



General Assembly

January Session, 2025

Raised Bill No. 6963

LCO No. 4649



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

***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:

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2 repealed and the following is substituted in lieu thereof (*Effective October*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

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

13 (2) Notwithstanding the provisions of this section, any site plan
14 approval made under this section on or after July 1, 2011, but prior to

15 June 10, 2021, that did not expire prior to March 10, 2020, except an
16 approval made under subsection (j) of this section, shall expire not less
17 than fourteen years after the date of such approval and the commission
18 may grant one or more extensions of time to complete all or part of the
19 work in connection with such site plan, provided no approval, including
20 all extensions, shall be valid for more than nineteen years from the date
21 the site plan was approved.

22 (3) For the purposes of this subdivision, "incomplete work" means
23 any physical improvement required by the site plan approval that is
24 incomplete due to a suspension in construction, and "business" means a
25 sole proprietorship, trust, corporation, limited liability company, union,
26 association, firm, partnership or other organization or group of persons.
27 The zoning enforcement officer may initiate an enforcement action
28 pursuant to section 8-12, as amended by this act, against a business
29 required to complete work in connection with a site plan approval if (A)
30 such approval has not expired, (B) work required pursuant to such
31 approval has been suspended before completion and the zoning
32 enforcement officer determines the business has no intent to resume
33 such work within a reasonable time period, and (C) the zoning
34 enforcement officer (i) determines that the incomplete work creates a
35 condition constituting a public health or safety hazard, or (ii) has
36 received and verified a complaint from one or more property owners
37 alleging damage to persons or property resulting from the public health
38 or safety hazard caused by such incomplete work.

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

41 (a) If (1) any building or structure has been erected, constructed,
42 altered, converted or maintained, or any building, structure or land has
43 been used, in violation of any provision of this chapter or of any bylaw,
44 ordinance, rule or regulation made under authority conferred [hereby]
45 by this chapter, or (2) the suspension of work required in connection
46 with an approval granted by the municipality creates a condition

47 constituting a public health or safety hazard, or causes damage to
48 persons or property, as set forth in subdivision (3) of subsection (m) of
49 section 8-3, as amended by this act, subdivision (3) of subsection (e) of
50 section 8-26c, as amended by this act, or subsection (d) of section 22a-44,
51 as amended by this act, any official having jurisdiction, in addition to
52 other remedies, may institute an action or proceeding to prevent such
53 unlawful erection, construction, alteration, conversion, maintenance or
54 use or to restrain, correct or abate such violation or public health or
55 safety hazard or to prevent the occupancy of such building, structure or
56 land or to prevent any illegal act, conduct, business or use in or about
57 such premises. [Such regulations]

58 (b) Any bylaw, ordinance, rule or regulation made under authority
59 conferred by this chapter shall be enforced by the officer or official board
60 or authority designated therein, who shall be authorized to cause any
61 building, structure, place or premises to be inspected and examined and
62 to order in writing the remedying of any condition found to exist therein
63 or thereon in violation of any provision of the regulations made under
64 the authority of the provisions of this chapter or, when the violation
65 involves grading of land, the removal of earth or soil erosion and
66 sediment control, to issue, in writing, a cease and desist order to be
67 effective immediately.

68 (c) The owner or agent of any building or premises where a violation
69 of any provision of such [regulations] bylaw, ordinance, rule or
70 regulation has been committed or exists, or the lessee or tenant of an
71 entire building or entire premises where such violation has been
72 committed or exists, or the owner, agent, lessee or tenant of any part of
73 the building or premises in which such violation has been committed or
74 exists, or the agent, architect, builder, contractor or any other person
75 who commits, takes part or assists in any such violation or who
76 maintains any building or premises in which any such violation exists,
77 shall be fined not less than ten dollars or more than one hundred dollars
78 for each day that such violation continues; but, if the offense is wilful,
79 the person convicted thereof shall be fined not less than one hundred

80 dollars or more than two hundred fifty dollars for each day that such
81 violation continues, or imprisoned not more than ten days for each day
82 such violation continues not to exceed a maximum of thirty days for
83 such violation, or both; and the Superior Court shall have jurisdiction of
84 all such offenses, subject to appeal as in other cases.

