General Assembly **Amendment**

January Session, 2025 LCO No. **7786**

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Offered by:
REP. KAVROS DEGRAW, 17th Dist.

To: Subst. House Bill No. **6957** File No. 354 Cal. No. 236

"AN ACT ALLOWING A TOWN TO DESIGNATE ITSELF A CITY."

Strike everything after the enacting clause and substitute the following in lieu thereof:

"Section 1. Section 7-194 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

Subject to the provisions of section 7-192, **[**all towns, cities or boroughs which have a charter or which adopt or amend**]** a town, city or borough that has a charter or adopts or amends a charter under the provisions of this chapter shall have the following specific powers in addition to all powers granted to towns, cities and boroughs under the Constitution and general statutes: (1) To manage, regulate and control the finances and property, real and personal, of the town, city or borough, **[**and**]** (2) to regulate and provide for the sale, conveyance, transfer and release of town, city or borough property, and (3) to provide for the execution of contracts and **[**evidences**]** evidence of indebtedness issued by the town, city or borough. A town described in this section may designate itself a city through the adoption or

amendment of its charter. Any town that designates itself a city pursuant to this section shall be deemed a consolidated town and city for the purposes of the general statutes.

Sec. 2. Subsection (d) of section 22a-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(d) **[**At least one member of the inland wetlands agency or staff of the agency shall be a person who has completed**]** (1) On and after January 1, 2026, each member of and person employed by a municipality as staff to an inland wetlands agency shall complete the comprehensive training program developed by the commissioner pursuant to section 22a-39. **[**Failure to have a member of the agency or staff with training shall not affect the validity of any action of the agency.**]**

(2) Any such member or staff person serving on or employed by any such agency as of January 1, 2026, shall complete such training program (A) by January 1, 2027, and (B) once every four years thereafter, except that any such member may complete such subsequent training program once every term for which such member is elected or appointed, if such term is longer than four years.

(3) Any such member or staff person not serving on or employed by any such agency as of January 1, 2026, shall complete such training program (A) not later than one year after such member's election or appointment or such staff person's hiring, and (B) once every four years thereafter, except that any such member may complete such subsequent training program once every term for which such member is elected or appointed, if such term is longer than four years.

(4) The commissioner shall **[**annually**]** make such training program available **[**to one person from each town without cost to that person or the town. Each inland wetlands agency shall hold a meeting at least once annually at which information is presented to the members of the agency which summarizes the provisions of the training program**]** on

the Internet web site of the Department of Energy and Environmental Protection to members of and persons employed by municipalities to staff inland wetlands agencies. The commissioner shall develop such **[**information**]** training program in consultation with interested persons affected by the regulation of inland wetlands. **[**and shall provide for distribution of video presentations and related written materials which convey such information to inland wetlands agencies.**]** In addition to **[**such materials**]** developing such training program, the commissioner, in consultation with such interested persons, shall prepare materials **[**which**]** that provide guidance to municipalities in carrying out the provisions of subsection (f) of section 22a-42a.

(5) Not later than March 1, 2027, and annually thereafter, each inland wetlands agency shall submit a statement to the legislative body or board of selectmen of the municipality in which such agency sits, affirming compliance with the training requirement established pursuant to this section by each member and staff person who was required to complete such training in the calendar year ending the preceding December thirty-first.

(6) The failure of any member or staff person to complete such training shall not affect the validity of any action of an inlands wetlands agency.

Sec. 3. Subsection (a) of section 12-57 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(a) When it has been determined by the assessors of a municipality that tangible personal property has been assessed when it should not have been, the assessors shall, not later than **[**three**]** four years following the tax due date relative to the property, issue a certificate of correction removing such tangible personal property from the list of the person who was assessed in error, whether such error resulted from information furnished by such person or otherwise. If such tangible personal property was subject to taxation on the same grand list by such

municipality in the name of some other person and was not so previously assessed in the name of such other person, the assessor shall add such tangible personal property to the list of such other person and, in such event, the tax shall be levied upon, and collected from, such other person. If such tangible personal property should have been subject to taxation for the same taxing period on the grand list of another municipality in this state, the assessors shall promptly notify, in writing, the assessors of the municipality where the tangible personal property should be properly assessed and taxed, and the assessors of such municipality shall assess such tangible personal property and shall thereupon issue a certificate of correction adding such tangible personal property to the list of the person owning such property, and the tax thereon shall be levied and collected by the tax collector. Each such certificate of correction shall be made in duplicate, one copy of which shall be filed with the tax collector of such municipality and the other kept by the assessors in accordance with a records retention schedule issued by the Public Records Administrator.

