



General Assembly

February Session, 2024

**Raised Bill No. 5272**

LCO No. 1429



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:  
(PD)

***AN ACT CONCERNING THE EXPIRATION OF CERTAIN LAND USE 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 2024 supplement to the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (m) (1) Notwithstanding the provisions of this section, any site plan  
5 approval made under this section [prior to July 1, 2011] on or before June  
6 10, 2021, that has not expired [prior to] on or before July 12, 2021, except  
7 an approval made under subsection (j) of this section or as provided in  
8 subdivision (2) of this subsection, shall expire not less than fourteen  
9 years after the date of such approval and the commission may grant one  
10 or more extensions of time to complete all or part of the work in  
11 connection with such site plan, provided no approval, including all  
12 extensions, shall be valid for more than nineteen years from the date the  
13 site plan was approved.

14 (2) Notwithstanding the provisions of this section, a commission that  
15 has granted any site plan approval [made] under this section [on or after

16 July 1, 2011, but prior to June 10, 2021, that did not expire prior to March  
17 10, 2020, except an approval made under subsection (j) of this section,  
18 shall expire not less than fourteen years after the date of such approval  
19 and the commission may grant one or more extensions of time to  
20 complete all or part of the work in connection with such site plan,  
21 provided no approval, including all extensions, shall be valid for more  
22 than nineteen years from the date the site plan was approved] on or  
23 before June 10, 2021, that has not expired on or before July 12, 2021, may,  
24 by affirmative vote of the commission, set an earlier date upon which  
25 such approval shall expire, provided the commission (A) holds a public  
26 hearing on such proposed earlier date in accordance with the provisions  
27 of section 8-7d, and (B) finds that (i) because of incomplete or  
28 substandard work undertaken in connection with the site plan  
29 approval, a condition exists that poses a significant hazard to the public,  
30 or (ii) no work required in connection with the site plan approval has  
31 been performed in the previous five years.

32 Sec. 2. Subsection (e) of section 8-26c of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective from*  
34 *passage*):

35 (e) (1) Notwithstanding the provisions of this section, any  
36 subdivision approval made under this section [prior to July 1, 2011] on  
37 or before June 10, 2021, that has not expired [prior to] on or before July  
38 12, 2021, except as provided in subdivision (2) of this subsection, shall  
39 expire not less than fourteen years after the date of such approval and  
40 the commission may grant one or more extensions of time to complete  
41 all or part of the work in connection with such subdivision, provided no  
42 subdivision approval, including all extensions, shall be valid for more  
43 than nineteen years from the date the subdivision was approved.

44 (2) Notwithstanding the provisions of this section, a commission that  
45 has granted any subdivision approval [made] under this section [on or  
46 after July 1, 2011, but prior to June 10, 2021, that did not expire prior to  
47 March 10, 2020, shall expire not less than fourteen years after the date of  
48 such approval and the commission may grant one or more extensions of

49 time to complete all or part of the work in connection with such  
50 subdivision, provided no subdivision approval, including all  
51 extensions, shall be valid for more than nineteen years from the date the  
52 subdivision was approved] on or before June 10, 2021, that has not  
53 expired on or before July 12, 2021, may, by affirmative vote of the  
54 commission, set an earlier date upon which such approval shall expire,  
55 provided the commission (A) holds a public hearing on such proposed  
56 earlier date in accordance with the provisions of section 8-7d, and (B)  
57 finds that (i) because of incomplete or substandard work undertaken in  
58 connection with the approval, a condition exists that poses a significant  
59 hazard to the public, or (ii) no work required in connection with the  
60 approval has been performed in the previous five years.

61 Sec. 3. Subsection (c) of section 8-26g of the general statutes is  
62 repealed and the following is substituted in lieu thereof (*Effective from*  
63 *passage*):

64 (c) (1) Notwithstanding the provisions of this section, for any  
65 subdivision of land for a project consisting of four hundred or more  
66 dwelling units and approved [prior to July 1, 2011] on or before June 10,  
67 2021, that has not expired [prior to] on or before July 12, 2021, except as  
68 provided in subdivision (2) of this subsection, any person, firm or  
69 corporation making such subdivision shall complete all work in  
70 connection with such subdivision not later than the date nineteen years  
71 after the date of approval of the plan for such subdivision. The  
72 commission's endorsement of approval on the plan shall state the date  
73 on which such nineteen-year period expires.

