the Superior Court. The statute is further amended to provide that in certain circumstances the assessor shall prepare and submit a written explanation to the board if the assessor has increased or decreased a gross assessment.

Sections 2 and 3 concern the valuation method used by towns in assessing the fair market value of larger rental properties and the property owner’s obligation to submit rental income and expense data. These Sections are effective October 1, 2009 and applicable to assessment years commencing on or after that date.

Section 4 amends Conn. Gen. Stat. § 12-62(c) to provide that if the assessor changes any property valuation as determined by the revaluation company, the assessor shall document, in writing, the reasons for the change and attach the explanation to the property card for the subject property. *Effective July 8, 2009, and as noted above.*

Public Act 207, An Act Concerning Mortgage Practices

This act creates the crime of residential mortgage fraud, either a class C or class D felony, depending upon the number of fraudulent acts committed. All real and personal property used or intended for use in the course of, or derived from, an act of residential mortgage fraud may be subject to a judgment lien in favor of the state, to secure any fine levied against a person convicted of mortgage fraud. The lien shall be subordinate to security interests in the property that are recorded prior to the date on which the lien is recorded. The act also allows the assessment of penalties and orders of restitution.

The act also modifies the calculations used in determining whether a home loan is “nonprime,” and expands the list of provisions that are prohibited for such loans. The new provisions cover matters such as negative amortization and default charges. An existing prohibition against

increasing the interest rate after default, as to certain loans, is expanded so that the prohibition applies to *all* residential mortgage loans. [*Editor's Note:* Sections 42 and 43 of Public Act 209 amend Sections 1 and 3, respectively, of Public Act 207.] *Effective, generally, October 1, 2009.*

Public Act 208, An Act Concerning Consumer Credit Licensees

This lengthy act makes numerous changes to the statutes governing consumer credit licensees, covering matters such as surety requirements, the denial of an application, criminal background checks for applicants, debt adjusters, small loan lenders, licensing of those engaging in “debt negotiation,” consumer collection agencies, and the Banking Commissioner’s enforcement authority.

Sections 2, 3 and 4 of the act concern mortgage lenders and brokers, and cover matters such as suspended licenses, withdrawal of an application for a license, and the surrender or revocation of a license. These sections are effective July 7, 2009.

Sections 29 through 33 provide for the licensing of “debt negotiators,” and address matters such as “short sales” and foreclosure rescue services. A number of exemptions from licensing apply, including exemptions for attorneys admitted to practice in the state, certain financial entities, those acting under an order of a court, and bona fide nonprofit organizations. [*Editor's Note:* Sections 39, 40 and 41 of Public Act 209 amend Sections 6, 10 and 29, respectively, of Public Act 208.] *Effective, generally, October 1, 2009, with some provisions effective July 7, 2009.*

Public Act 209, An Act Concerning Implementation of the S.A.F.E. Mortgage Licensing Act, the Emergency Mortgage Assistance Program, Foreclosure Procedures and Technical Revisions to the Banking Statutes

This lengthy act makes many changes to the mortgage licensing statutes, in order to implement the provisions of the federal S.A.F.E. Mortgage Licensing Act of 2008, which established a nationwide mortgage licensing system. Other portions of the act address the foreclosure mediation program first implemented in 2008 and eligibility standards for various emergency mortgage assistance programs.

Sections 34 through 36 address the foreclosure mediation program, and provide that mediation is automatic, rather than permissive, for actions with a return date on and after July 1, 2009. Accordingly, foreclosing lenders must now provide the borrower with a notice of foreclosure mediation, a foreclosure mediation certificate, and a blank appearance form, with all forms to be as prescribed by the chief court administrator. The mediation program remains applicable to one-to-four family residential property that is occupied as a primary residence by the borrower.

Sections 27 through 33 address eligibility standards for the Emergency Mortgage Assistance Program. The act allows the Connecticut Housing Finance Authority to determine what constitutes a significant reduction in a borrower’s income; expands the circumstances that constitute a financial hardship out of the borrower’s control; and changes some of the conditions regarding the borrower’s repayment of received mortgage assistance. [*Editor's Note:* Public Act 219 amends Public Act 209 to provide that Sections 27 through 30 and Sections 32 and 33 shall

take effect from passage (July 9, 2009) and be applicable to applications for emergency mortgage assistance filed on and after July 1, 2008.]