Sec. 4. Section 12-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

Any clerical omission or mistake in the assessment of taxes may be corrected according to the fact by the assessors or board of assessment appeals, not later than **[**three**]** four years following the tax due date relative to which such omission or mistake occurred, and the tax shall be levied and collected according to such corrected assessment. In the event that the issuance of a certificate of correction results in an increase to the assessment list of any person, written notice of such increase shall be sent to such person's last-known address by the assessor or board of assessment appeals within ten days immediately following the date such correction is made. Such notice shall include, with respect to each assessment list corrected, the assessment prior to and after such increase and the reason for such increase. Any person claiming to be aggrieved by the action of the assessor under this section may appeal the doings of the assessor to the board of assessment appeals as otherwise provided

in this chapter, provided such appeal shall be extended in time to the next succeeding board of assessment appeals if the meetings of such board for the grand list have passed. Any person intending to so appeal to the board of assessment appeals may indicate that taxes paid by him for any additional assessment added in accordance with this section, during the pendency of such appeal, are paid "under protest" and thereupon such person shall not be liable for any interest on the taxes based upon such additional assessment, provided (1) such person shall have paid not less than seventy-five per cent of the amount of such taxes within the time specified, or (2) the board of assessment appeals reduces valuation or removes items of property from the list of such person so that there is no tax liability related to additional assessment.

Sec. 5. Section 12-129 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

Any person, firm or corporation who pays any property tax in excess of the principal of such tax as entered in the rate book of the tax collector and covered by his warrant therein, or in excess of the legal interest, penalty or fees pertaining to such tax, or who pays a tax from which the payor is by statute exempt and entitled to an abatement, or who, by reason of a clerical error on the part of the assessor or board of assessment appeals, pays a tax in excess of that which should have been assessed against his property, or who is entitled to a refund because of the issuance of a certificate of correction, may make application in writing to the collector of taxes for the refund of such amount. Such application shall be delivered or postmarked by the later of (1) **[**three**]** four years from the date such tax was due, (2) such extended deadline as the municipality may, by ordinance, establish, or (3) ninety days after the deletion of any item of tax assessment by a final court order or pursuant to subdivision (3) of subsection (c) of section 12-53, subsection (b) of section 12-57 or section 12-113. Such application shall contain a recital of the facts and shall state the amount of the refund requested. The collector shall, after examination of such application, refer the same, with his recommendations thereon, to the board of selectmen in a town

or to the corresponding authority in any other municipality, and shall certify to the amount of refund, if any, to which the applicant is entitled. The existence of another tax delinquency or other debt owed by the same person, firm or corporation shall be sufficient grounds for denying the application. Upon such denial, any overpayment shall be applied to such delinquency or other debt. Upon receipt of such application and certification, the selectmen or such other authority shall draw an order upon the treasurer in favor of such applicant for the amount of refund so certified. Any action taken by such selectmen or such other authority shall be a matter of record, and the tax collector shall be notified in writing of such action. Upon receipt of notice of such action, the collector shall make in his rate book a notation which will date, describe and identify each such transaction. Each tax collector shall, at the end of each fiscal year, prepare a statement showing the amount of each such refund, to whom made and the reason therefor. Such statement shall be published in the annual report of the municipality or filed in the town clerk's office within sixty days of the end of the fiscal year. Any payment for which no timely application is made or granted under this section shall permanently remain the property of the municipality. Nothing in this section shall be construed to allow a refund based upon an error of judgment by the assessors. Notwithstanding the provisions of this section, the legislative body of a municipality may, by ordinance, authorize the tax collector to retain payments in excess of the amount due provided the amount of the excess payment is less than five dollars.

