



Substitute House Bill No. 6963

Public Act No. 25-53

***AN ACT CONCERNING THE ENFORCEMENT OF REQUIREMENTS
IMPOSED BY CERTAIN MUNICIPAL APPROVALS AND THE NEW
HOME CONSTRUCTION GUARANTY FUND.***

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

Section 1. Subsection (m) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(m) (1) Notwithstanding the provisions of this section, any site plan approval made under this section prior to July 1, 2011, that has not expired prior to July 12, 2021, except an approval made under subsection (j) of this section, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan was approved.

(2) Notwithstanding the provisions of this section, any site plan approval made under this section on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, except an approval made under subsection (j) of this section, shall expire not less

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than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such site plan, provided no approval, including all extensions, shall be valid for more than nineteen years from the date the site plan was approved.

(3) For the purposes of this subdivision, "business" means a sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership or other organization or group of persons. A business that fails to complete any improvement required by a site plan approval, or constructs an improvement that does not conform to the specifications required by the site plan approval applicable to such improvement, may be deemed in violation of this subsection if the zoning enforcement officer finds that (A) such approval has not expired, (B) the business has suspended efforts to complete work necessary to meet the requirements of such approval prior to the completion of such work and the zoning enforcement officer determines the business has no intent to resume such work within a reasonable time, and (C) the incomplete or nonconforming work creates a condition constituting a public health or safety hazard. The zoning enforcement officer may initiate an enforcement action pursuant to section 8-12 against a business that violates this subdivision.

Sec. 2. Subsection (a) of section 8-12a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) Any municipality may, by ordinance adopted by its legislative body, establish penalties for violations of zoning regulations adopted under section 8-2 or by special act, or for violations of subdivision (3) of subsection (m) of section 8-3, as amended by this act, subdivision (3) of subsection (e) of section 8-26c, as amended by this act, or subsection (d) of section 22a-44, as amended by this act. The ordinance shall establish the types of violations for which a citation may be issued and the

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amount of any fine to be imposed thereby and shall specify the time period for uncontested payment of fines for any alleged violation under any such regulation. No fine imposed under the authority of this section may exceed one hundred fifty dollars for each day a violation continues. Any fine imposed pursuant to this section shall be payable to the treasurer of the municipality.

Sec. 3. Subsection (e) of section 8-26c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(e) (1) Notwithstanding the provisions of this section, any subdivision approval made under this section prior to July 1, 2011, that has not expired prior to July 12, 2021, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than nineteen years from the date the subdivision was approved.

(2) Notwithstanding the provisions of this section, any subdivision approval made under this section on or after July 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10, 2020, shall expire not less than fourteen years after the date of such approval and the commission may grant one or more extensions of time to complete all or part of the work in connection with such subdivision, provided no subdivision approval, including all extensions, shall be valid for more than nineteen years from the date the subdivision was approved.

(3) For the purposes of this subdivision, "business" means a sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership or other organization or group of persons. A business that fails to complete any improvement required by a subdivision plan approval, or constructs an improvement that does not

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conform to the specifications required by the subdivision plan approval applicable to such improvement, may be deemed in violation of this subsection if the zoning enforcement officer finds that (A) such approval has not expired, (B) the business has suspended efforts to complete work necessary to meet the requirements of such approval prior to the completion of such work and the zoning enforcement officer determines the business has no intent to resume such work within a reasonable time, and (C) the incomplete or nonconforming work creates a condition constituting a public health or safety hazard. The zoning enforcement officer may initiate an enforcement action pursuant to section 8-12 against a business that violates this subdivision.

Sec. 4. Section 22a-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) If the inland wetlands agency or its duly authorized agent finds that any person is conducting or maintaining any activity, facility or condition [which] that is in violation of sections 22a-36 to 22a-45, inclusive, or of the regulations of the inland wetlands agency, the agency or its duly authorized agent may issue a written order, by certified mail, to such person conducting such activity or maintaining such facility or condition to cease immediately such activity or to correct such facility or condition. [Within] Not more than ten days [of] after the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The agency shall consider the facts presented at the hearing and within ten days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar an action pursuant to subsection (b) of this section. The agency

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may file a certificate of such order in the office of the town clerk of the town in which the land is located and the town clerk shall record such certificate on the land records of such town. Such certificate shall be released upon compliance with such order. The commissioner may issue orders pursuant to sections 22a-6 to 22a-7, inclusive, concerning an activity, facility or condition (1) [which] that is in violation of said sections 22a-36 to 22a-45, inclusive, if the municipality in which such activity, facility or condition is located has failed to enforce its inland wetlands regulations, or (2) for which an approval is required under sections 22a-36 to 22a-45, inclusive, and for which such approval has not been obtained.

