



General Assembly
January Session, 2023

Raised Bill No. 1092

LCO No. 4792



Referred to Committee on COMMERCE

Introduced by:
(CE)

AN ACT CONCERNING THE ACQUISITION AND CONVEYANCE OF CERTAIN PROPERTIES BY CONNECTICUT BROWNFIELD LAND BANKS.

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

1 Section 1. Section 32-760 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2023*):

3 As used in this chapter:

4 (1) "Bona fide prospective purchaser" means a person who acquires
5 ownership of a property after July 1, 2011, and establishes by a
6 preponderance of the evidence that:

7 (A) All disposal of regulated substances at the property occurred
8 before such person acquired the property;

9 (B) Such person made all appropriate inquiries, as set forth in 40 CFR
10 Part 312, into the previous ownership and uses of the property in
11 accordance with generally accepted good commercial and customary
12 standards and practices, including, but not limited to, the standards and
13 practices set forth in the ASTM Standard Practice for Environmental Site
14 Assessments, Phase I Environmental Site Assessment Process, in effect

15 on the date such person acquired the property. In the case of property
16 in residential or other similar use at the time of purchase by a
17 nongovernmental or noncommercial entity, a property inspection and a
18 title search that reveal no basis for further investigation shall be
19 considered to satisfy the requirements of this subparagraph;

20 (C) Such person provides all legally required notices with respect to
21 the discovery or release of any regulated substances at the property;

22 (D) Such person exercises appropriate care with respect to regulated
23 substances found at the property by taking reasonable steps to (i) stop
24 any continuing release, (ii) prevent any threatened future release, and
25 (iii) prevent or limit human, environmental or natural resource
26 exposure to any previously released regulated substance;

27 (E) Such person provides full cooperation, assistance and access to
28 persons authorized to conduct response actions or natural resource
29 restoration at the property, including, but not limited to, the cooperation
30 and access necessary for the installation, integrity, operation and
31 maintenance of any complete or partial response actions or natural
32 resource restoration at the property;

33 (F) Such person complies with any land use restrictions established
34 or relied on in connection with the response action at the property and
35 does not impede the effectiveness or integrity of any institutional
36 control employed at the property in connection with a response action;
37 and

38 (G) Such person complies with any request for information from the
39 Commissioner of Energy and Environmental Protection;

40 (2) "Brownfield" means any abandoned or underutilized site where
41 redevelopment, reuse or expansion has not occurred due to the presence
42 or potential presence of pollution in the buildings, soil or groundwater
43 that requires investigation or remediation before or in conjunction with
44 the redevelopment, reuse or expansion of the property;

45 (3) "Commissioner" means the Commissioner of Economic and
46 Community Development;

47 (4) "Contiguous property owner" means a person who owns real
48 property contiguous to or otherwise similarly situated with respect to,
49 and that is or may be contaminated by a release or threatened release of
50 a regulated substance from, real property that is not owned by that
51 person, provided:

52 (A) With respect to the property owned by such person, such person
53 takes reasonable steps to (i) stop any continuing release of any regulated
54 substance released on or from the property, (ii) prevent any threatened
55 future release of any regulated substance released on or from the
56 property, and (iii) prevent or limit human, environmental or natural
57 resource exposure to any regulated substance released on or from the
58 property;

59 (B) Such person provides full cooperation, assistance and access to
60 persons authorized to conduct response actions or natural resource
61 restoration at the property from which there has been a release or
62 threatened release, including, but not limited to, the cooperation and
63 access necessary for the installation, integrity, operation and
64 maintenance of any complete or partial response action or natural
65 resource restoration at the property;

66 (C) Such person complies with any land use restrictions established
67 or relied on in connection with the response action at the property and
68 does not impede the effectiveness or integrity of any institutional
69 control employed in connection with a response action;

70 (D) Such person complies with any request for information from the
71 Commissioner of Energy and Environmental Protection; and

72 (E) Such person provides all legally required notices with respect to
73 the discovery or release of any hazardous substances at the property;

74 (5) "Department" means the Department of Economic and

75 Community Development;

76 (6) "Economic development agency" means (A) a municipal economic
77 development agency or entity created or operating under chapter 130 or
78 132; (B) a nonprofit economic development corporation formed to
79 promote the common good, general welfare and economic development
80 of a municipality or a region that is funded, either directly or through
81 in-kind services, in part by one or more municipalities; (C) a nonstock
82 corporation or limited liability company established or controlled by a
83 municipality, municipal economic development agency or an entity
84 created or operating under chapter 130 or 132; or (D) an agency, as
85 defined in section 32-327;