85 (d) Any person who, having been served with an order to discontinue
86 any such violation, fails to comply with such order within ten days after
87 such service, or having been served with a cease and desist order with
88 respect to a violation involving grading of land, removal of earth or soil
89 erosion and sediment control, fails to comply with such order
90 immediately, or continues to violate any provision of [the regulations]
91 any bylaw, ordinance, rule or regulation made under authority of the
92 provisions of this chapter specified in such order shall be subject to a
93 civil penalty not to exceed two thousand five hundred dollars, payable
94 to the treasurer of the municipality.

95 (e) In any criminal prosecution under this section, the defendant may
96 plead in abatement that such criminal prosecution is based on a zoning
97 ordinance or regulation which is the subject of a civil action wherein one
98 of the issues is the interpretation of such ordinance or regulations, and
99 that the issues in the civil action are such that the prosecution would fail
100 if the civil action results in an interpretation different from that claimed
101 by the state in the criminal prosecution. If the court renders judgment
102 for such municipality and finds that the violation was wilful, the court
103 shall allow such municipality its costs, together with reasonable
104 attorney's fees to be taxed by the court. The court before which such
105 prosecution is pending may order such prosecution abated if it finds
106 that the allegations of the plea are true.

107 Sec. 3. Subsection (a) of section 8-12a of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective October*
109 *1, 2025*):

110 (a) Any municipality may, by ordinance adopted by its legislative

111 body, establish penalties for violations of zoning regulations adopted
112 under section 8-2 or by special act, or for violations of subdivision (3) of
113 subsection (m) of section 8-3, as amended by this act, subdivision (3) of
114 subsection (e) of section 8-26c, as amended by this act, or subsection (d)
115 of section 22a-44, as amended by this act. The ordinance shall establish
116 the types of violations for which a citation may be issued and the
117 amount of any fine to be imposed thereby and shall specify the time
118 period for uncontested payment of fines for any alleged violation under
119 any such regulation. No fine imposed under the authority of this section
120 may exceed one hundred fifty dollars for each day a violation continues.
121 Any fine imposed pursuant to this section shall be payable to the
122 treasurer of the municipality.

123 Sec. 4. Subsection (e) of section 8-26c of the general statutes is
124 repealed and the following is substituted in lieu thereof (*Effective October*
125 *1, 2025*):

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

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

142 (3) For the purposes of this subdivision, "incomplete work" means
143 any physical improvement required by the subdivision plan approval
144 that is incomplete due to a suspension in construction, and "business"
145 means a sole proprietorship, trust, corporation, limited liability
146 company, union, association, firm, partnership or other organization or
147 group of persons. The zoning enforcement officer may initiate an
148 enforcement action pursuant to section 8-12, as amended by this act,
149 against a business required to complete work in connection with a
150 subdivision plan approval if (A) such approval has not expired, (B)
151 work required pursuant to such approval has been suspended before
152 completion and the zoning enforcement officer determines the business
153 has no intent to resume such work within a reasonable time period, and
154 (C) the zoning enforcement officer (i) determines that incomplete work
155 creates a condition constituting a public health or safety hazard, or (ii)
156 has received and verified a complaint from one or more property
157 owners alleging damage to persons or property resulting from the
158 public health or safety hazard caused by such incomplete work.

159 Sec. 5. Section 22a-44 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective October 1, 2025*):

161 (a) If the inland wetlands agency or its duly authorized agent finds
162 that any person is conducting or maintaining any activity, facility or
163 condition [which] that is in violation of sections 22a-36 to 22a-45,
164 inclusive, or of the regulations of the inland wetlands agency, the
165 agency or its duly authorized agent may issue a written order, by
166 certified mail, to such person conducting such activity or maintaining
167 such facility or condition to cease immediately such activity or to correct
168 such facility or condition. [Within] Not more than ten days [of] after the
169 issuance of such order the agency shall hold a hearing to provide the
170 person an opportunity to be heard and show cause why the order
171 should not remain in effect. The agency shall consider the facts
172 presented at the hearing and within ten days of the completion of the
173 hearing notify the person by certified mail that the original order
174 remains in effect, that a revised order is in effect, or that the order has

