



General Assembly

February Session, 2020

**Raised Bill No. 465**

LCO No. 2911



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2 statutes are repealed and the following is substituted in lieu thereof  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 July 1, 2020*):

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

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

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

29 Sec. 2. Subsection (c) of section 7-254 of the general statutes is  
30 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
31 *2020*):

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

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

51 Sec. 3. Subsection (b) of section 7-258 of the general statutes is  
52 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
53 *2020*):

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

74 Sec. 4. Subsection (e) of section 7-403a of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
76 *2020*):

77 (e) Upon the recommendation of the chief executive officer and the  
78 budget-making authority and approval by the legislative body, (1) any  
79 part or the whole of such fund may be used and appropriated to pay

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2020</i>	7-239(c) and (d)
Sec. 2	<i>July 1, 2020</i>	7-254(c)
Sec. 3	<i>July 1, 2020</i>	7-258(b)
Sec. 4	<i>July 1, 2020</i>	7-403a(e)

**Statement of Purpose:**

To make technical changes to title 7 of the general statutes.

*[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.]*