74 (2) Notwithstanding the provisions of this section, a commission that  
75 has granted approval for any subdivision of land for a project consisting  
76 of four hundred or more dwelling units [and approved on or after July  
77 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10,  
78 2020, any person, firm or corporation making such subdivision shall  
79 complete all work in connection with such subdivision not later than the  
80 date nineteen years after the date of approval of the plan for such  
81 subdivision. The commission's endorsement of approval on the plan

82 shall state the date on which such nineteen-year period expires] on or  
83 before June 10, 2021, that has not expired on or before July 12, 2021, may,  
84 by affirmative vote of the commission, set an earlier date upon which  
85 such approval shall expire, provided the commission (A) holds a public  
86 hearing on such proposed earlier date in accordance with the provisions  
87 of section 8-7d, and (B) finds that (i) because of incomplete or  
88 substandard work undertaken in connection with the approval, a  
89 condition exists that poses a significant hazard to the public, or (ii) no  
90 work required in connection with the approval has been performed in  
91 the previous five years.

92 Sec. 4. Subsection (g) of section 22a-42a of the general statutes is  
93 repealed and the following is substituted in lieu thereof (*Effective from*  
94 *passage*):

95 (g) (1) Notwithstanding the provisions of subdivision (2) of  
96 subsection (d) of this section, any permit issued under this section [prior  
97 to July 1, 2011] on or before June 10, 2021, that has not expired [prior to]  
98 on or before July 12, 2021, except as provided in subdivision (2) of this  
99 subsection, shall expire not less than fourteen years after the date of such  
100 approval. Any such permit shall be renewed upon request of the permit  
101 holder unless the agency finds that there has been a substantial change  
102 in circumstances that requires a new permit application or an  
103 enforcement action has been undertaken with regard to the regulated  
104 activity for which the permit was issued, provided no such permit shall  
105 be valid for more than nineteen years.

106 (2) Notwithstanding the provisions of subdivision (2) of subsection  
107 (d) of this section, an inland wetlands agency that has issued any permit  
108 [issued] under this section [on or after July 1, 2011, but prior to June 10,  
109 2021, that did not expire prior to March 10, 2020, shall expire not less  
110 than fourteen years after the date of such approval] on or before June  
111 10, 2021, that has not expired on or before July 12, 2021, may, by  
112 affirmative vote of such agency, set an earlier date upon which such  
113 permit shall expire, provided the agency (A) holds a public hearing on  
114 such proposed earlier date in accordance with the provisions of section

115 8-7d, and (B) finds that (i) because of incomplete or substandard work  
116 undertaken in connection with the permit, a condition exists that poses  
117 a significant hazard to the public, or (ii) no work required in connection  
118 with the permit has been performed in the previous five years. Any such  
119 permit shall be renewed upon request of the permit holder unless the  
120 agency finds that there has been a substantial change in circumstances  
121 that requires a new permit application or an enforcement action has  
122 been undertaken with regard to the regulated activity for which the  
123 permit was issued, provided no such permit shall be valid for more than  
124 nineteen years.

125 Sec. 5. Subsection (c) of section 8-3c of the general statutes is repealed  
126 and the following is substituted in lieu thereof (*Effective from passage*):

127 (c) (1) Notwithstanding the provisions of subsections (a) and (b) of  
128 this section, any special permit or special exception approval made  
129 under this section [prior to July 1, 2011] on or before June 10, 2021, that  
130 has not expired [prior to] on or before July 12, 2021, except as provided  
131 in subdivision (2) of this subsection, and that specified a deadline by  
132 which all work in connection with such approval is required to be  
133 completed, shall expire not less than nineteen years after the date of such  
134 approval and the commission may grant one or more extensions of time  
135 to complete all or part of the work in connection with such special  
136 permit or special exception.