175 been withdrawn. The original order shall be effective upon issuance and
176 shall remain in effect until the agency affirms, revises or withdraws the
177 order. The issuance of an order pursuant to this section shall not delay
178 or bar an action pursuant to subsection (b) of this section. The agency
179 may file a certificate of such order in the office of the town clerk of the
180 town in which the land is located and the town clerk shall record such
181 certificate on the land records of such town. Such certificate shall be
182 released upon compliance with such order. The commissioner may
183 issue orders pursuant to sections 22a-6 to 22a-7, inclusive, concerning
184 an activity, facility or condition (1) [which] that is in violation of said
185 sections 22a-36 to 22a-45, inclusive, if the municipality in which such
186 activity, facility or condition is located has failed to enforce its inland
187 wetlands regulations, or (2) for which an approval is required under
188 sections 22a-36 to 22a-45, inclusive, and for which such approval has not
189 been obtained.

190 (b) Any person who commits, takes part in, or assists in any violation
191 of any provision of sections 22a-36 to 22a-45, inclusive, including
192 regulations adopted by the commissioner and ordinances and
193 regulations promulgated by municipalities or districts pursuant to the
194 grant of authority herein contained, shall be assessed a civil penalty of
195 not more than one thousand dollars for each offense. Each violation of
196 said sections shall be a separate and distinct offense, and, in the case of
197 a continuing violation, each day's continuance thereof shall be deemed
198 to be a separate and distinct offense. The Superior Court, in an action
199 brought by the commissioner, municipality, district or any person, shall
200 have jurisdiction to restrain a continuing violation of said sections, to
201 issue orders directing that the violation be corrected or removed and to
202 assess civil penalties pursuant to this section. All costs, fees and
203 expenses in connection with such action shall be assessed as damages
204 against the violator together with reasonable attorney's fees which may
205 be allowed, all of which shall be awarded to the commissioner,
206 municipality, district or person which brought such action. All penalties
207 collected pursuant to this section shall be used solely by the

208 Commissioner of Energy and Environmental Protection (1) to restore
209 the affected wetlands or watercourses to their condition prior to the
210 violation, wherever possible, (2) to restore other degraded wetlands or
211 watercourses, (3) to inventory or index wetlands and watercourses of
212 the state, or (4) to implement a comprehensive training program for
213 inland wetlands agency members.

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

222 (d) For the purposes of this subdivision, "incomplete work" means
223 any physical improvement required by the inland wetlands approval
224 that is incomplete due to a suspension in construction, and "business"
225 means a sole proprietorship, trust, corporation, limited liability
226 company, union, association, firm, partnership or other organization or
227 group of persons. The authorized agent of the inland wetlands agency,
228 or where no such agent has been appointed, the zoning enforcement
229 officer, may initiate an enforcement action pursuant to section 8-12, as
230 amended by this act, against a business required to complete work in
231 connection with an inland wetland approval if (1) such approval has not
232 expired, (2) work required pursuant to such approval has been
233 suspended before completion and the agent, or the zoning enforcement
234 officer if no such agent has been appointed, determines the business has
235 no intent to resume such work within a reasonable time period, and (3)
236 the agent, or the zoning enforcement officer if no such agent has been
237 appointed, (A) determines that the incomplete work creates a condition
238 constituting a public health or safety hazard, or (B) has received and
239 verified a complaint from one or more property owners alleging
240 damage to persons or property resulting from the public health or safety

241 hazard caused by such incomplete work.

