



House of Representatives

General Assembly

File No. 67

January Session, 2021

Substitute House Bill No. 6102

House of Representatives, March 17, 2021

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY, C. of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A SPECIAL TAXING DISTRICT WITHIN THE CITY OF WEST HAVEN.

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

- 1 Section 1. (*Effective from passage*) (a) For the purposes of this section:
- 2 (1) "District" means that certain real property, situated in the City of
3 West Haven, County of New Haven and the State of Connecticut, the
4 West Haven Special Improvement District, a body politic and corporate,
5 consisting of the area bounded and described as follows: Beginning at a
6 point located on the southerly side of Elm Street and at the northeasterly
7 corner of lands now or formerly of SZS Enterprises, LLC, said point
8 being the northwesterly corner of the parcel described in this section;
9 thence running N64°23'05"E a distance of 752.16 feet along the southerly
10 street line of Elm Street to the mean high water line of New Haven
11 Harbor; thence running in a southerly direction a distance of 1,951.3 feet
12 along the mean high water line of New Haven Harbor to the
13 northeasterly corner of lands now or formerly of Bayview
14 Condominiums; thence running S66°27'52"W a distance of 263.4 feet

15 along the northerly line of lands now or formerly of Bayview
16 Condominiums to the easterly street line of Bayview Place; thence
17 running S66°27'52"W a distance of 50 feet crossing Bayview Place to the
18 westerly street line of Bayview Place; thence running S23°32'08"E a
19 distance of 104.6 feet along the westerly street line of Bayview Place to
20 lands now or formerly of Christopher W. and Bonnie A. Jones; thence
21 running S67°06'19"W a distance of 143 feet along the northerly line of
22 lands now or formerly of Christopher W. and Bonnie A. Jones to a point;
23 thence running S23°32'08"E a distance of 5.32 feet to lands now or
24 formerly of Brittany M. Shaw; thence running S66°05'44"W a distance of
25 144.19 feet to the easterly street line of First Avenue; thence running
26 N24°14'02"W a distance of 280.93 feet along the easterly street line of
27 First Avenue to a point; thence running N34°18'02"W a distance of
28 1,293.57 feet along the easterly street line of First Avenue to the
29 southerly line of lands now or formerly of SZS Enterprises, LLC; thence
30 running N36°06'22"W a distance of 100 feet along lands now or formerly
31 of SZS Enterprises, LLC, to the point and place of the beginning. The
32 parcel described in this section contains 1,142,714 square feet or 26.233
33 acres of land. The project boundaries shall also include any off-site
34 locations mandated by any permitting agency for improvements
35 associated with the project's traffic management requirements.

36 (2) "Voter" means (A) any person who is an elector of the district, (B)
37 any citizen of the United States of the age of eighteen years or more who,
38 jointly or severally, is liable to the district for taxes assessed against such
39 citizen on an assessment of not less than one thousand dollars on the
40 last-completed grand list of such district, as the case may be, or who
41 would be so liable if not entitled to an exemption under subdivision (17),
42 (19), (22), (23) or (26) of section 12-81 of the general statutes, or (C) any
43 holder of record of an interest in real property within the district.

44 (3) "Holder of record of an interest in real property" means an owner
45 of a fee simple interest in such property.

46 (b) (1) Upon the petition of fifteen or more persons eligible to vote in
47 the city of West Haven, specifying the district for any or all of the