Sec. 6. (NEW) (*Effective October 1, 2025*) Notwithstanding the provisions of any special act, municipal charter or home rule ordinance, any person who submits an environmental, health, traffic or economic impact study or evaluation in connection with a land use application pending approval by the legislative body, zoning commission, planning commission, planning and zoning commission, inland wetlands agency or zoning board of appeals of a municipality shall include in such submission a statement disclosing (1) the author or authors of such study or evaluation, (2) all costs associated with the completion of such study or evaluation and the name of the person or entity that paid such

costs, and (3) any conflict of interest that may impact the ability of such author or authors to provide unbiased data or conclusions in such study or evaluation. In rendering a decision on any such application, such legislative body, commission, agency or board shall consider whether the (A) information disclosed in any such statement, or (B) failure to include such statement impacts the reliability of such study or evaluation.

Sec. 7. (*Effective from passage*) (a) There is established a task force to study (1) the impact of the acquisition of residential real property by large corporate entities, including, but not limited to, the impact on housing affordability, rental prices and homeownership opportunities in the state, and (2) policies to limit the number of such properties acquired by such entities or otherwise regulate such acquisitions.

(b) The task force shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives;

(2) Two appointed by the president pro tempore of the Senate;

(3) One appointed by the majority leader of the House of Representatives;

(4) One appointed by the majority leader of the Senate;

(5) One appointed by the minority leader of the House of Representatives;

(6) One appointed by the minority leader of the Senate; and

(7) The Commissioner of Housing, or the commissioner's designee.

(c) Any member of the task force appointed under subdivision (1), (2), (3), (4), (5) or (6) of subsection (b) of this section may be a member of the General Assembly.

(d) All initial appointments to the task force shall be made not later

than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force. Such chairpersons shall schedule the first meeting of the task force, which shall be held not later than sixty days after the effective date of this section.

(f) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to housing shall serve as administrative staff of the task force.

(g) Not later than January 1, 2026, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to housing and planning and development, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2026, whichever is later.

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

(a) As used in this section, "inclusionary zoning" means any zoning regulation, requirement or condition of development imposed by ordinance, regulation or pursuant to any special permit, special exception or subdivision plan which promotes the development of housing affordable to persons and families of low and moderate income, including, but not limited to, (1) the setting aside of a reasonable number of housing units for long-term retention as affordable housing through deed restrictions or other means; (2) the use of density bonuses; or (3) in lieu of or in addition to such other requirements or conditions, the making of payments into a housing trust fund to be used for <u>acquiring,</u> constructing, rehabilitating or repairing housing affordable to persons and families of low and moderate income<u>, acquiring real property to be used for such housing or incentivizing deed restrictions that preserve</u>

real property for use as such housing. "Inclusionary zoning" does not include the use of funds from any such housing trust fund to acquire real property by eminent domain regardless of the intended use of such property.

Sec. 9. Section 47-257 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

(a) Until the association makes a common expense assessment, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments shall be made **[**at least**]** not less than annually, based on a budget adopted **[**at least**]** not less than annually by the association.

(b) Except for assessments under subsections (c), (d)**,** **[**and**]** (e) and (h) of this section, or as otherwise provided in this chapter, all common expenses shall be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections (a) and (b) of section 47-226. The association may charge interest on any past due assessment or portion thereof at the rate established by the association, not exceeding eighteen per cent per year.

(c) To the extent required by the declaration: (1) Any common expense associated with the maintenance, repair or replacement of a limited common element shall be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides; (2) any common expense or portion thereof benefiting fewer than all of the units or their owners may be assessed exclusively against the units benefited; and (3) the costs of insurance shall be assessed in proportion to risk and the costs of utilities shall be assessed in proportion to usage.

(d) Assessments to pay a judgment against the association may be made only against the units in the common interest community at the time the judgment was rendered, in proportion to their common expense liabilities.

(e) If any common expense is caused by the wilful misconduct, failure to comply with a written maintenance standard **[**promulgated**]** adopted by the association or gross negligence of any unit owner or tenant or a guest or invitee of a unit owner or tenant, the association may, after notice and hearing, assess the portion of that common expense **[**in excess of**]** exceeding any insurance proceeds received by the association under its insurance policy, whether that portion results from the application of a deductible or otherwise, exclusively against that owner's unit.