242 Sec. 6. Section 20-417a of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective October 1, 2025*):

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

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

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

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

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

259 [(3)] (5) "Contract" means any agreement between a new home
260 construction contractor and a consumer for the construction or sale of a
261 new home or any portion of a new home prior to occupancy;

262 [(4)] (6) "Engage in the business" means that the person engages in
263 the business for the purpose of compensation or profit;

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

269 [(5)] (8) "New home construction contractor" means any person who
270 contracts with a consumer to construct or sell a new home or any portion
271 of a new home prior to occupancy;

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

277 [(7)] (9) "Person" means one or more individuals, partnerships,
278 associations, corporations, limited liability companies, business trusts,
279 legal representatives or any organized group of persons; and

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

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

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

297 Sec. 7. Section 20-417i of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2025*):

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

301 (b) Each person who receives a certificate pursuant to sections 20-
302 417a to 20-417j, inclusive, as amended by this act, shall pay a fee of two
303 hundred forty dollars annually to the New Home Construction
304 Guaranty Fund. Such fees shall be payable with the fee for an
305 application for a certificate or renewal of a certificate.

306 (c) (1) For fiscal years commencing on or after July 1, 2003, payments
307 received under subsection (b) of this section shall be credited to the New
308 Home Construction Guaranty Fund until the balance in the fund equals
309 [seven] six hundred fifty thousand dollars. Annually, if the balance in
310 the fund exceeds [seven] six hundred fifty thousand dollars, the first
311 [three] four hundred thousand dollars of the excess shall be deposited
312 in the consumer protection enforcement account established in section
313 21a-8a. On June 1, 2004, and each June first thereafter, if the balance in
314 the fund exceeds [seven] six hundred fifty thousand dollars, the excess
315 shall be deposited in the General Fund.

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

320 (d) Whenever a consumer obtains a binding arbitration decision, a
321 court judgment, order or decree against or regarding any new home
322 construction contractor holding a certificate or who has held a certificate
323 under sections 20-417a to 20-417j, inclusive, as amended by this act, or
324 against a proprietor within two years of the date [of entering] such
325 contractor entered into the contract with the consumer, for loss or
326 damages sustained by reason of any violation of the provisions of
327 sections 20-417a to 20-417j, inclusive, as amended by this act, by a person
328 holding a certificate under said sections, such consumer may, upon the
329 final determination of, or expiration of time for taking, an appeal in

330 connection with any such decision, judgment, order or decree, apply to
331 the commissioner for an order directing payment out of the New Home
332 Construction Guaranty Fund of the amount, not exceeding [thirty] fifty
333 thousand dollars, unpaid upon the decision, judgment, order or decree
334 for actual damages and costs taxed by the court against such contractor
335 or proprietor, exclusive of punitive damages. The application shall be
336 made on forms provided by the commissioner and shall be
337 accompanied by a copy of the decision, court judgment, order or decree
338 obtained against the new home construction contractor or proprietor
339 together with a statement signed and sworn to by the consumer,
340 affirming that the consumer has: (1) Complied with all the requirements
341 of this subsection; (2) obtained a decision, judgment, order or decree
342 stating the amount of the decision, judgment, order or decree and the
343 amount owing on the decision, judgment, order or decree at the date of
344 application; and (3) made a good faith effort to satisfy any such decision,
345 judgment, order or decree in accordance with the provisions of chapter
346 906 which effort may include causing to be issued a writ of execution
347 upon such decision, judgment, order or decree, [but] provided the
348 officer executing the same has made a return showing that no bank
349 accounts or personal property of such contractor liable to be levied upon
350 in satisfaction of the decision, judgment, order or decree could be found,
351 or that the amount realized on the sale of them or of such of them as
352 were found, under the execution, was insufficient to satisfy the actual
353 damage portion of the decision, judgment, order or decree or stating the
354 amount realized and the balance remaining due on the decision,
355 judgment, order or decree after application on the decision, judgment,
356 order or decree of the amount realized, except that the requirements of
357 this subdivision shall not apply to a judgment, order or decree obtained
358 by the consumer in small claims court. A true and attested copy of such
359 executing officer's return, when required, shall be attached to such
360 application. Whenever the consumer satisfies the commissioner or the
361 commissioner's designee that it is not practicable to comply with the
362 requirements of subdivision (3) of this subsection and that the consumer
363 has taken all reasonable steps to collect the amount of the decision,

364 judgment, order or decree or the unsatisfied part of the decision,
365 judgment, order or decree and has been unable to collect the same, the
366 commissioner or the commissioner's designee may, in the
367 commissioner's or the commissioner's designee's discretion, dispense
368 with the necessity for complying with such requirement. No application
369 for an order directing payment out of the fund shall be made later than
370 two years from the final determination of, or expiration of time for
371 taking, an appeal of such decision, court judgment, order or decree and
372 no such application shall be for an amount in excess of [thirty] fifty
373 thousand dollars.