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-36 to 22a-45, inclusive, including regulations adopted by the commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action. All penalties collected pursuant to this section shall be used solely by the Commissioner of Energy and Environmental Protection (1) to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible, (2) to restore other degraded wetlands or

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watercourses, (3) to inventory or index wetlands and watercourses of the state, or (4) to implement a comprehensive training program for inland wetlands agency members.

(c) Any person who wilfully or knowingly violates any provision of sections 22a-36 to 22a-45, inclusive, shall be fined not more than one thousand dollars for each day during which such violation continues, or be imprisoned not more than six months, or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

(d) For the purposes of this subdivision, "business" means a sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership or other organization or group of persons. A business that fails to complete any improvement required by an inland wetlands approval, or constructs an improvement that does not conform to the specifications required by the inland wetlands approval applicable to such improvement, may be deemed in violation of this subsection if the authorized agent of the inland wetlands agency or, where no such agent has been appointed, the zoning enforcement officer finds that (1) such approval has not expired, (2) the business has suspended efforts to complete work necessary to meet the requirements of such approval prior to the completion of such work and the authorized agent of the inland wetlands agency or, where no such agent has been appointed, the zoning enforcement officer determines the business has no intent to resume such work within a reasonable time, and (3) the incomplete or nonconforming work creates a condition constituting a public health or safety hazard. The authorized agent of the inland wetlands agency or, where no such agent has been appointed, the zoning enforcement officer may initiate an enforcement action pursuant to section 8-12 against a business that violates this subdivision.

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Sec. 5. Section 20-417a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

As used in this section and sections 20-417b to 20-417j, inclusive:

(1) "Certificate" means a certificate of registration issued under section 20-417b;

(2) "Commissioner" means the Commissioner of Consumer Protection or any person designated by the commissioner to administer and enforce this section and sections 20-417b to 20-417j, inclusive;

(3) "Completion" means the stage of construction of a new home in which the new home construction contractor is in receipt of the certificate of occupancy for such new home issued by the municipality in which such new home is constructed;

(4) "Consumer" means the buyer or prospective buyer, or the buyer's or prospective buyer's heirs or designated representatives, of any new home or the owner of property on which a new home is being or will be constructed, regardless of whether such owner obtains a building permit as the owner of the premises affected pursuant to section 29-263;

[(3)] (5) "Contract" means any agreement between a new home construction contractor and a consumer for the construction or sale of a new home or any portion of a new home prior to occupancy;

[(4)] (6) "Engage in the business" means that the person engages in the business for the purpose of compensation or profit;

(7) "New home" means any newly constructed (A) single-family dwelling unit, (B) dwelling consisting of not more than two units, or (C) unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202;

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[(5)] (8) "New home construction contractor" means any person who contracts with a consumer to construct or sell a new home or any portion of a new home prior to occupancy;

[(6)] "New home" means any newly constructed (A) single-family dwelling unit, (B) dwelling consisting of not more than two units, or (C) unit, common element or limited common element in a condominium, as defined in section 47-68a, or in a common interest community, as defined in section 47-202;]

[(7)] (9) "Person" means one or more individuals, partnerships, associations, corporations, limited liability companies, business trusts, legal representatives or any organized group of persons; and

[(8)] "Consumer" means the buyer or prospective buyer, or the buyer's or prospective buyer's heirs or designated representatives, of any new home or the owner of property on which a new home is being or will be constructed regardless of whether such owner obtains a building permit as the owner of the premises affected pursuant to section 29-263; and

(9) "Completion" means the stage of construction of a new home in which the new home construction contractor is in receipt of the certificate of occupancy for such new home issued by the municipality in which such new home is constructed.]

