



House of Representatives

General Assembly

File No. 244

January Session, 2025

House Bill No. 7034

House of Representatives, March 25, 2025

The Committee on Housing reported through REP. FELIPE of the 130th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT PROHIBITING THE REQUIREMENT OF A DONATION OF LAND AS A CONDITION OF SUBDIVISION APPROVAL.

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

1 Section 1. Section 8-25 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2025*):

3 (a) (1) No subdivision of land shall be made until a plan for such
4 subdivision has been approved by the commission. Any person, firm or
5 corporation making any subdivision of land without the approval of the
6 commission shall be fined not more than five hundred dollars for each
7 lot sold or offered for sale or so subdivided. Any plan for subdivision
8 shall, upon approval, or when taken as approved by reason of the failure
9 of the commission to act, be filed or recorded by the applicant in the
10 office of the town clerk not later than ninety days after the expiration of
11 the appeal period under section 8-8, or in the case of an appeal, not later
12 than ninety days after the termination of such appeal by dismissal,
13 withdrawal or judgment in favor of the applicant but, if it is a plan for
14 subdivision wholly or partially within a district, it shall be filed in the

15 offices of both the district clerk and the town clerk, and any plan not so
16 filed or recorded within the prescribed time shall become null and void,
17 except that the commission may extend the time for such filing for two
18 additional periods of ninety days and the plan shall remain valid until
19 the expiration of such extended time.

20 (2) All such plans shall be delivered to the applicant for filing or
21 recording not more than thirty days after the time for taking an appeal
22 from the action of the commission has elapsed or not more than thirty
23 days after the date that plans modified in accordance with the
24 commission's approval and that comply with section 7-31 are delivered
25 to the commission, whichever is later, and in the event of an appeal, not
26 more than thirty days after the termination of such appeal by dismissal,
27 withdrawal or judgment in favor of the applicant or not more than thirty
28 days after the date that plans modified in accordance with the
29 commission's approval and that comply with section 7-31 are delivered
30 to the commission, whichever is later. No such plan shall be recorded or
31 filed by the town clerk or district clerk or other officer authorized to
32 record or file plans until its approval has been endorsed thereon by the
33 chairman or secretary of the commission, and the filing or recording of
34 a subdivision plan without such approval shall be void.

35 (3) Before exercising the powers granted in this section, the
36 commission shall adopt regulations covering the subdivision of land.
37 No such regulations shall become effective until after a public hearing
38 held in accordance with the provisions of section 8-7d. Such regulations
39 shall provide that the land to be subdivided shall be of such character
40 that it can be used for building purposes without danger to health or the
41 public safety, that proper provision shall be made for water, sewerage
42 and drainage, including the upgrading of any downstream ditch,
43 culvert or other drainage structure which, through the introduction of
44 additional drainage due to such subdivision, becomes undersized and
45 creates the potential for flooding on a state highway, and, in areas
46 contiguous to brooks, rivers or other bodies of water subject to flooding,
47 including tidal flooding, that proper provision shall be made for
48 protective flood control measures and that the proposed streets are in

49 harmony with existing or proposed principal thoroughfares shown in
50 the plan of conservation and development as described in section 8-23,
51 especially in regard to safe intersections with such thoroughfares, and
52 so arranged and of such width, as to provide an adequate and
53 convenient system for present and prospective traffic needs. Such
54 regulations shall also provide that the commission may require the
55 provision of open spaces, parks and playgrounds when, and in places,
56 deemed proper by the planning commission, which open spaces, parks
57 and playgrounds shall be shown on the subdivision plan. [Such
58 regulations may, with the approval of the commission, authorize the
59 applicant to pay a fee to the municipality or pay a fee to the municipality
60 and transfer land to the municipality in lieu of any requirement to
61 provide open spaces. Such payment or combination of payment and the
62 fair market value of land transferred shall be equal to not more than ten
63 per cent of the fair market value of the land to be subdivided prior to
64 the approval of the subdivision. The fair market value shall be
65 determined by an appraiser jointly selected by the commission and the
66 applicant. A fraction of such payment the numerator of which is one and
67 the denominator of which is the number of approved parcels in the
68 subdivision shall be made at the time of the sale of each approved parcel
69 of land in the subdivision and placed in a fund in accordance with the
70 provisions of section 8-25b. The open space requirements of this section
71 shall not apply if the transfer of all land in a subdivision of less than five
72 parcels is to a parent, child, brother, sister, grandparent, grandchild,
73 aunt, uncle or first cousin for no consideration, or if the subdivision is
74 to contain affordable housing, as defined in section 8-39a, equal to
75 twenty per cent or more of the total housing to be constructed in such
76 subdivision.] Such regulations, on and after July 1, 1985, shall provide
77 that proper provision be made for soil erosion and sediment control
78 pursuant to section 22a-329. Such regulations shall not impose
79 conditions and requirements on manufactured homes having as their
80 narrowest dimension twenty-two feet or more and built in accordance
81 with federal manufactured home construction and safety standards or
82 on lots containing such manufactured homes which are substantially
83 different from conditions and requirements imposed on single-family