137 (2) Notwithstanding the provisions of subsections (a) and (b) of this  
138 section, a commission that has granted any special permit or special  
139 exception approval [made] under this section [on or after July 1, 2011,  
140 but prior to June 10, 2021, that did not expire prior to March 10, 2020,  
141 and that specified a deadline by which all work in connection with such  
142 approval is required to be completed, shall expire not less than nineteen  
143 years after the date of such approval and the commission may grant one  
144 or more extensions of time to complete all or part of the work in  
145 connection with such special permit or special exception] on or before  
146 June 10, 2021, that has not expired on or before July 12, 2021, may, by  
147 affirmative vote of the commission, set an earlier date upon which such

148 permit or approval shall expire, provided the commission (A) holds a  
149 public hearing on such proposed earlier date in accordance with the  
150 provisions of section 8-7d, and (B) finds that (i) because of incomplete  
151 or substandard work undertaken in connection with the permit or  
152 approval, a condition exists that poses a significant hazard to the public,  
153 or (ii) no work required in connection with the permit or approval has  
154 been performed in the previous five years.

155       Sec. 6. Subsection (b) of section 8-26e of the general statutes is  
156 repealed and the following is substituted in lieu thereof (*Effective from*  
157 *passage*):

158       (b) (1) Notwithstanding the provisions of subsection (a) of this  
159 section, any special permit or special exception approval made under  
160 this section [prior to July 1, 2011] on or before June 10, 2021, that has not  
161 expired [prior to] on or before July 12, 2021, and that specified a deadline  
162 by which all work in connection with such approval is required to be  
163 completed, except as provided in subdivision (2) of this subsection, shall  
164 expire not less than nineteen years after the date of such approval and  
165 the commission may grant one or more extensions of time to complete  
166 all or part of the work in connection with such special permit or special  
167 exception.

168       (2) Notwithstanding the provisions of subsection (a) of this section, a  
169 commission that has granted any special permit or special exception  
170 approval [made] under this section [on or after July 1, 2011, but prior to  
171 June 10, 2021, that did not expire prior to March 10, 2020, and that  
172 specified a deadline by which all work in connection with such approval  
173 is required to be completed, shall expire not less than nineteen years  
174 after the date of such approval and the commission may grant one or  
175 more extensions of time to complete all or part of the work in connection  
176 with such special permit or special exception] on or before June 10, 2021,  
177 that has not expired on or before July 12, 2021, may, by affirmative vote  
178 of the commission, set an earlier date upon which such permit or  
179 approval shall expire, provided the commission (A) holds a public  
180 hearing on such proposed earlier date in accordance with the provisions

181 of section 8-7d, and (B) finds that (i) because of incomplete or  
182 substandard work undertaken in connection with the permit or  
183 approval, a condition exists that poses a significant hazard to the public,  
184 or (ii) no work required in connection with the permit or approval has  
185 been performed in the previous five years.

186 Sec. 7. Section 8-3k of the general statutes is repealed and the  
187 following is substituted in lieu thereof (*Effective from passage*):

188 (a) (1) Notwithstanding the provisions of any special act, any site  
189 plan, subdivision or permit approval by a zoning commission, planning  
190 commission, combined planning and zoning commission, zoning board  
191 of appeals or inland wetlands agency pursuant to the provisions of any  
192 such special act that occurred [prior to July 1, 2011] on or before June 10,  
193 2021, and that has not expired [prior to] on or before July 12, 2021, except  
194 as provided in subdivision (2) of this subsection, shall expire not less  
195 than fourteen years after the date of such approval and such  
196 commission, board or agency, as applicable, may grant one or more  
197 extensions of time to complete all or part of the work in connection with  
198 such approval, provided no approval, including all extensions, shall be  
199 valid for more than nineteen years from the date the site plan,  
200 subdivision or permit was initially approved.

201 (2) Notwithstanding the provisions of any special act, a zoning  
202 commission, planning commission, combined planning and zoning  
203 commission, zoning board of appeals or inland wetlands agency that  
204 has approved any site plan, subdivision or permit [approval by a zoning  
205 commission, planning commission, combined planning and zoning  
206 commission, zoning board of appeals or inland wetlands agency]  
207 pursuant to the provisions of any such special act [that] when such  
208 approval occurred [on or after July 1, 2011, but prior to July 10, 2021,  
209 and that did not expire prior to March 10, 2020, shall expire not less than  
210 fourteen years after the date of such approval and such commission,  
211 board or agency, as applicable, may grant one or more extensions of  
212 time to complete all or part of the work in connection with such  
213 approval, provided no approval, including all extensions, shall be valid