(10) "Proprietor" means an individual who (A) has an ownership interest in a business entity that holds or has held a certificate issued under section 20-417b, and (B) has been found by a court of competent jurisdiction to have violated any provision of this chapter related to the conduct of a business entity holding a certificate or that has held a certificate issued under section 20-417b within two years of the effective date of entering into a contract with a consumer harmed by the actions of such business entity or the owner of such business entity.

Sec. 6. Section 20-417i of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) The commissioner shall establish and maintain the New Home Construction Guaranty Fund.

(b) Each person who receives a certificate pursuant to sections 20-417a to 20-417j, inclusive, as amended by this act, shall pay a fee of two hundred forty dollars annually to the New Home Construction Guaranty Fund. Such fees shall be payable with the fee for an application for a certificate or renewal of a certificate.

(c) (1) For fiscal years commencing on or after July 1, 2003, payments received under subsection (b) of this section shall be credited to the New Home Construction Guaranty Fund until the balance in the fund equals [seven] six hundred fifty thousand dollars. Annually, if the balance in the fund exceeds [seven] six hundred fifty thousand dollars, the first [three] four hundred thousand dollars of the excess shall be deposited in the consumer protection enforcement account established in section 21a-8a. On June 1, 2004, and each June first thereafter, if the balance in the fund exceeds [seven] six hundred fifty thousand dollars, the excess shall be deposited in the General Fund.

(2) Any money in the New Home Construction Guaranty Fund may be invested or reinvested in the same manner as funds of the state employees retirement system and the interest arising from such investments shall be credited to the fund.

(d) Whenever a consumer obtains a binding arbitration decision, a court judgment, order or decree against or regarding any new home construction contractor holding a certificate or who has held a certificate under sections 20-417a to 20-417j, inclusive, as amended by this act, or against a proprietor within two years of the date [of entering] such contractor entered into the contract with the consumer, for loss or damages sustained by reason of any violation of the provisions of

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sections 20-417a to 20-417j, inclusive, as amended by this act, by a person holding a certificate under said sections, such consumer may, upon the final determination of, or expiration of time for taking, an appeal in connection with any such decision, judgment, order or decree, apply to the commissioner for an order directing payment out of the New Home Construction Guaranty Fund of the amount, not exceeding [thirty] fifty thousand dollars, unpaid upon the decision, judgment, order or decree for actual damages and costs taxed by the court against such contractor or proprietor, exclusive of punitive damages. The application shall be made on forms provided by the commissioner and shall be accompanied by a copy of the decision, court judgment, order or decree obtained against the new home construction contractor or proprietor together with a statement signed and sworn to by the consumer, affirming that the consumer has: (1) Complied with all the requirements of this subsection; (2) obtained a decision, judgment, order or decree stating the amount of the decision, judgment, order or decree and the amount owing on the decision, judgment, order or decree at the date of application; and (3) made a good faith effort to satisfy any such decision, judgment, order or decree in accordance with the provisions of chapter 906 which effort may include causing to be issued a writ of execution upon such decision, judgment, order or decree, [but] provided the officer executing the same has made a return showing that no bank accounts or personal property of such contractor liable to be levied upon in satisfaction of the decision, judgment, order or decree could be found, or that the amount realized on the sale of them or of such of them as were found, under the execution, was insufficient to satisfy the actual damage portion of the decision, judgment, order or decree or stating the amount realized and the balance remaining due on the decision, judgment, order or decree after application on the decision, judgment, order or decree of the amount realized, except that the requirements of this subdivision shall not apply to a judgment, order or decree obtained by the consumer in small claims court. A true and attested copy of such executing officer's return, when required, shall be attached to such

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application. Whenever the consumer satisfies the commissioner or the commissioner's designee that it is not practicable to comply with the requirements of subdivision (3) of this subsection and that the consumer has taken all reasonable steps to collect the amount of the decision, judgment, order or decree or the unsatisfied part of the decision, judgment, order or decree and has been unable to collect the same, the commissioner or the commissioner's designee may, in the commissioner's or the commissioner's designee's discretion, dispense with the necessity for complying with such requirement. No application for an order directing payment out of the fund shall be made later than two years from the final determination of, or expiration of time for taking, an appeal of such decision, court judgment, order or decree and no such application shall be for an amount in excess of [thirty] fifty thousand dollars.