84 dwellings and lots containing single-family dwellings. Such regulations
85 shall not impose conditions and requirements on developments to be
86 occupied by manufactured homes having as their narrowest dimension
87 twenty-two feet or more and built in accordance with federal
88 manufactured home construction and safety standards which are
89 substantially different from conditions and requirements imposed on
90 multifamily dwellings, lots containing multifamily dwellings, cluster
91 developments or planned unit developments.

92 (4) The commission may also prescribe the extent to which and the
93 manner in which streets shall be graded and improved and public
94 utilities and services provided and, in lieu of the completion of such
95 work and installations previous to the final approval of a plan, the
96 commission may accept a financial guarantee of such work and
97 installations in an amount and with surety and conditions satisfactory
98 to it securing to the municipality the actual construction, maintenance
99 and installation of such public improvements and utilities within a
100 period specified in the financial guarantee. Such regulations may
101 provide, in lieu of the completion of the work and installations above
102 referred to, previous to the final approval of a plan, for an assessment
103 or other method whereby the municipality is put in an assured position
104 to do such work and make such installations at the expense of the
105 owners of the property within the subdivision.

106 (5) Such regulations may provide that in lieu of either the completion
107 of the work or the furnishing of a financial guarantee as provided in this
108 section, the commission may authorize the filing of a plan with a
109 conditional approval endorsed thereon. Such approval shall be
110 conditioned on [(1)] (A) the actual construction, maintenance and
111 installation of any improvements or utilities prescribed by the
112 commission, or [(2)] (B) the provision of a financial guarantee as
113 provided in this section. Upon the occurrence of either of such events,
114 the commission shall cause a final approval to be endorsed thereon in
115 the manner provided by this section. Any such conditional approval
116 shall lapse five years from the date it is granted, provided the applicant
117 may apply for and the commission may, in its discretion, grant a

118 renewal of such conditional approval for an additional period of five
119 years at the end of any five-year period, except that the commission
120 may, by regulation, provide for a shorter period of conditional approval
121 or renewal of such approval. Any person who enters into a contract for
122 the purchase of any lot subdivided pursuant to a conditional approval
123 may rescind such contract by delivering a written notice of rescission to
124 the seller not later than three days after receipt of written notice of final
125 approval if such final approval has additional amendments or any
126 conditions that were not included in the conditional approval and are
127 unacceptable to the buyer. Any person, firm or corporation who, prior
128 to such final approval, transfers title to any lot subdivided pursuant to
129 a conditional approval shall be fined not more than one thousand
130 dollars for each lot transferred. Nothing in this subsection shall be
131 construed to authorize the marketing of any lot prior to the granting of
132 conditional approval or renewal of such conditional approval.

133 (b) The regulations adopted under subsection (a) of this section shall
134 also encourage energy-efficient patterns of development and land use,
135 the use of solar and other renewable forms of energy, and energy
136 conservation. The regulations shall require any person submitting a
137 plan for a subdivision to the commission under subsection (a) of this
138 section to demonstrate to the commission that such person has
139 considered, in developing the plan, using passive solar energy
140 techniques which would not significantly increase the cost of the
141 housing to the buyer, after tax credits, subsidies and exemptions. As
142 used in this subsection and section 8-2, "passive solar energy
143 techniques" means site design techniques which maximize solar heat
144 gain, minimize heat loss and provide thermal storage within a building
145 during the heating season and minimize heat gain and provide for
146 natural ventilation during the cooling season. The site design techniques
147 shall include, but not be limited to: (1) House orientation; (2) street and
148 lot layout; (3) vegetation; (4) natural and man-made topographical
149 features; and (5) protection of solar access within the development.