86 (7) "Eligible costs" means the costs associated with the investigation,
87 assessment, remediation and development of a brownfield, including,
88 but not limited to, (A) soil, groundwater and infrastructure
89 investigation, (B) assessment, (C) remediation, (D) abatement, (E)
90 hazardous materials or waste disposal, (F) long-term groundwater or
91 natural attenuation monitoring, (G) (i) environmental land use
92 restrictions, (ii) activity and use limitations, or (iii) other forms of
93 institutional control, (H) attorneys' fees, (I) planning, engineering and
94 environmental consulting, and (J) building and structural issues,
95 including demolition, asbestos abatement, polychlorinated biphenyls
96 removal, contaminated wood or paint removal, and other infrastructure
97 remedial activities;

98 (8) "Financial assistance" means grants, loans or loan guarantees, or
99 any combination thereof;

100 (9) "Innocent landowner" has the same meaning as provided in
101 section 22a-452d;

102 (10) "Interim verification" has the same meaning as provided in
103 section 22a-134;

104 (11) "Manufacturing facility" means a business establishment
105 classified under sector 31, 32 or 33 of the North American Industrial

106 Classification System;

107 (12) "Municipality" means a town, city, consolidated town and city or
108 consolidated town and borough. For purposes of sections 32-771 to 32-
109 775, inclusive, as amended by this act, "municipality" includes a district,
110 as defined in section 7-324, a metropolitan area, as defined in section 7-
111 333, and any political subdivision of the state that has the power to levy
112 taxes and to issue bonds, notes or other obligations;

113 (13) "PCB regulations" means the polychlorinated biphenyls
114 manufacturing, processing, distribution in commerce and use
115 prohibitions found at 40 CFR Part 761;

116 (14) "Person" means any individual, firm, partnership, association,
117 syndicate, company, trust, corporation, nonstock corporation, limited
118 liability company, municipality, economic development agency, agency
119 or political or administrative subdivision of the state or any other legal
120 entity;

121 (15) "Planning region" has the same meaning as provided in section
122 4-124i;

123 [(15)] (16) "Real property" means land, buildings and other structures
124 and improvements thereto, subterranean or subsurface rights, any and
125 all easements, air rights and franchises of any kind or nature;

126 (17) "Regional council of governments" has the same meaning as
127 provided in section 4-124s;

128 [(16)] (18) "Regulated substance" has the same meaning as provided
129 in section 22a-134g;

130 [(17)] (19) "Release" means any discharge, spillage, uncontrolled loss,
131 seepage, filtration, leakage, injection, escape, dumping, pumping,
132 pouring, emitting, emptying or disposal of a substance;

133 [(18)] (20) "Remediation standards" has the same meaning as
134 provided in section 22a-134;

135 [(19)] (21) "State" means the state of Connecticut;

136 [(20)] (22) "UST regulations" means the regulations adopted pursuant
137 to subsection (d) of section 22a-449;

138 [(21)] (23) "Verification" has the same meaning as provided in section
139 22a-134; and

140 [(22)] (24) "Connecticut brownfield land bank" means a Connecticut
141 nonstock corporation, certified by the Commissioner of Economic and
142 Community Development pursuant to section 32-771, established for
143 the purposes of (A) acquiring, retaining, remediating and selling
144 brownfields in the state for the benefit of municipalities, (B) educating
145 government officials, community leaders, economic development
146 agencies and nonprofit organizations on best practices for redeveloping
147 brownfields, and (C) engaging in all other activities in accordance with
148 sections 32-771 to 32-775, inclusive, as amended by this act.

149 Sec. 2. Section 32-773 of the general statutes is repealed and the
150 following is substituted in lieu thereof (*Effective July 1, 2023*):

151 (a) The purposes of a Connecticut brownfield land bank shall be to
152 (1) acquire, retain, remediate and sell brownfields in the state on behalf
153 of municipalities pursuant to land banking agreements with such
154 municipalities, (2) acquire, retain, remediate and sell brownfields in the
155 state for the purpose of enhancing the aquatic life and environmental
156 quality of one or more rivers of the state, pursuant to land banking
157 agreements with regional councils of governments that represent the
158 municipalities in which such brownfields are located, (3) educate
159 government officials, community leaders, economic development
160 agencies and nonprofit organizations on best practices for redeveloping
161 brownfields, and [(3)] (4) engage in all other activities in accordance
162 with sections 32-771 to 32-775, inclusive, as amended by this act. In
163 addition to those powers, rights, privileges and immunities granted
164 under chapter 602, a Connecticut brownfield land bank is authorized
165 and empowered to do the following in furtherance of its purposes:

166 (A) Enter into land banking agreements with (i) municipalities for the
167 acquisition, retention, remediation and sale of real property within such
168 municipalities on behalf of such municipalities, or (ii) regional councils
169 of governments for the acquisition, retention, remediation and sale of
170 real property located within the planning regions of such regional
171 councils of governments.

