



General Assembly

January Session, 2019

Raised Bill No. 7361

LCO No. 5927



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING MUNICIPALITIES.

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

1 Section 1. Subsections (c) and (d) of section 7-239 of the general
2 statutes are repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2019*):

4 (c) Any municipality, by resolution of its legislative body, may
5 assign, for consideration, any and all liens filed by the superintendent
6 of the waterworks system or tax collector to secure unpaid water
7 charges as provided under the provisions of this chapter. The
8 consideration received by the municipality shall be negotiated between
9 the municipality and the assignee. The assignee or assignees of such
10 liens shall have and possess the same powers and rights at law or in
11 equity as such municipality and municipality's tax collector would
12 have had if the lien had not been assigned with regard to the
13 precedence and priority of such lien, the accrual of interest and the fees
14 and expenses of collection. The assignee shall have the same rights to
15 enforce such liens as any private party holding a lien on real property,
16 including, but not limited to, foreclosure and a suit on the debt. Costs

17 and reasonable [attorneys'] attorney's fees incurred by the assignee as a
18 result of any foreclosure action or other legal proceeding brought
19 pursuant to this section and directly related to the proceeding shall be
20 taxed in any such proceeding against each person having title to any
21 property subject to the proceedings. Such costs and fees may be
22 collected by the assignee at any time after demand for payment has
23 been made by the assignee.

24 (d) The amount of any such rate or charge which remains due and
25 unpaid for thirty days may, with reasonable [attorneys'] attorney's
26 fees, be recovered by the legislative body in a civil action in the name
27 of the municipality against such owners. The municipality shall be
28 subject to the same rates or charges under the same conditions as other
29 users of such waterworks system.

30 Sec. 2. Subsection (c) of section 7-254 of the general statutes is
31 repealed and the following is substituted in lieu thereof (*Effective*
32 *October 1, 2019*):

33 (c) Any municipality, by resolution of its legislative body, may
34 assign, for consideration, any and all liens filed by the tax collector to
35 secure unpaid sewer assessments as provided under the provisions of
36 this chapter. The consideration received by the municipality shall be
37 negotiated between the municipality and the assignee. The assignee or
38 assignees of such liens shall have and possess the same powers and
39 rights at law or in equity as such municipality and municipality's tax
40 collector would have had if the lien had not been assigned with regard
41 to the precedence and priority of such lien, the accrual of interest and
42 the fees and expenses of collection. The assignee shall have the same
43 rights to enforce such liens as any private party holding a lien on real
44 property, including, but not limited to, foreclosure and a suit on the
45 debt. Costs and reasonable [attorneys'] attorney's fees incurred by the
46 assignee as a result of any foreclosure action or other legal proceeding
47 brought pursuant to this section and directly related to the proceeding
48 shall be taxed in any such proceeding against each person having title
49 to any property subject to the proceedings. Such costs and fees may be

50 collected by the assignee at any time after demand for payment has
51 been made by the assignee.

52 Sec. 3. Subsection (b) of section 7-258 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2019*):

55 (b) Any municipality, by resolution of its legislative body, may
56 assign, for consideration, any and all liens filed by the tax collector or
57 collector of sewerage system connection and use charges to secure
58 unpaid sewerage connection and use charges as provided under the
59 provisions of this chapter. The consideration received by the
60 municipality shall be negotiated between the municipality and the
61 assignee. The assignee or assignees of such liens shall have and possess
62 the same powers and rights at law or in equity as such municipality
63 and municipality's tax collector would have had if the lien had not
64 been assigned with regard to the precedence and priority of such lien,
65 the accrual of interest and the fees and expenses of collection. The
66 assignee shall have the same rights to enforce such liens as any private
67 party holding a lien on real property, including, but not limited to,
68 foreclosure and a suit on the debt. Costs and reasonable [attorneys']
69 attorney's fees incurred by the assignee as a result of any foreclosure
70 action or other legal proceeding brought pursuant to this section and
71 directly related to the proceeding shall be taxed in any such
72 proceeding against each person having title to any property subject to
73 the proceedings. Such costs and fees may be collected by the assignee
74 at any time after demand for payment has been made by the assignee.

75 Sec. 4. Subsection (e) of section 7-403a of the general statutes is
76 repealed and the following is substituted in lieu thereof (*Effective*
77 *October 1, 2019*):

78 (e) Upon the recommendation of the chief executive officer and the
79 budget-making authority and approval by the legislative body, (1) any
80 part or the whole of such fund may be used and appropriated to pay
81 only for property or casualty losses and employee retirement benefits,

82 and expenses related thereto, including court costs and [attorneys']
83 attorney's fees, incurred by the municipality, or (2) any part or the
84 whole of such fund may be transferred to a trust established to hold
85 and invest the assets of a pension, retirement or other postemployment
86 health and life benefit system of the municipality. Any unexpended
87 portion of such appropriation remaining after such payment, together
88 with all interest accruing on the balance in the fund, shall revert to and
89 be credited to such reserve fund. For the purposes of this section,
90 "property or casualty losses and employee retirement benefits" shall
91 include, but not be limited to, (A) motor vehicle liability, physical
92 damage and collision, (B) loss or damage to, or legal liability for, real
93 or personal property, (C) legal liability for personal injuries or deaths,
94 including but not limited to, workers' compensation and heart and
95 hypertension, and (D) retiree health and life benefits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	7-239(c) and (d)
Sec. 2	<i>October 1, 2019</i>	7-254(c)
Sec. 3	<i>October 1, 2019</i>	7-258(b)
Sec. 4	<i>October 1, 2019</i>	7-403a(e)

Statement of Purpose:

To make technical corrections.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]