(e) Upon receipt of such application together with such copy of the decision, court judgment, order or decree, statement and, except as otherwise provided in subsection (d) of this section, true and attested copy of the executing officer's return, the commissioner or the commissioner's designee shall inspect such documents for their veracity and upon a determination that such documents are complete and authentic and that the consumer has not been paid, the commissioner shall order payment out of the New Home Construction Guaranty Fund of the amount not exceeding [thirty] fifty thousand dollars unpaid upon the decision, judgment, order or decree for actual damages and costs taxed by the court against the contractor or proprietor, exclusive of punitive damages.

(f) [Beginning] (1) Between October 1, 2000, and September 30, 2025, whenever a consumer is awarded an order of restitution against any new home construction contractor for loss or damages sustained as a result of any violation of the provisions of sections 20-417a to 20-417j, inclusive, as amended by this act, by a person holding a certificate or

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who has held a certificate under said sections within two years of the date of entering into the contract with the consumer, in [(1)] (A) a proceeding brought by the commissioner pursuant to subsection [(h)] (i) of this section or subsection (d) of section 42-110d, [(2)] (B) a proceeding brought by the Attorney General pursuant to subsection (a) of section 42-110m or subsection (d) of section 42-110d, or [(3)] (C) a criminal proceeding pursuant to section 20-417e, such consumer may, upon the final determination of, or expiration of time for taking, an appeal in connection with any such order of restitution, apply to the commissioner for an order directing payment out of the New Home Construction Guaranty Fund of the amount not exceeding [thirty] fifty thousand dollars unpaid upon the order of restitution. The commissioner may issue such order upon a determination that the consumer has not been paid.

(2) Beginning on October 1, 2025, whenever a consumer is awarded an order of restitution against any new home construction contractor or proprietor for loss or damages sustained as a result of any violation of the provisions of sections 20-417a to 20-417j, inclusive, as amended by this act, by a person holding a certificate or who has held a certificate under said sections within two years of the date such contractor entered into the contract with the consumer, in (A) a proceeding brought by the commissioner pursuant to subsection (i) of this section or subsection (d) of section 42-110d, (B) a proceeding brought by the Attorney General pursuant to subsection (a) of section 42-110m or subsection (d) of section 42-110d, or (C) a criminal proceeding pursuant to section 20-417e, such consumer may, upon the final determination of, or expiration of time for taking, an appeal in connection with any such order of restitution, apply to the commissioner for an order directing payment out of the New Home Construction Guaranty Fund of the amount not exceeding fifty thousand dollars unpaid upon the order of restitution. The commissioner may issue such order upon a determination that the consumer has not been paid.

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(g) Whenever the commissioner orders payment to a consumer from the New Home Construction Guaranty Fund based upon a decision, judgment, order or decree of restitution, the contractor and proprietor shall be liable for the resulting debt to the New Home Construction Guaranty Fund.

[(g)] (h) Before the commissioner may issue any order directing payment out of the New Home Construction Guaranty Fund to a consumer pursuant to subsection (e) or (f) of this section, the commissioner shall first notify the new home construction contractor of the consumer's application for an order directing payment out of the fund and of the new home construction contractor's right to a hearing to contest the disbursement in the event that such contractor or proprietor has already paid the consumer. Such notice shall be given to the new home construction contractor not later than fifteen days after receipt by the commissioner of the consumer's application for an order directing payment out of the fund. If the new home construction contractor requests a hearing, in writing, by certified mail not later than fifteen days after receiving the notice from the commissioner, the commissioner shall grant such request and shall conduct a hearing in accordance with the provisions of chapter 54. If the commissioner does not receive a written request for a hearing by certified mail from the new home construction contractor on or before the fifteenth day from the contractor's receipt of such notice, the commissioner shall conclude that the consumer has not been paid, and the commissioner shall issue an order directing payment out of the fund for the amount not exceeding [thirty] fifty thousand dollars unpaid upon the judgment, order or decree for actual damages and costs taxed by the court against the new home construction contractor or proprietor, exclusive of punitive damages, or for the amount not exceeding [thirty] fifty thousand dollars unpaid upon the order of restitution.