214 for more than nineteen years from the date the site plan, subdivision or  
215 permit was initially approved] on or before June 10, 2021, and has not  
216 expired on or before July 12, 2021, may, by affirmative vote of the zoning  
217 commission, planning commission, combined planning and zoning  
218 commission, zoning board of appeals or inland wetlands agency, set an  
219 earlier date upon which such approval shall expire, provided such  
220 commission, board or agency (A) holds a public hearing on such  
221 proposed earlier date in accordance with the provisions of section 8-7d,  
222 and (B) finds that (i) because of incomplete or substandard work  
223 undertaken in connection with the approval, a condition exists that  
224 poses a significant hazard to the public, or (ii) no work required in  
225 connection with the approval has been performed in the previous five  
226 years.

227 (b) (1) Notwithstanding the provisions of any special act, any special  
228 permit or special exception approval by a zoning commission, planning  
229 commission, combined planning and zoning commission, zoning board  
230 of appeals or inland wetlands agency pursuant to the provisions of any  
231 such special act that occurred [prior to July 1, 2011] on or before June 10,  
232 2021, that has not expired [prior to] on or before July 12, 2021, and that  
233 specified a deadline by which all work in connection with such approval  
234 is required to be completed, except as provided in subdivision (2) of this  
235 subsection, shall expire not less than nineteen years after the date of  
236 such approval and such commission, board or agency, as applicable,  
237 may grant one or more extensions of time to complete all or part of the  
238 work in connection with such special permit or special exception  
239 approval.

240 (2) Notwithstanding the provisions of any special act, a zoning  
241 commission, planning commission, combined planning and zoning  
242 commission, zoning board of appeals or inland wetlands agency that  
243 has approved any special permit or special exception [approval by a  
244 zoning commission, planning commission, combined planning and  
245 zoning commission, zoning board of appeals or inland wetlands  
246 agency] pursuant to the provisions of any such special act [that] when  
247 such approval occurred [on or after July 1, 2011, but prior to June 10,



248 2021, that did not expire prior to March 10, 2020, and that specified a  
249 deadline by which all work in connection with such approval is required  
250 to be completed, shall expire not less than nineteen years after the date  
251 of such approval and such commission, board or agency, as applicable,  
252 may grant one or more extensions of time to complete all or part of the  
253 work in connection with such special permit or special exception  
254 approval] on or before June 10, 2021, and has not expired on or before  
255 July 12, 2021, may, by affirmative vote of the zoning commission,  
256 planning commission, combined planning and zoning commission,  
257 zoning board of appeals or inland wetlands agency, set an earlier date  
258 upon which such approval shall expire, provided such commission,  
259 board or agency (A) holds a public hearing on such proposed earlier  
260 date in accordance with the provisions of section 8-7d, and (B) finds that  
261 (i) because of incomplete or substandard work undertaken in  
262 connection with the approval, a condition exists that poses a significant  
263 hazard to the public, or (ii) no work required in connection with the  
264 approval has been performed in the previous five years.

265 Sec. 8. Subsections (c) to (n), inclusive, of section 20-417i of the general  
266 statutes are repealed and the following is substituted in lieu thereof  
267 (*Effective July 1, 2024, and effective for fiscal years commencing on or after*  
268 *July 1, 2024*):

269 (c) (1) For fiscal years commencing on or after July 1, 2003, payments  
270 received under subsection (b) of this section shall be credited to the New  
271 Home Construction Guaranty Fund until the balance in the fund equals  
272 [seven] six hundred fifty thousand dollars. Annually, if the balance in  
273 the fund exceeds [seven] six hundred fifty thousand dollars, the first  
274 [three] four hundred thousand dollars of the excess shall be deposited  
275 in the consumer protection enforcement account established in section  
276 21a-8a. On June 1, 2004, and each June first thereafter, if the balance in  
277 the fund exceeds [seven] six hundred fifty thousand dollars, the excess  
278 shall be deposited in the General Fund.

279 (2) Any money in the New Home Construction Guaranty Fund may  
280 be invested or reinvested in the same manner as funds of the state

281 employees retirement system and the interest arising from such  
282 investments shall be credited to the fund.