48 purposes set forth in this section, the mayor of such city shall call a
49 meeting of the voters to act upon such petition, which meeting shall be
50 held at such place within such city and such hour as the mayor
51 designates, not later than thirty days after such petition has been
52 received by the mayor. Such meeting shall be called by publication of a
53 written notice of the same, signed by the mayor, at least fourteen days
54 before the time fixed for such meeting in two successive issues of a
55 newspaper published or circulated in such city. Not later than twenty-
56 four hours before such meeting, (A) two hundred or more voters or ten
57 per cent of the total number of voters of such proposed district,
58 whichever is less, may petition the mayor, in writing, for a referendum
59 of the voters of such proposed district, or (B) the mayor in his or her
60 discretion may order a referendum of the voters of such proposed
61 district, on the sole question of whether the proposed district should be
62 established. Any such referendum shall be held not less than seven or
63 more than fourteen days after the receipt of such petition or the date of
64 such order, on a day to be set by the mayor for a vote by paper ballots
65 or by a "yes" or "no" vote on the voting machines, during the hours
66 between twelve o'clock noon and eight o'clock p.m.; except that such
67 city may, by vote of its city council, provide for an earlier hour for
68 opening the polls but not earlier than six o'clock a.m., notwithstanding
69 the provisions of any special act. If voters representing at least two-
70 thirds of the assessments of holders of record within the proposed
71 district cast votes in such referendum in favor of establishing the
72 proposed district, the mayor shall reconvene such meeting not later than
73 seven days after the day on which the referendum is held. Upon
74 approval of the petition for the proposed district by voters representing
75 at least two-thirds of the assessments of holders of record within the
76 proposed district present at such meeting, or if a referendum is held,
77 upon the reconvening of such meeting after the referendum, the voters
78 may name the district and, upon the vote of voters representing a
79 majority of assessments of holders of record within the proposed
80 district, choose necessary officers therefor to hold office until the first
81 annual meeting thereof; and the district shall, upon the filing of the first
82 report filed in the manner provided in subsection (c) of section 7-325 of

83 the general statutes, thereupon be a body corporate and politic and have
84 the powers provided in sections 7-324 to 7-329, inclusive, of the general
85 statutes, not inconsistent with the general statutes or this section, in
86 relation to the objects for which it was established, that are necessary for
87 the accomplishment of such objects, including the power to lay and
88 collect taxes. The clerk of such district shall cause its name and a
89 description of its territorial limits and of any additions that may be made
90 thereto to be recorded in, and a caveat be placed upon, the land records
91 of the city of West Haven.

92 (2) At the meeting called for the purpose of establishing the district
93 as provided in subdivision (1) of this subsection, the voters may
94 establish the district for any or all of the following purposes: To
95 extinguish fires, to light streets, to plant and care for shade and
96 ornamental trees, to plan, lay out, acquire, construct, maintain and
97 finance roads, sidewalks, crosswalks, drains, sewer infrastructure,
98 parking facilities, open space, bulkhead repairs, environmental
99 remediation and other public and private infrastructure improvements,
100 including related site preparation and demolition costs, to acquire,
101 construct, maintain and regulate the use of recreational facilities, parks,
102 playgrounds and public artwork, to plan, lay out, acquire, construct,
103 reconstruct, repair, maintain, supervise and manage a flood or erosion
104 control system, to plan, lay out, acquire, construct, maintain, operate,
105 finance and regulate the use of a community water system, all as
106 referred to in this section as the "improvements". The district may
107 acquire, operate, maintain, repair and replace the improvements and
108 may contract with a town, city, borough or other district for carrying out
109 any of the purposes or the purchase or sale of any of the improvements
110 for which such district was established. Any transfer to the district of
111 real property and the improvements related to such real property shall
112 be deemed development for municipal purposes and shall be expressly
113 excluded from the purposes for which a subdivision, as defined in
114 section 8-18 of the general statutes, may be made.

115 (3) At the meeting called for the purpose of establishing the district
116 as provided in subdivision (1) of this subsection, the voters shall fix the