[(h)] (i) The commissioner or the commissioner's designee may

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proceed against any new home construction contractor holding a certificate or who has held a certificate under sections 20-417a to 20-417j, inclusive, as amended by this act, within two years of the effective date of entering into the contract with the consumer, for an order of restitution arising from loss or damages sustained by any consumer as a result of any violation of the provisions of said sections 20-417a to 20-417j, inclusive, by the contractor or proprietor. Any such proceeding shall be held in accordance with the provisions of chapter 54. In the course of such proceeding, the commissioner or the commissioner's designee shall decide whether to (1) exercise the powers specified in section 20-417c, (2) order restitution arising from loss or damages sustained by any consumer as a result of any violation of the provisions of sections 20-417a to 20-417j, inclusive, as amended by this act, and (3) order payment out of the New Home Construction Guaranty Fund. Notwithstanding the provisions of chapter 54, the decision of the commissioner or the commissioner's designee shall be final with respect to any proceeding to order payment out of the fund and the commissioner and the commissioner's designee shall not be subject to the requirements of chapter 54 as such requirements relate to an appeal from any such decision. The commissioner or the commissioner's designee may hear complaints of all consumers submitting claims against a single new home construction contractor in one proceeding.

~~[(i)]~~ (j) No application for an order directing payment out of the New Home Construction Guaranty Fund shall be made later than two years from the final determination of, or expiration of time for, an appeal in connection with any judgment, order or decree of restitution, and no such application shall be for an amount in excess of ~~[thirty]~~ fifty thousand dollars.

~~[(j)]~~ (k) In order to preserve the integrity of the New Home Construction Guaranty Fund, the commissioner, in the commissioner's sole discretion, may order payment out of the fund of an amount less

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than the actual loss or damages incurred by the consumer or less than the order of restitution awarded by the commissioner or the Superior Court. In no event shall any payment out of the fund be in excess of [thirty] fifty thousand dollars for any single claim by a consumer.

[(k)] (l) If the money deposited in the New Home Construction Guaranty Fund is insufficient to satisfy any duly authorized claim or portion of a claim, the commissioner shall, when sufficient money has been deposited in the fund, satisfy such unpaid claims or portions of claims not exceeding [thirty] fifty thousand dollars, in the order that such claims or portions of claims were originally determined.

[(l)] (m) Whenever the commissioner has caused any sum to be paid from the New Home Construction Guaranty Fund to a consumer, the commissioner shall be subrogated to all of the rights of the consumer up to the amount paid plus reasonable interest, and prior to receipt of any payment from the fund, the consumer shall assign all of the consumer's right, title and interest in the claim up to such amount to the commissioner, and any amount and interest recovered by the commissioner on the claim shall be deposited in the fund.

[(m)] (n) If the commissioner orders the payment of any amount as a result of a guaranty fund claim against a new home construction contractor or proprietor, the commissioner shall determine if such contractor is possessed of assets liable to be sold or applied in satisfaction of the claim on the New Home Construction Guaranty Fund. If the commissioner discovers any such assets, the commissioner may request that the Attorney General take any action necessary for the reimbursement of the fund.

[(n)] (o) If the commissioner orders the payment of an amount as a result of a guaranty fund claim against a new home construction contractor, the commissioner may, after notice and hearing in accordance with the provisions of chapter 54, revoke the certificate of

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such contractor and such contractor shall not be eligible to receive a new or renewed certificate until such contractor has repaid such amount in full, plus interest from the time such payment is made from the New Home Construction Guaranty Fund, at a rate to be in accordance with section 37-3b, except that the commissioner may, in the commissioner's sole discretion, permit a new home construction contractor to receive a new or renewed certificate after such contractor has entered into an agreement with the commissioner whereby such contractor agrees to repay the fund in full in the form of periodic payments over a set period of time. Any such agreement shall include a provision providing for the summary suspension of any and all certificates held by the new home construction contractor if payment is not made in accordance with the terms of the agreement.

Governor's Action:
Approved June 10, 2025