150 (c) The regulations adopted under subsection (a) of this section, may,
151 to the extent consistent with soil types, terrain, infrastructure capacity

152 and the plan of development for the community, provide for cluster
153 development, and may provide for incentives for cluster development
154 such as density bonuses, or may require cluster development.

155 (d) (1) To satisfy any financial guarantee requirement in this section,
156 the commission may accept surety bonds and shall accept cash bonds,
157 passbook or statement savings accounts and other financial guarantees
158 other than surety bonds including, but not limited to, letters of credit,
159 provided such financial guarantee is in a form acceptable to the
160 commission and the financial institution or other entity issuing any
161 letter of credit is acceptable to the commission. Such financial guarantee
162 may, at the discretion of the person posting such financial guarantee, be
163 posted at any time before all approved public improvements and
164 utilities are completed, except that the commission may require a
165 financial guarantee for erosion and sediment controls prior to the
166 commencement of any improvements. No lot shall be transferred to a
167 buyer before any required financial guarantee is posted or before the
168 approved public improvements and utilities are completed to the
169 reasonable satisfaction of the commission or its agent. For any
170 subdivision that is approved for development in phases, the financial
171 guarantee provisions of this section shall apply as if each phase was
172 approved as a separate subdivision. Notwithstanding the provisions of
173 any special act, municipal charter or ordinance, no commission shall (A)
174 require a financial guarantee or payment to finance the maintenance of
175 roads, streets, retention or detention basins or other improvements
176 approved with such subdivision for more than one year after the date
177 on which such improvements have been completed to the reasonable
178 satisfaction of the commission or its agent or accepted by the
179 municipality, [or] (B) require the transfer of land to the municipality as
180 a condition of approval, or (C) require the establishment of a
181 homeowners association or the placement of a deed restriction,
182 easement or similar burden on property for the maintenance of
183 approved public site improvements to be owned, operated or
184 maintained by the municipality, except that the prohibition of this
185 subparagraph shall not apply to the placement of a deed restriction,
186 easement or similar burden necessary to grant a municipality access to

187 such approved site improvements.

188 (2) If the person posting a financial guarantee under this section
189 requests a release of all or a portion of such financial guarantee, the
190 commission or its agent shall, not later than sixty-five days after
191 receiving such request, (A) release or authorize the release of any such
192 financial guarantee or portion thereof, provided the commission or its
193 agent is reasonably satisfied that the improvements for which such
194 financial guarantee or portion thereof was posted have been completed,
195 or (B) provide the person posting such financial guarantee with a
196 written explanation as to the additional improvements that must be
197 completed before such financial guarantee or portion thereof may be
198 released.

199 Sec. 2. Section 8-25b of the general statutes is repealed. (*Effective July*
200 *1, 2025*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2025</i>	8-25
Sec. 2	<i>July 1, 2025</i>	Repealer section

HSG *Joint Favorable*

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:

Municipalities	Effect	FY 26 \$	FY 27 \$
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

The bill eliminates a provision that allows local planning commissions to require developers to pay a fee or transfer certain land to the municipality. This may result in a potential revenue loss to municipalities beginning in FY 26 to the extent they no longer can require this fee. Municipalities that did not previously require this fee will have no impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fees that would have otherwise been collected.

OLR Bill Analysis**HB 7034*****AN ACT PROHIBITING THE REQUIREMENT OF A DONATION OF LAND AS A CONDITION OF SUBDIVISION APPROVAL.*****SUMMARY**

Under state law, local planning commissions may adopt subdivision regulations that generally require developer-applicants to dedicate part of the subdivision to open space, parks, or playgrounds. This bill eliminates provisions that currently allow commissions to adopt regulations authorizing the developer to pay a fee to the municipality, or pay a fee and transfer land, instead of providing the required open space.

It also prohibits commissions from requiring developers to transfer land to the municipality as a condition of subdivision approval, regardless of any conflicting special act or municipal charter or ordinance.

The bill makes conforming changes by, among other things:

1. eliminating provisions on calculating the payment in lieu of open space, and
2. repealing a law that requires municipalities to keep these payments in a fund that is used for open space, recreational, or agricultural purposes.

EFFECTIVE DATE: July 1, 2025

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 18 Nay 0 (03/06/2025)