117 date of the annual meeting of the voters for the election of district
118 officers and the transaction of such other business as may properly come
119 before such annual meeting. At such organizational meeting of the
120 district, the voters shall elect five directors and four officers as follows:
121 A president, a vice-president, a clerk and a treasurer; provided, upon its
122 organization and at all times thereafter, one director may be appointed
123 by the mayor of the city of West Haven. The directors not appointed by
124 the mayor shall be elected to serve for terms of one, two, three and four
125 years, respectively, and thereafter at the annual meeting such directors,
126 as each term ends, shall be elected to serve for a term of four years. Not
127 less than three members of the board of directors shall be residents of
128 the state of Connecticut. Subject to the provisions of subdivision (4) of
129 this subsection, not fewer than fifteen voters of the district shall
130 constitute a quorum for the transaction of business at such
131 organizational meeting of the district; and if fifteen voters are not
132 present at such meeting, the mayor may adjourn such meeting from
133 time to time, until at least fifteen voters are present. Special meetings of
134 the district may be called on the application of ten per cent of the total
135 number of voters of such district or twenty of the voters of such district,
136 whichever is less, or by the president or any three directors upon giving
137 notice as provided in this section. Any special meeting called on the
138 application of the voters shall be held not later than twenty-one days
139 after receiving such application. Notice of the holding of the annual
140 meeting and all special meetings shall be given by publication of a notice
141 of such meetings in a newspaper having a general circulation in such
142 district at least ten days before the day of such meetings, signed by the
143 president or any three directors, which notice shall designate the time
144 and place of such meetings and the business to be transacted at such
145 meetings. Two hundred or more persons or ten per cent of the total
146 number of voters of such district, whichever is less, may petition the
147 clerk of such district, in writing, at least twenty-four hours prior to any
148 such meeting, requesting that any item or items on the call of such
149 meeting be submitted to the voters not less than seven or more than
150 fourteen days thereafter, on a day to be set by the district meeting or, if
151 the district meeting does not set a date, by the board of directors, or a

152 vote by paper ballots or by a "yes" or "no" vote on the voting machines,
153 during the hours between twelve o'clock noon and eight o'clock p.m.,
154 except that any district may, by vote of its board of directors, provide
155 for an earlier hour for opening the polls but not earlier than six o'clock
156 a.m. The paper ballots or voting machine ballot labels, as the case may
157 be, shall be provided by the clerk. When such a petition has been filed
158 with the clerk, the president, after completion of other business and after
159 reasonable discussion, shall adjourn such meeting and order such vote
160 on such item or items in accordance with the petition; and any item so
161 voted may be rescinded in the same manner. The clerk shall phrase such
162 item or items in a form suitable for printing on such paper ballots or
163 ballot labels. Subject to the provisions of subdivision (4) of this
164 subsection, not fewer than fifteen voters of the district shall constitute a
165 quorum for the transaction of business at any meeting of the district;
166 and if fifteen voters are not present at such meeting, the president of the
167 district or, in such president's absence, the vice-president, may adjourn
168 such meeting from time to time, until at least fifteen voters are present;
169 and all meetings of the district where a quorum is present may be
170 adjourned from time to time by a vote of a majority of the voters voting
171 on the question. At any annual or special meeting, the voters may, by a
172 majority vote of those present, discontinue any purposes for which the
173 district is established or undertake any additional purpose or purposes
174 enumerated in subdivision (2) of this subsection.

175 (4) (A) A quorum for the transaction of business at the meeting called
176 for the purpose of establishing the district, as provided in subdivision
177 (1) of this subsection, shall be either fifteen voters of such district or a
178 majority of the holders of record of interests in real property within such
179 district, as long as the assessments of such holders of record constitute
180 more than one-half of the total of assessments for all interests in real
181 property within such district. If fifteen voters or a majority of the holders
182 of record of interests in real property within such district are not present
183 at such meeting or the assessments of such holders of record constitute
184 less than one-half of the total of assessments for all interests in real
185 property within such district, the mayor may adjourn such meeting,
186 from time to time, until at least fifteen voters or a majority of the holders

187 of record of interests in real property within such district are present
188 and the assessments of such holders of record constitute more than one-
189 half of the total of assessments for all interests in real property within
190 such district.