283 (d) Whenever a consumer obtains a binding arbitration decision, a  
284 court judgment, order or decree against or regarding any new home  
285 construction contractor holding a certificate or who has held a certificate  
286 under sections 20-417a to 20-417j, inclusive, within two years of the date  
287 of entering into the contract with the consumer, or an individual that  
288 has an ownership interest in a business entity or association that is a new  
289 home construction contractor, for loss or damages sustained by reason  
290 of any violation of the provisions of sections 20-417a to 20-417j,  
291 inclusive, by a person holding a certificate under said sections, such  
292 consumer may, upon the final determination of, or expiration of time for  
293 taking, an appeal in connection with any such decision, judgment, order  
294 or decree, apply to the commissioner for an order directing payment out  
295 of the New Home Construction Guaranty Fund of the amount, not  
296 exceeding [thirty] fifty thousand dollars, unpaid upon the decision,  
297 judgment, order or decree for actual damages and costs taxed by the  
298 court against such contractor, exclusive of punitive damages. The  
299 application shall be made on forms provided by the commissioner and  
300 shall be accompanied by a copy of the decision, court judgment, order  
301 or decree obtained against the new home construction contractor  
302 together with a statement signed and sworn to by the consumer,  
303 affirming that the consumer has: (1) Complied with all the requirements  
304 of this subsection; (2) obtained a decision, judgment, order or decree  
305 stating the amount of the decision, judgment, order or decree and the  
306 amount owing on the decision, judgment, order or decree at the date of  
307 application; and (3) made a good faith effort to satisfy any such decision,  
308 judgment, order or decree in accordance with the provisions of chapter  
309 906 which effort may include causing to be issued a writ of execution  
310 upon such decision, judgment, order or decree but the officer executing  
311 the same has made a return showing that no bank accounts or personal  
312 property of such contractor liable to be levied upon in satisfaction of the  
313 decision, judgment, order or decree could be found, or that the amount  
314 realized on the sale of them or of such of them as were found, under the

315 execution, was insufficient to satisfy the actual damage portion of the  
316 decision, judgment, order or decree or stating the amount realized and  
317 the balance remaining due on the decision, judgment, order or decree  
318 after application on the decision, judgment, order or decree of the  
319 amount realized, except that the requirements of this subdivision shall  
320 not apply to a judgment, order or decree obtained by the consumer in  
321 small claims court. A true and attested copy of such executing officer's  
322 return, when required, shall be attached to such application. Whenever  
323 the consumer satisfies the commissioner or the commissioner's designee  
324 that it is not practicable to comply with the requirements of subdivision  
325 (3) of this subsection and that the consumer has taken all reasonable  
326 steps to collect the amount of the decision, judgment, order or decree or  
327 the unsatisfied part of the decision, judgment, order or decree and has  
328 been unable to collect the same, the commissioner or the commissioner's  
329 designee may, in the commissioner's or the commissioner's designee's  
330 discretion, dispense with the necessity for complying with such  
331 requirement. No application for an order directing payment out of the  
332 fund shall be made later than two years from the final determination of,  
333 or expiration of time for taking, an appeal of such decision, court  
334 judgment, order or decree and no such application shall be for an  
335 amount in excess of [~~thirty~~] fifty thousand dollars.

336 (e) Upon receipt of such application together with such copy of the  
337 decision, court judgment, order or decree, statement and, except as  
338 otherwise provided in subsection (d) of this section, a true and attested  
339 copy of the executing officer's return, the commissioner or the  
340 commissioner's designee shall inspect such documents for their veracity  
341 and upon a determination that such documents are complete and  
342 authentic and that the consumer has not been paid, the commissioner  
343 shall order payment out of the New Home Construction Guaranty Fund  
344 of the amount not exceeding [~~thirty~~] fifty thousand dollars unpaid upon  
345 the decision, judgment, order or decree for actual damages and costs  
346 taxed by the court against the contractor, or an individual that has an  
347 ownership interest in a business entity or association that is a new home  
348 construction contractor, exclusive of punitive damages.