172 (B) Enter into contracts and agreements with municipalities or
173 regional councils of governments for staffing services to be provided to
174 the Connecticut brownfield land bank by such municipalities, regional
175 councils of governments or agencies or departments thereof, or for a
176 Connecticut brownfield land bank to provide such staffing services to
177 such municipalities, regional councils of governments or agencies or
178 departments thereof in relation to the duties of such land bank.

179 (C) Obtain grant funds or borrow from private lenders,
180 municipalities, regional councils of governments, the state or the federal
181 government, as may be necessary, for the operation of such Connecticut
182 brownfield land bank.

183 (D) Procure insurance or guarantees from the state or federal
184 government of the payments of any debts, or parts thereof, incurred by
185 such Connecticut brownfield land bank, and to pay premiums in
186 connection therewith.

187 (E) Do all other things necessary or convenient to achieve the
188 purposes of such Connecticut brownfield land bank and comply with
189 any law relating to the purposes and responsibilities of such land bank.

190 (F) Acquire real property, as described in subsection (b) of section 32-
191 775, as amended by this act, by purchase contracts, lease purchase
192 agreements, installment sales contracts, land contracts and foreclosure
193 of municipal tax liens. A Connecticut brownfield land bank may accept
194 transfers of real property from municipalities upon such terms and
195 conditions as agreed to by the brownfield land bank and the
196 municipality. Notwithstanding any provision of the general statutes or
197 of any special act, municipal charter or home rule ordinance, any

198 municipality may transfer and convey to a Connecticut brownfield land
199 bank real property and interests in real property located in the
200 municipality on such terms and conditions and according to such
201 procedures as determined by the municipality.

202 (b) A Connecticut brownfield land bank shall neither possess nor
203 exercise the power of eminent domain.

204 Sec. 3. Section 32-775 of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective July 1, 2023*):

206 (a) A Connecticut brownfield land bank shall hold in its own name
207 all real property acquired by such land bank irrespective of the identity
208 of the transferor of such property.

209 (b) A Connecticut brownfield land bank shall acquire only
210 brownfield sites and other real property, located adjacent or in close
211 proximity to brownfield sites to be acquired, that are (1) identified in a
212 land banking agreement between such Connecticut brownfield land
213 bank and the municipality in which such properties are located, or (2)
214 identified in a land banking agreement between such Connecticut
215 brownfield land bank and the regional council of governments that
216 represents the municipality in which such properties are located and
217 that are determined to enhance the aquatic life and environmental
218 quality of one or more rivers in the state by such regional council of
219 governments.

220 (c) A Connecticut brownfield land bank shall maintain and make
221 available for public review and inspection an inventory of all real
222 property held by such land bank.

223 (d) A Connecticut brownfield land bank shall determine and set forth
224 in policies and procedures the general terms and conditions for
225 consideration to be received by such land bank for the transfer to such
226 land bank of real property and interests in real property, which
227 consideration may take the form of monetary payments and secured
228 financial obligations, covenants and conditions related to the present

229 and future use of such real property, contractual commitments of the
230 transferee, and such other forms of consideration as determined by the
231 board of directors to be in the best interest of such land bank.

232 (e) A Connecticut brownfield land bank may convey, exchange, sell,
233 transfer, lease as lessee, grant, release and demise, pledge and
234 hypothecate any and all interests in, upon or to real property of the
235 brownfield land bank, provided such land bank may only convey,
236 exchange, transfer or sell real property with the approval of (1) the
237 municipality in which such real property is located pursuant to the
238 terms of a land banking agreement entered into with such municipality,
239 or (2) the regional council of governments that represents the
240 municipality in which such real property is located, pursuant to the
241 terms of a land banking agreement entered into with such regional
242 council of governments.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2023	32-760
Sec. 2	July 1, 2023	32-773
Sec. 3	July 1, 2023	32-775

Statement of Purpose:

To: (1) Authorize Connecticut brownfield land banks to acquire and convey certain properties to enhance the aquatic life and environmental quality of rivers; and (2) authorize Connecticut brownfield land banks to enter into land banking agreements with regional councils of governments.

[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.]