191 (B) For the transaction of business at any meeting of the district other
192 than a meeting described in subparagraph (A) of this subdivision, a
193 quorum shall be either fifteen voters of the district or a majority of the
194 holders of record of interests in real property within such district, as
195 long as the assessments for such holders of record constitute more than
196 one-half of the total of assessments for all interests in real property
197 within such district. At any meeting of the district other than a meeting
198 described in subparagraph (A) of this subdivision, each holder of record
199 of an interest in real property shall be entitled to cast one vote for each
200 interest in real property that it owns within the district, except as
201 provided in subparagraph (B) of subdivision (1) of subsection (d) of this
202 section. All actions, resolutions and proceedings at such meeting at
203 which a quorum is present shall require a majority vote, each, of (i) the
204 voters of the district present and voting, and (ii) the holders of record of
205 interests in real property within the district representing at least one-
206 half of the assessments of all holders of record of interests in real
207 property within the district, present and voting; provided, the
208 provisions of this sentence may be amended at an annual or special
209 meeting of the district at which a quorum is present only upon a
210 majority vote, each, of (I) all of the voters of the district, and (II) all of
211 the holders of record of interests in real property within the district
212 representing at least two-thirds of the assessments of all holders of
213 record of interests in real property within the district. For the purpose
214 of determining a holder of record of an interest in real property within
215 the district as used in this subdivision, such term shall mean an owner
216 of a fee simple interest in such real property. If fifteen voters or a
217 majority of the holders of record of interests in real property within such
218 district are not present at such meeting or the assessments of such
219 holders of record constitute less than one-half of the total assessments
220 for all interests in real property within such district, the president of the
221 district, or in such president's absence, the vice-president, may adjourn

222 such meeting, from time to time, until at least fifteen voters or a majority
223 of the holders of record of interests in real property within such district
224 are present and the assessments of such holders of record constitute
225 more than one-half of the total of assessments for all interests in real
226 property within such district.

227 (5) In any case in which an action for a vote by the voters of the district
228 is to be initiated by the petition of such voters, in addition to such other
229 requirements as the general statutes or any special act may impose, such
230 petition shall be on a form prescribed or approved by the clerk of such
231 district, and each page of such petition shall contain a statement, signed
232 under penalty of false statement, by the person who circulated such
233 page, setting forth such circulator's name and address, and stating that
234 each person whose name appears on such page signed such page in
235 person in the presence of such circulator, that the circulator either knows
236 each such signer or that the signer satisfactorily identified himself to the
237 circulator and that all the signatures on such page were obtained not
238 earlier than six months prior to the filing of such petition. Any page of
239 a petition that does not contain such a statement by the circulator shall
240 be invalid. Any circulator who makes a false statement in the statement
241 required to be contained on each page of such petition shall be subject
242 to the penalty provided for false statement. No petition shall be valid
243 for any action for a vote by the voters at any regular or special district
244 meeting unless such petition was circulated by a voter eligible to vote in
245 such district.

246 (c) Whenever the officers of such district vote to terminate its
247 corporate existence and whenever a petition signed by ten per cent of
248 the total voters of such district or twenty of the voters of such district,
249 whichever is less, applying for a special meeting to vote on the
250 termination of the district is received by the clerk, the clerk shall call a
251 special meeting of the voters of such district, the notice of which shall
252 be signed by the officers thereof, by advertising such notice in the same
253 manner as provided in section 7-325 of the general statutes. Not later
254 than twenty-four hours before any such meeting, two hundred or more
255 voters or ten per cent of the total number of voters, whichever is less,

256 may petition the clerk of the district, in writing, that a referendum on
257 the question of whether the district should be terminated be held in the
258 manner provided in section 7-327 of the general statutes. If, at such
259 meeting, a two-thirds majority of the voters present vote to terminate
260 the corporate existence of the district, or, if a referendum is held, two-
261 thirds of the voters casting votes in such referendum vote to terminate
262 the corporate existence of the district, the officers shall proceed to
263 terminate the affairs of such district. The district shall pay all
264 outstanding indebtedness and turn over the balance of the assets of such
265 district to the city in which the district is located, if the legislative body
266 of the city authorizes such action. No district shall be terminated under
267 this section until all of its outstanding indebtedness is paid unless the
268 legislative body of the city in which the district is located agrees in
269 writing to assume such indebtedness. On completion of the duties of the
270 officers of such district, the clerk shall cause a certificate of the vote of
271 such meeting to be recorded in the land records of the city in which the
272 district is located and the clerk shall notify the Secretary of the Office of
273 Policy and Management.