(f) If common expense liabilities are reallocated, common expense assessments and any installment thereof not yet due shall be recalculated in accordance with the reallocated common expense liabilities.

(g) No unit owner **[**may exempt himself**]** shall be exempt from liability for payment of the common expenses by waiver of the use or enjoyment of any of the common elements or by abandonment of the unit against which the assessments are made.

(h) If any addition, alteration or improvement made by, or at the direction of, a unit owner results in an increase in common expenses, including, but not limited to, any cost of maintenance, repair or insurance, the amount of such increase shall be assessed solely against the unit owned by the unit owner who caused such addition, alteration or improvement to be made.

Sec. 10. (NEW) (*Effective January 1, 2026*) (a) For purposes of this section, "single-family detached unit" means a building used as a residence in a common interest community, except for a cooperative, as defined in section 47-202 of the general statutes, that does not contain units divided by horizontal or vertical boundaries that are comprised by, or are located in, common walls between units.

(b) On and after January 1, 2026, any provision of a declaration or the bylaws of an association that prohibits or unreasonably restricts the installation or use of a solar power generating system on the roof of a

unit that is a single-family detached unit, or is otherwise in conflict with the provisions of this section, shall be unenforceable. In any common interest community where a unit is a parcel of land, this section shall apply to any single-family detached unit constructed on such unit. This section shall not apply to any unit that has vertical or horizontal boundaries that are comprised by, or are located in, common walls between units.

(c) A unit owner shall obtain approval to install a solar power generating system under this section by submitting an application to the executive board of the association in a form and manner prescribed by such board. The executive board shall (1) acknowledge, in writing to the unit owner, the receipt of any such application not later than thirty days after such receipt, and (2) process such application in the same manner as an application for an addition, alteration or improvement pursuant to the declaration or bylaws of the association. The executive board shall approve or deny such application or request additional information concerning the proposed installation in writing not later than sixty days after the date of receipt of such application. An application shall be deemed approved sixty days after the date of the executive board's receipt of the application if the executive board has not denied such application or requested additional information in writing. If the executive board requests additional information, the application shall be deemed approved thirty days after the board's receipt of such additional information if the executive board has not denied such application in writing. The executive board shall not unreasonably withhold approval of an application submitted in accordance with this section.

(d) If a unit owner's application to install a solar power generating system is approved or deemed approved by the executive board, the unit owner shall enter into a written agreement with the association, which may be recorded on the land records in every town in which the common interest community is located, that requires the unit owner to:

(1) Comply with the provisions of the declaration or bylaws

regarding an addition, alteration or improvement that are applicable to the installation of such solar power generating system;

(2) Engage a registered and insured contractor licensed pursuant to chapter 393 of the general statutes to install the solar power generating system who shall, within fourteen days of the execution of the written agreement, (A) provide a certificate of insurance that demonstrates liability insurance coverage in an amount not less than one million dollars and names the association, the association's manager, if any, and the unit owner as insured parties, (B) provide evidence of workers' compensation insurance as may be required by law, and (C) submit to the association a mechanic's lien waiver in favor of the association for any work performed on behalf of such unit owner concerning the installation of such solar power generating system;

(3) Pay any cost associated with the installation of the solar power generating system, including, but not limited to, increased master policy premiums, attorney's fees incurred by the association, engineering fees, professional fees, permit fees and fees associated with applicable zoning compliance requirements;

(4) Indemnify the association, the unit owners of the association and the association's executive board, officers, directors and manager, as applicable, for (A) any damage or loss caused by the solar power generating system, and (B) any financial obligations concerning the solar power generating system; and

(5) Assume full responsibility for the maintenance, repair and replacement of the roof over the unit owner's unit at the unit owner's sole expense.

(e) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, an association formed on or before January 1, 2026, may, not later than January 1, 2028, by an affirmative vote of not less than seventy-five per cent of the association's board of directors, opt out of the provisions of said subsections regarding the installation of any solar

power generating system. Any association that opts out of the provisions of said subsections shall record on the land records of any municipality in which the real property of such association is located a notice of such affirmative vote opting out of the provisions of said subdivisions not later than thirty days after such vote.