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

386 (f) [Beginning] (1) Between October 1, 2000, and September 30, 2025,
387 whenever a consumer is awarded an order of restitution against any
388 new home construction contractor for loss or damages sustained as a
389 result of any violation of the provisions of sections 20-417a to 20-417j,
390 inclusive, as amended by this act, by a person holding a certificate or
391 who has held a certificate under said sections within two years of the
392 date of entering into the contract with the consumer, in [(1)] (A) a
393 proceeding brought by the commissioner pursuant to subsection (h) of
394 this section or subsection (d) of section 42-110d, [(2)] (B) a proceeding
395 brought by the Attorney General pursuant to subsection (a) of section
396 42-110m or subsection (d) of section 42-110d, or [(3)] (C) a criminal

397 proceeding pursuant to section 20-417e, such consumer may, upon the
398 final determination of, or expiration of time for taking, an appeal in
399 connection with any such order of restitution, apply to the
400 commissioner for an order directing payment out of the New Home
401 Construction Guaranty Fund of the amount not exceeding [thirty] fifty
402 thousand dollars unpaid upon the order of restitution. The
403 commissioner may issue such order upon a determination that the
404 consumer has not been paid.

405 (2) Beginning on October 1, 2025, whenever a consumer is awarded
406 an order of restitution against any new home construction contractor or
407 proprietor for loss or damages sustained as a result of any violation of
408 the provisions of sections 20-417a to 20-417j, inclusive, as amended by
409 this act, by a person holding a certificate or who has held a certificate
410 under said sections within two years of the date such contractor entered
411 into the contract with the consumer, in (A) a proceeding brought by the
412 commissioner pursuant to subsection (i) of this section or subsection (d)
413 of section 42-110d, (B) a proceeding brought by the Attorney General
414 pursuant to subsection (a) of section 42-110m or subsection (d) of section
415 42-110d, or (C) a criminal proceeding pursuant to section 20-417e, such
416 consumer may, upon the final determination of, or expiration of time for
417 taking, an appeal in connection with any such order of restitution, apply
418 to the commissioner for an order directing payment out of the New
419 Home Construction Guaranty Fund of the amount not exceeding fifty
420 thousand dollars unpaid upon the order of restitution. The
421 commissioner may issue such order upon a determination that the
422 consumer has not been paid.

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

428 [(g)] (h) Before the commissioner may issue any order directing

429 payment out of the New Home Construction Guaranty Fund to a
430 consumer pursuant to subsection (e) or (f) of this section, the
431 commissioner shall first notify the new home construction contractor of
432 the consumer's application for an order directing payment out of the
433 fund and of the new home construction contractor's right to a hearing
434 to contest the disbursement in the event that such contractor or
435 proprietor has already paid the consumer. Such notice shall be given to
436 the new home construction contractor not later than fifteen days after
437 receipt by the commissioner of the consumer's application for an order
438 directing payment out of the fund. If the new home construction
439 contractor requests a hearing, in writing, by certified mail not later than
440 fifteen days after receiving the notice from the commissioner, the
441 commissioner shall grant such request and shall conduct a hearing in
442 accordance with the provisions of chapter 54. If the commissioner does
443 not receive a written request for a hearing by certified mail from the new
444 home construction contractor on or before the fifteenth day from the
445 contractor's receipt of such notice, the commissioner shall conclude that
446 the consumer has not been paid, and the commissioner shall issue an
447 order directing payment out of the fund for the amount not exceeding
448 [thirty] fifty thousand dollars unpaid upon the judgment, order or
449 decree for actual damages and costs taxed by the court against the new
450 home construction contractor or proprietor, exclusive of punitive
451 damages, or for the amount not exceeding [thirty] fifty thousand dollars
452 unpaid upon the order of restitution.