274 (d) (1) (A) Except as provided in subparagraph (B) of this subdivision,
275 for the purposes of voting at meetings held by such district, any tenant
276 in common of any interest in real property shall have a vote equal to the
277 fraction of such tenant in common's ownership of such interest. Any
278 joint tenant of any interest in real property shall vote as if each such
279 tenant owned an equal fractional share of such real property. A
280 corporation shall have its vote cast by the chief executive officer of such
281 corporation, or such officer's designee. Any entity that is not a
282 corporation shall have its vote cast by a person authorized by such entity
283 to cast its vote.

284 (B) The district shall not have a vote for any interest in real property
285 within the district owned by such district.

286 (2) No holder of record of an interest in real property within the
287 district shall be precluded from participating in any district meeting or
288 referendum because of the form of entity that holds such interest,

289 whether such holder of record is (A) a corporation, partnership,
290 unincorporated association, trustee, fiduciary, guardian, conservator or
291 other form of entity, or any combination thereof, or (B) an individual
292 who holds interests jointly or in common with another individual or
293 individuals, or with any one or more of the entities listed in
294 subparagraph (A) of this subdivision.

295 (e) Notwithstanding any provision of the general statutes, including
296 sections 7-324 to 7-329, inclusive, of the general statutes, the district shall
297 have the power to assess, levy and collect benefit assessments upon the
298 land and buildings in the district that, in the judgment of such district,
299 are benefited by the improvements.

300 (f) (1) Notwithstanding any provision of the general statutes,
301 including sections 7-324 to 7-329, inclusive, of the general statutes, the
302 district shall have the power to fix, revise, charge, collect, abate and
303 forgive reasonable taxes, fees, rents and benefit assessments, and other
304 charges for the cost of the improvements, financing costs, operating
305 expenses and other services and commodities furnished or supplied to
306 the real property in the district in accordance with the applicable
307 provisions of the general statutes that apply to districts established
308 under section 7-325 of the general statutes, and this section and in the
309 manner prescribed by the district. Notwithstanding any provision of the
310 general statutes, the district may pay the entire cost of any
311 improvements, including the costs of financing such improvements,
312 capitalized interest and the funding of any reserve funds necessary to
313 secure such financing or the debt service of bonds or notes issued to
314 finance such costs, from taxes, fees, rents, benefit assessments or other
315 revenues and may assess, levy and collect said taxes, fees, rents or
316 benefit assessments concurrently with the issuance of bonds, notes or
317 other obligations to finance such improvements based on the estimated
318 cost of the improvements prior to the acquisition or construction of the
319 improvements or upon the completion or acquisition of the
320 improvements.

321 (2) Notwithstanding any provision of the general statutes, whenever

322 the district constructs, improves, extends, equips, rehabilitates, repairs,
323 acquires or provides a grant for any improvements or finances the cost
324 of such improvements, such proportion of the cost or estimated cost of
325 the improvements and financing thereof as determined by the district,
326 may be assessed by the district, referred to in this section as "benefit
327 assessments", in the manner prescribed by such district, upon the
328 property benefited by such improvements and the balance of such costs
329 shall be paid from the general funds of the district. The district may
330 provide for the payment of such benefit assessments in annual
331 installments, not exceeding twenty, and may forgive such benefit
332 assessments in any single year without causing the remainder of
333 installments of benefit assessments to be forgiven. Benefit assessments
334 to buildings or structures constructed or expanded after the initial
335 benefit assessment may be assessed as if the new or expanded buildings
336 or structures had existed at the time of the original benefit assessment.
337 For the purposes of this section, the provision of open space, whether
338 within the district or in the city of West Haven, shall be deemed a benefit
339 to all the property in the district.

340 (3) In order to provide for the collection and enforcement of its taxes,
341 fees, rents, benefit assessments and other charges, the district is hereby
342 granted all the powers and privileges with respect thereto as districts
343 organized pursuant to section 7-325 of the general statutes, and as held
344 by the city of West Haven or as otherwise provided in this section. Such
345 taxes, fees, rents or benefit assessments, if not paid when due, shall
346 constitute a lien upon the premises served and a charge against the
347 owners thereof, which lien and charge shall bear interest at the same
348 rate as delinquent property taxes. Each such lien may be continued,
349 recorded and released in the manner provided for property tax liens and
350 shall take precedence over all other liens or encumbrances, except that
351 any such lien of the district shall be subordinate to any lien for taxes,
352 blight, sewer user fees or any other amounts due and owing to the city
353 of West Haven or any political subdivision of said city as a collector of
354 such taxes, user fees or amounts. Each such lien may be continued,
355 recorded and released in the manner provided for property tax liens.