(f) A unit owner that enters into a written agreement pursuant to subsection (d) of this section, or any successive owner of the unit that acquires title to the unit and assumes the duties imposed by such agreement, shall be responsible for:

(1) Any cost to repair damage to the solar power generating system, common elements of the association or any unit in the association resulting from the installation, use, maintenance, repair, removal or replacement of the solar power generating system;

(2) Any cost for the maintenance, repair or replacement of the solar power generating system until such system is removed;

(3) Any cost for the repair or restoration of the roof upon which the solar power generating system was installed after such system is removed;

(4) Any additional common expenses resulting from uninsured losses related to the solar power generating system not covered by any master insurance policy held by the association of unit owners; and

(5) Disclosing to any prospective buyer of the unit (A) the existence of the solar power generating system, (B) the associated responsibilities of the unit owner under this section, (C) the existence of any agreement between the unit owner and the association concerning a solar power generating system, and (D) the requirement that the buyer takes ownership of the solar power generating system, or assumes all of the responsibilities of the unit owner under any lease agreement or other agreement between the unit owner and the owner of the solar power generating system, unless such system is removed prior to the conveyance of the unit.

(g) A solar power generating system installed pursuant to this section shall meet all applicable health and safety standards and requirements under any state or federal law or local ordinance.

(h) An association may:

(1) Install a solar power generating system on any common elements of the association for use by the unit owners and develop appropriate rules for such use;

(2) Require that a unit owner remove any solar power generating system installed by the unit owner prior to the unit owner's sale of the unit unless the buyer of the unit agrees to (A) take ownership of the solar power generating system, or assumes all of the responsibilities of the unit owner under any lease agreement or other agreement between the unit owner and the owner of the solar power generating system, (B) assume responsibility for the maintenance, repair and replacement of the roof over the unit owner's unit at the unit owner's sole expense, and (C) assume and be bound by any agreement between the unit owner and the association that indemnifies the association, the unit owners of the association and the association's executive board, officers, directors and manager, as applicable, for any damage or losses caused by the solar power generating system; and

(3) Assess a unit owner for any uninsured portion of a loss associated with a solar power generating system, whether resulting from a deductible or otherwise, regardless of whether the association submits an insurance claim.

(i) In any action by an association seeking to enforce compliance with this section, the prevailing party shall be awarded reasonable attorney's fees.

Sec. 11. Subsections (g) to (i), inclusive, of section 47-261b of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2025*):

[(g) In the case of a common interest community that is not a condominium or a cooperative, an association may not adopt or enforce any rules that would have the effect of prohibiting any unit owner from installing a solar power generating system on the roof of such owner's unit, provided such roof is not shared with any other unit owner. An association may adopt rules governing (1) the size and manner of affixing, installing or removing a solar power generating system; (2) the unit owner's responsibilities for periodic upkeep and maintenance of such solar power generating system; and (3) a prohibition on any unit owner installing a solar power generating system upon any common elements of the association.**]**

[(h)**]** (g) An association's internal business operating procedures need not be adopted as rules.

[(i)**]** (h) Each rule of the association shall be reasonable.

Sec. 12. Subdivision (8) of section 32-600 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

(8) "Capital region" means the towns contiguous to the city of Hartford, including the town of East Hartford and excluding the towns of Newington and West Hartford.

Sec. 13. (*Effective from passage*) Notwithstanding the provisions of section 7-328 of the general statutes, the Millstone Ridge Tax District located in the town of New Milford may apportion costs related to the maintenance of district improvements and administrative costs associated with the management of the district to the owner or owners of each lot within the district on an equal basis."

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2025*	7-194
Sec. 2	*October 1, 2025*	22a-42(d)

Sec. 3	*July 1, 2025*	12-57(a)
Sec. 4	*July 1, 2025*	12-60
Sec. 5	*July 1, 2025*	12-129
Sec. 6	*October 1, 2025*	New section
Sec. 7	*from passage*	New section
Sec. 8	*October 1, 2025*	8-2i(a)
Sec. 9	*October 1, 2025*	47-257
Sec. 10	*January 1, 2026*	New section
Sec. 11	*October 1, 2025*	47-261b(g) to (i)
Sec. 12	*July 1, 2025*	32-600(8)
Sec. 13	*from passage*	New section