Section 37 of the act amends Conn. Gen. Stat. § 49-15, concerning the opening of a judgment of strict foreclosure after title has become absolute in any encumbrancer. New language added to the statute provides that the judgment may be opened upon agreement of each party to the foreclosure action who filed an appearance and any person who acquired an interest in the real estate after title became absolute in any encumbrancer. The act imposes two conditions: (1) the judgment cannot be opened more than four months after the judgment was entered or more than 30 days after title has become absolute in any encumbrancer, whichever is later; and (2) all rights and interests of all appearing and nonappearing parties, and of any person who acquired an interest in the real estate after title became absolute in any encumbrancer, must be restored to the status that existed on the date of judgment. If a judgment is opened pursuant to this new subsection, the person who filed the written motion shall record a certified copy of the court's order to open the judgment on the land records in the town where the real estate is located. *Section 37 is effective October 1, 2009 but most of the act is effective July 31, 2009, with some provisions effective July 1, July 9 or October 1, 2009.*

Public Act 213, An Act Concerning Land Records

This act eliminates the duty of a town clerk to make a notation on the land records in connection with certain recorded documents. Instead, upon the request of an interested party, the town clerk shall record a discharge of the lien, attachment, purchaser's lien, or other encumbrance. These revisions are designed to accommodate electronic recording and indexing. Section 4 of the act amends Conn. Gen. Stat. § 47-270(e), concerning the obligation imposed on a condominium unit owners' association to file an annual certificate with the town clerk containing certain information as to the officer of the association or its managing agent. Currently the statute provides that the town clerk shall keep such certificates on file and available for inspection. The act provides instead that the town clerk shall record any such certificate on the land records. *Effective October 1, 2009.*

Public Act 225, An Act Concerning Amendments to the Uniform Common Interest Ownership Act

This lengthy act makes numerous changes to the state's Common Interest Ownership Act (CIOA), addressing matters such as the rights of unit owners when dealing with the association's board of directors, association authority and flexibility, and the resolution of conflicts between associations and developers. Most of the act is not effective until July 1, 2010, but a few sections became effective upon the Governor's signature, on July 8, 2009. These latter sections include Section 15, concerning mortgagee consent to proposed amendments to the declaration and bylaws, and Section 20, concerning an association's pledge of future income, the investment of association funds, and the denial of certain privileges to unit owners who are delinquent in paying their assessments.

Section 1, effective July 1, 2010, adds several new definitions and makes some important amendments to existing definitions. The definition of common interest community, for example,

now excludes certain types of ownership arrangements described in Sections 8 and 9, from the term “common interest community.” Section 9, effective July 1, 2010, allows owners of twelve or fewer parcels of land to share a driveway, well, septic or similar uses without being constituted as a common interest community.

Section 32, effective July 1, 2010, amends Conn. Gen. Stat. § 47-258, concerning the association’s statutory lien for assessments on units. The statute is revised to accommodate reasonable attorneys’ fees and costs, and any other sums due to the association under the declaration or as a result of an administrative, arbitration, mediation or judicial decision. The statute is also amended to provide that proceedings to enforce the lien must be instituted within *three years, rather than two years*, after the full amount of the assessments becomes due. “Assessment” is now a defined term under Section 1 of the act.

Section 41, also effective July 1, 2010, amends Conn. Gen. Stat. § 47-270, concerning resale certificates. The revised statute expands the types of information that shall be set forth in the certificate and changes the fees that can be charged. As unamended, the statute provides that the fee shall reflect the actual printing, photocopying and related costs, but no more than \$125. The new language provides instead that the fee shall not exceed \$125, “*plus either five cents for each page of document copies provided by the association pursuant to this section or a flat fee of ten dollars for an electronic version of those documents.*” After the effective date, the association will be required to disclose the number of unit owners more than 60 days delinquent in payment of common charges and the number of common charge foreclosure actions brought in the preceding 12 months.

Other sections of interest cover matters such as the use of electronic devices for sending notices and conducting board meetings; the enforcement of association rules; procedures for meetings; the association’s insurance responsibilities; recordkeeping obligations; procedures for amending the declaration; removal of board members and officers; voting procedures; and budget and assessment procedures. *Effective, generally, July 1, 2010, with a few provisions effective July 8, 2009.*

Public Act 226, An Act Exempting Regional Planning Organizations from Payment of Local Property Taxes

Conn. Gen. Stat. § 12-81 sets forth a long list of property that shall be exempt from taxation. Public Act 226 adds a new exemption, subsection (77), for real property belonging to, or held in trust for, a regional council of elected officials (§ 4-124c, *et seq.*); a regional council of governments (§ 4-124i, *et seq.*); or a regional planning agency (§ 8-31a, *et seq.*). The property must be used to advance the official duties of such council or agency and the exemption for such property must be approved by the municipality in which the property is located. *Effective October 1, 2009 and applicable to assessment years commencing on or after that date.*

Public Act 229, An Act Concerning Milk Producers, Milk and Milk Products, Agricultural Not-For-Profit Organizations and the Modernization of Connecticut Fertilizer Law

Most of this act concerns standards for fertilizer sold and used in the state, and the Commissioner of Agriculture's authority over distributors of the product. Other provisions of the act address quality standards for milk products.