356 (4) The budget, taxes, fees, rents, benefit assessments and any other
357 charges of the district of general application shall be adopted and
358 revised by the board at least annually no more than thirty days before
359 the beginning of the fiscal year in accordance with the procedures to be
360 established by the board at a meeting called by the board, assuring that
361 interested persons are afforded notice and an opportunity to be heard.
362 The board shall hold at least two public hearings on its schedule of fees,
363 rates, rents, benefit assessments and other charges or any revision
364 thereof before adoption, notice of which shall be delivered to the mayor
365 and city council of the city of West Haven and be published in at least
366 two newspapers of general circulation in the city of West Haven at least
367 ten days in advance of the hearing. Not later than the date of the
368 publication, the board shall make available to the public and deliver to
369 the mayor and the city council of the city of West Haven the proposed
370 schedule of fees, rates, rents, benefit assessments and other charges. The
371 procedures regarding public hearing and appeal provided by section 7-
372 250 of the general statutes shall apply for all benefit assessments made
373 by the district except that the board shall be substituted for the water
374 pollution control authority. If the benefit assessments are assessed and
375 levied prior to the acquisition or construction of the improvements, the
376 amount of the benefit assessments shall be adjusted to reflect the actual
377 cost of the improvements, including all financing costs, once the
378 improvements have been completed, provided the actual cost is greater
379 than or less than the estimated costs. If the benefit assessments are
380 assessed and levied after the acquisition or construction of the
381 improvements, the amount of the benefit assessments shall reflect the
382 actual cost of the improvements, including all financing costs, and such
383 costs may be included in the bonds or budget of the district, as
384 determined by the board. Benefit assessments shall be due and payable
385 at such times as are fixed by the board, provided the district shall give
386 notice of such due date not less than thirty days prior to such due date
387 by publication in a newspaper of general circulation in the city of West
388 Haven and by mailing such notice to the owners of the property
389 assessed at their last-known address.

390 (g) (1) Notwithstanding any provision of the general statutes,

391 including sections 7-324 to 7-329, inclusive, of the general statutes,
392 whenever the district has authorized the acquisition or construction of
393 the improvements or has made an appropriation therefor, the district
394 may authorize the issuance of up to forty million dollars of bonds, notes
395 or other obligations to finance the cost of the improvements, the creation
396 and maintenance of reserves required to sell the bonds, notes or
397 obligations and the cost of issuance of the bonds, notes or obligations,
398 except that, until such time the district enters into an interlocal
399 agreement with the city of West Haven to share said city's revenue from
400 incremental increase in real property taxes on property within the
401 district, in accordance with the procedures provided by section 7-339c
402 of the general statutes, including at least one public hearing on the
403 proposed agreement and ratification by the city council of said city, no
404 bonds secured by a pledge of revenues derived from the interlocal
405 agreement shall be issued. The bonds, notes or other obligations may be
406 secured as to both principal or interest by (A) the full faith and credit of
407 the district, (B) fees, revenues or benefit assessments, or (C) a
408 combination of subparagraphs (A) and (B) of this subdivision. Such
409 bonds, notes or obligations shall be authorized by resolution of the
410 board. The district is authorized to secure such bonds by the full faith
411 and credit of the district or by a pledge of or lien on all or part of its
412 revenues, fees or benefit assessments. The bonds of each issue shall be
413 dated, shall bear interest at the rates and shall mature at the time or
414 times not exceeding twenty years from their date or dates, as
415 determined by the board, and may be redeemable before maturity, at
416 the option of the board, at the price or prices and under the terms and
417 conditions fixed by the board before the issuance of the bonds. The
418 board shall determine the form of the bonds, and the manner of
419 execution of the bonds, and shall fix the denomination of the bonds and
420 the place or places of payment of principal and interest, which may be
421 at any bank or trust company within the state of Connecticut and other
422 locations as designated by the board. In case any officer whose signature
423 or a facsimile of whose signature shall appear on any bonds or coupons
424 shall cease to be an officer before the delivery of the bonds, the signature
425 or facsimile shall nevertheless be valid and sufficient for all purposes

426 the same as if the officer had remained in office until the delivery.