453 [(h)] (i) The commissioner or the commissioner's designee may
454 proceed against any new home construction contractor holding a
455 certificate or who has held a certificate under sections 20-417a to 20-417j,
456 inclusive, as amended by this act, within two years of the effective date
457 of entering into the contract with the consumer, for an order of
458 restitution arising from loss or damages sustained by any consumer as
459 a result of any violation of the provisions of said sections 20-417a to 20-
460 417j, inclusive, by the contractor or proprietor. Any such proceeding
461 shall be held in accordance with the provisions of chapter 54. In the

462 course of such proceeding, the commissioner or the commissioner's
463 designee shall decide whether to (1) exercise the powers specified in
464 section 20-417c, (2) order restitution arising from loss or damages
465 sustained by any consumer as a result of any violation of the provisions
466 of sections 20-417a to 20-417j, inclusive, as amended by this act, and (3)
467 order payment out of the New Home Construction Guaranty Fund.
468 Notwithstanding the provisions of chapter 54, the decision of the
469 commissioner or the commissioner's designee shall be final with respect
470 to any proceeding to order payment out of the fund and the
471 commissioner and the commissioner's designee shall not be subject to
472 the requirements of chapter 54 as such requirements relate to an appeal
473 from any such decision. The commissioner or the commissioner's
474 designee may hear complaints of all consumers submitting claims
475 against a single new home construction contractor in one proceeding.

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

482 ~~[(j)]~~ [(k)] In order to preserve the integrity of the New Home
483 Construction Guaranty Fund, the commissioner, in the commissioner's
484 sole discretion, may order payment out of the fund of an amount less
485 than the actual loss or damages incurred by the consumer or less than
486 the order of restitution awarded by the commissioner or the Superior
487 Court. In no event shall any payment out of the fund be in excess of
488 ~~[thirty]~~ fifty thousand dollars for any single claim by a consumer.

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

494 such claims or portions of claims were originally determined.

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

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

511 [(n)] (o) If the commissioner orders the payment of an amount as a
512 result of a guaranty fund claim against a new home construction
513 contractor, the commissioner may, after notice and hearing in
514 accordance with the provisions of chapter 54, revoke the certificate of
515 such contractor and such contractor shall not be eligible to receive a new
516 or renewed certificate until such contractor has repaid such amount in
517 full, plus interest from the time such payment is made from the New
518 Home Construction Guaranty Fund, at a rate to be in accordance with
519 section 37-3b, except that the commissioner may, in the commissioner's
520 sole discretion, permit a new home construction contractor to receive a
521 new or renewed certificate after such contractor has entered into an
522 agreement with the commissioner whereby such contractor agrees to
523 repay the fund in full in the form of periodic payments over a set period
524 of time. Any such agreement shall include a provision providing for the
525 summary suspension of any and all certificates held by the new home

526 construction contractor if payment is not made in accordance with the
527 terms of the agreement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2025</i>	8-3(m)
Sec. 2	<i>October 1, 2025</i>	8-12
Sec. 3	<i>October 1, 2025</i>	8-12a(a)
Sec. 4	<i>October 1, 2025</i>	8-26c(e)
Sec. 5	<i>October 1, 2025</i>	22a-44
Sec. 6	<i>October 1, 2025</i>	20-417a
Sec. 7	<i>October 1, 2025</i>	20-417i

Statement of Purpose:

To (1) modify the dates upon which the approval of certain land use applications will expire, (2) increase the maximum payments from the New Home Construction Guaranty Fund from thirty thousand dollars to fifty thousand dollars, (3) allow the Commissioner of Consumer Protection to seek restitution from individual owners of new home construction contractors against whom judgments have been issued, and (4) appropriate funds for the administration of the fund.

[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.]