Of particular interest is Section 27 of the act, which establishes a ten dollar increase in the fee assessed on documents submitted to the town clerk for recording. Under the terms of the act, this ten dollar increase is due to sunset on July 1, 2011, when the recording fee will revert to its prior level. Some of the funds collected due to this increase will be used to provide financial assistance to state farmers. *Effective, generally, July 1, 2009, with a few provisions effective October 1, 2009.*

Public Act 230, An Act Concerning Smart Growth and the State Plan of Conservation and Development Policies Plan

Sections 1 and 2 of this act establish definitions for "smart growth" and "principles of smart growth," and provide that the Continuing Legislative Committee on State Planning and Development (Conn. Gen. Stat. § 4-60d) shall study the State Plan of Conservation and Development in light of principles of smart growth that may be incorporated into that Plan. The act also postpones deadlines for revisions to the five-year State Plan, and allows more leeway to municipalities in preparing their 10-year plans for conservation and development. *Effective, generally, July 8, 2009.*

Public Act 231, An Act Concerning Regionalism

This act allows the chief elected officials of two or more municipalities that belong to the same federal economic district to enter into mutual agreements to promote regional economic development and share the real and personal property tax revenue from new economic development. The act sets forth the information that shall be contained in any such agreement. The municipalities that are party to a proposed agreement shall send a copy to the Secretary of the Office of Policy and Management, which shall review the document to determine whether it is consistent with the act's requirements. The act also provides that regional councils of elected officials shall identify opportunities and obstacles to interlocal agreements that promote regional cooperation. *Effective October 1, 2009.*

Public Act 235, An Act Concerning Brownfields Development Projects

This act addresses brownfields development, covering matters such as the use of a mill that is located on a brownfield, economic assistance for brownfields remediation, and the establishment of an abandoned brownfield cleanup program. Other sections of the act concern the transfer of an establishment pursuant to Conn. Gen. Stat. § 22a-134, *et seq.*, exemptions from the transfer act requirements, liability for preexisting conditions, municipal access onto properties, and licensed environmental professionals. *Effective at various times, including July 1, 2009, July 9, 2009, and October 1, 2009.*

Public Act 236, An Act Establishing a Land Value Taxation Pilot Program

This act establishes a pilot program whereby one selected municipality shall develop a plan for taxing real property with a higher rate applied to land or land exclusive of buildings, as opposed to buildings. The different mill rates in each class of property shall not be applicable to any property for which a grant is payable under Conn. Gen. Stat. § 12-19a (state-owned property) or § 12-20a (private hospitals and colleges). The act specifies that the selected municipality must meet the criteria set forth: 1) a distressed municipality, under Conn. Gen. Stat. § 32-9p; 2) with a population of not more than 26,000; and 3) with a city manager and city council form of government. A legislative summary prepared by the General Assembly's Office of Legislative Research notes that only one municipality meets these criteria - New London. *Effective July 1, 2009.*

Public Act 239, An Act Concerning Consumer Privacy and Identity Theft

This act makes a number of revisions to the laws governing identity theft and the protection of personal identifying information. The act broadens the existing definition of "identity theft," increases the penalties for identity theft when the victim is age 60 or over, provides that the venue for prosecutions may be where the victim lives rather than where the alleged crime occurred, and requires employers to safeguard and properly dispose of employment applications in order to prevent identity theft. The act provides that all property constituting, or derived from, the proceeds obtained as a result of identity theft shall be subject to forfeiture to the state. The act also establishes the Privacy Protection Guaranty and Enforcement Account, funded by fines imposed on violators and property forfeited under the act's provisions. The Account shall be used to reimburse individuals who have been hurt by violations of the act's provisions and any implementing regulations. *Effective, generally, October 1, 2009, with a few provisions effective July 9, 2009.*

Special Session:

Public Act 3 of the June Special Session, An Act Concerning Expenditures and Revenue for the Biennium Ending June 30, 2011

This act became law on September 8, 2009, in the absence of a signature or veto by Governor Rell. Among the lengthy act's provisions are the following items of interest:

Section 114 removes the real estate conveyance tax exemption for deeds made pursuant to a decision of the superior court under Conn. Gen. Stat. § 49-24 (foreclosure by sale).

Section 140 concerns the fee that may be assessed by a public agency when an individual copies records at the agency by means of a hand-held scanner (Conn. Gen. Stat. § 1-212). The statute is revised to provide that the agency may establish a fee structure not to exceed twenty dollars, rather than ten dollars, for each time the individual copies records at the agency.

Sections 142 through 391 increase state fees imposed on licensees and for services provided by the various state agencies, covering matters such as notaries public, filings with the Secretary of State, and fees assessed by the Banking Department, the Department of Consumer Protection (*e.g.*, real estate agents, brokers and appraisers), the Insurance Department, and the Departments

of Public Health and Public Safety. The fee increases generally follow this formula: fees less than \$150 are doubled; fees of \$150 or more, but less than \$1000, are increased by 25% and rounded up to the next five-dollar increment; and fees of \$1000 or more are increased by \$250.

Sections 392 through 484 increase the fees assessed by the Department of Environmental Protection, using the same formula that is set forth directly above.

Section 396 amends Conn. Gen. Stat. § 22a-27j, which provides that an additional fee of thirty dollars shall be assessed when an application is made for approval under Chapters 124 (zoning), 126 (planning), 440 (wetlands and watercourses), and 444 (coastal management). The amended statute provides that the additional fee shall be sixty dollars, as of October 1, 2009. The statute is further amended to provide that the fee (minus two dollars retained by the municipal agency) shall no longer be used for various environmental programs, but shall instead be deposited into the General Fund.