427 (2) While any bonds or notes issued by the district remain
428 outstanding, the powers, duties or existence of the district shall not be
429 diminished or impaired in any way that will affect adversely the
430 interests and rights of the holders of the bonds or notes. Bonds or notes
431 issued under this section, unless otherwise authorized by law, shall not
432 be considered to constitute a debt of the state of Connecticut or the city
433 of West Haven, or a pledge of the full faith and credit of the state of
434 Connecticut or the city of West Haven, but the bonds or notes shall be
435 payable solely by the district or as special obligations payable from
436 particular district revenues. Any bonds or notes issued by the district
437 shall contain on their face a statement to the effect that neither the state
438 of Connecticut nor the city of West Haven shall be obliged to pay the
439 principal of or the interest thereon, and that neither the full faith and
440 credit or taxing power of the state of Connecticut or the city of West
441 Haven is pledged to the payment of the bonds or notes. All bonds or
442 notes issued under this section shall have and are hereby declared to
443 have all the qualities and incidents of negotiable instruments, as
444 provided in title 42a of the general statutes.

445 (h) (1) The board may authorize that the bonds be secured by a trust
446 agreement by and between the district and a corporate trustee, which
447 may be any trust company or bank having the powers of a trust
448 company within the state of Connecticut. The trust agreement may
449 pledge or assign the revenues. Either the resolution providing for the
450 issuance of bonds or the trust agreement may contain covenants or
451 provisions for protecting and enforcing the rights and remedies of the
452 bondholders as may be necessary, reasonable or appropriate and not in
453 violation of law.

454 (2) All expenses incurred in carrying out the trust agreement may be
455 treated as a part of the cost of the operation of the district. The pledge
456 by any trust agreement or resolution shall be valid and binding from
457 time to time when the pledge is made; the revenues or other moneys so
458 pledged and then held or thereafter received by the board shall

459 immediately be subject to the lien of the pledge without any physical
460 delivery thereof or further act; and the lien of the pledge shall be valid
461 and binding as against all parties having claims of any kind in tort,
462 contract or otherwise against the board, irrespective of whether the
463 parties have notice thereof. Notwithstanding any provision of the
464 Uniform Commercial Code, neither this subsection, the resolution or
465 any trust agreement by which a pledge is created need be filed or
466 recorded except in the records of the board, and no filing need be made
467 under title 42a of the general statutes.

468 (i) Bonds or notes issued under this section are hereby made
469 securities in which all public officers and public bodies of the state of
470 Connecticut and its political subdivisions, all insurance companies, trust
471 companies, banking associations, investment companies, executors,
472 administrators, trustees and other fiduciaries may properly and legally
473 invest funds, including capital in their control and belonging to them;
474 and such bonds shall be securities which may properly and legally be
475 deposited with and received by any state or municipal officer or any
476 agency or political subdivision of the state of Connecticut for any
477 purpose for which the deposit of bonds or notes of the state of
478 Connecticut is now or may hereafter be authorized by law.

479 (j) Bonds may be issued under this section without obtaining the
480 consent of the state of Connecticut or the city of West Haven, and
481 without any proceedings or the happening of any other conditions or
482 things other than those proceedings, conditions or things that are
483 specifically required thereof by this section, and the validity of and
484 security for any bonds issued by the district shall not be affected by the
485 existence or nonexistence of the consent or other proceedings,
486 conditions or things.

487 (k) The district and all its receipts, revenues, income and real and
488 personal property, except when such property is used for commercial
489 purposes, shall be exempt from taxation and benefit assessments and
490 the district shall not be required to pay any tax, excise or assessment to
491 or from the state of Connecticut or any of its political subdivisions. The

492 principal and interest on bonds or notes issued by the district shall be
493 free from taxation at all times, except for estate and gift, franchise and
494 excise taxes, imposed by the state of Connecticut or any political
495 subdivision thereof, provided nothing in this section shall act to limit or
496 restrict the ability of the state of Connecticut or the city of West Haven
497 to (1) tax the individuals and companies, or their real or personal
498 property, or any person living or business operating within the
499 boundaries of the district, or (2) enforce any lien, fee, ordinance or future
500 lien, fee or ordinance.

501 (l) The board shall at all times keep accounts of its receipts,
502 expenditures, disbursements, assets and liabilities, which shall be open
503 to inspection by a duly appointed officer or duly appointed agent of the
504 state of Connecticut or the city of West Haven. The fiscal year of the
505 district shall begin on July first and end on the following June thirtieth
506 or as otherwise established by section 7-327 of the general statutes. The
507 district shall be subject to an audit of its accounts in the manner
508 provided in the general statutes.

509 (m) (1) The clerk of the district shall submit project activity reports
510 quarterly to the Secretary of the Office of Policy and Management and
511 to the chairpersons of the joint standing committee of the General
512 Assembly having cognizance of matters relating to finance, revenue and
513 bonding. Such reports shall provide information and updates on the
514 projects undertaken by the district, including the status of the design,
515 financing, construction, sales of commercial and residential property
516 and such other items as the secretary or chairpersons may request.

517 (2) The district shall take affirmative steps to provide for the full
518 disclosure of information relating to the public financing and
519 maintenance of improvements to real property undertaken by the
520 district. Such information shall be provided to any existing residents
521 and to all prospective residents of the district. The district shall furnish
522 each developer of a residential development within the district with
523 sufficient copies of such information and provide each prospective
524 initial purchaser of property in such district with a copy, and any

525 developer of a residential development within the district, when
526 required by law to provide a public offering statement, shall include a
527 copy of such information relating to the public financing and
528 maintenance of improvements in the public offering statement.

529 (n) (1) This section shall be deemed to provide an additional,
530 alternative and complete method of accomplishing the purposes of this
531 section and exercising the powers authorized hereby and shall be
532 deemed and construed to be supplemental and additional to, and not in
533 derogation of, powers conferred upon the district by law and
534 particularly by sections 7-324 to 7-329, inclusive, of the general statutes;
535 provided insofar as the proceedings of this section are inconsistent with
536 any general statute or special act, or any resolution or ordinance of the
537 city of West Haven, this section shall be controlling.

538 (2) Except as specifically provided in this section, all other statutes,
539 ordinances, resolutions, rules and regulations of the state of Connecticut
540 and the city of West Haven shall be applicable to the property, residents
541 and businesses located in the district. Nothing in this section shall in any
542 way obligate the city of West Haven to pay any costs for the acquisition,
543 construction, equipping or operation and administration of the
544 improvements located within the district or to pledge any money or
545 taxes to pay debt service on bonds or notes issued by the district except
546 as may be agreed to in any interlocal agreements executed by the city of
547 West Haven and the district.

548 (o) This section being necessary for the welfare of the city of West
549 Haven and its inhabitants shall be liberally construed to affect the
550 purposes hereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

PD Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
West Haven	Cost	Minimal	None

Explanation

The bill allows for the establishment of a special taxing district in West Haven. There is a minimal, one-time cost to the City of West Haven associated with holding any public meetings or referenda, and with publishing associated public notices necessary to establish the district.

The bill allows the district to issue revenue bonds to support its duties. This has no impact to the city or the state, as the language specifies that such revenue bonds are not the responsibility of the City of West Haven or the State of Connecticut.

Depending on the extent of services provided by the district, there could be a savings to West Haven as the costs of providing public services shifts from the City to the District.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.



OLR Bill Analysis

sHB 6102

AN ACT CONCERNING A SPECIAL TAXING DISTRICT WITHIN THE CITY OF WEST HAVEN.

SUMMARY

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 26 Nay 0 (03/02/2021)