349 (f) Beginning October 1, 2000, whenever a consumer is awarded an  
350 order of restitution against any new home construction contractor, or an  
351 individual that has an ownership interest in a business entity or  
352 association that is a new home construction contractor, for loss or  
353 damages sustained as a result of any violation of the provisions of  
354 sections 20-417a to 20-417j, inclusive, by a person holding a certificate or  
355 who has held a certificate under said sections within two years of the  
356 date of entering into the contract with the consumer, in (1) a proceeding  
357 brought by the commissioner pursuant to subsection [(h)] (i) of this  
358 section or subsection (d) of section 42-110d, (2) a proceeding brought by  
359 the Attorney General pursuant to subsection (a) of section 42-110m or  
360 subsection (d) of section 42-110d, or (3) a criminal proceeding pursuant  
361 to section 20-417e, such consumer may, upon the final determination of,  
362 or expiration of time for taking, an appeal in connection with any such  
363 order of restitution, apply to the commissioner for an order directing  
364 payment out of the New Home Construction Guaranty Fund of the  
365 amount not exceeding [thirty] fifty thousand dollars unpaid upon the  
366 order of restitution. The commissioner may issue such order upon a  
367 determination that the consumer has not been paid.

368 (g) Whenever the commissioner orders payment to a consumer out  
369 of the New Home Construction Guaranty Fund based upon a decision,  
370 judgment, order or decree of restitution against an individual that has  
371 an ownership interest in a business entity or association holding a  
372 certificate, or who has held a certificate under this chapter within the  
373 two years preceding the effective date of the contract with the consumer,  
374 the individual against whom such decision, judgment, order or decree  
375 was issued shall be jointly and severally liable with the contractor for  
376 the resulting debt to the fund.

377 [(g)] (h) Before the commissioner may issue any order directing  
378 payment out of the New Home Construction Guaranty Fund to a  
379 consumer pursuant to subsection (e) or (f) of this section, the  
380 commissioner shall first notify the new home construction contractor, or  
381 the individual who has an ownership interest in a business entity or  
382 association that is a new home construction contractor against whom a

383 decision, judgment, order or decree of restitution was issued, of the  
384 consumer's application for an order directing payment out of the fund  
385 and of the new home construction contractor's right to a hearing to  
386 contest the disbursement in the event that such contractor has already  
387 paid the consumer. Such notice shall be given to the new home  
388 construction contractor not later than fifteen days after receipt by the  
389 commissioner of the consumer's application for an order directing  
390 payment out of the fund. If the new home construction contractor  
391 requests a hearing, in writing, by certified mail not later than fifteen  
392 days after receiving the notice from the commissioner, the  
393 commissioner shall grant such request and shall conduct a hearing in  
394 accordance with the provisions of chapter 54. If the commissioner does  
395 not receive a written request for a hearing by certified mail from the new  
396 home construction contractor on or before the fifteenth day from the  
397 contractor's receipt of such notice, the commissioner shall conclude that  
398 the consumer has not been paid, and the commissioner shall issue an  
399 order directing payment out of the fund for the amount not exceeding  
400 [thirty] fifty thousand dollars unpaid upon the judgment, order or  
401 decree for actual damages and costs taxed by the court against the new  
402 home construction contractor, exclusive of punitive damages, or for the  
403 amount not exceeding [thirty] fifty thousand dollars unpaid upon the  
404 order of restitution.

405 [(h)] (i) The commissioner or the commissioner's designee may  
406 proceed against any new home construction contractor holding a  
407 certificate or who has held a certificate under sections 20-417a to 20-417j,  
408 inclusive, within two years of the effective date of entering into the  
409 contract with the consumer, or an individual that has an ownership  
410 interest in a business entity or association that is a new home  
411 construction contractor, for an order of restitution arising from loss or  
412 damages sustained by any consumer as a result of any violation of the  
413 provisions of said sections 20-417a to 20-417j, inclusive. Any such  
414 proceeding shall be held in accordance with the provisions of chapter  
415 54. In the course of such proceeding, the commissioner or the  
416 commissioner's designee shall decide whether to (1) exercise the powers

417 specified in section 20-417c, (2) order restitution arising from loss or  
418 damages sustained by any consumer as a result of any violation of the  
419 provisions of sections 20-417a to 20-417j, inclusive, and (3) order  
420 payment out of the New Home Construction Guaranty Fund.  
421 Notwithstanding the provisions of chapter 54, the decision of the  
422 commissioner or the commissioner's designee shall be final with respect  
423 to any proceeding to order payment out of the fund and the  
424 commissioner and the commissioner's designee shall not be subject to  
425 the requirements of chapter 54 as such requirements relate to an appeal  
426 from any such decision. The commissioner or the commissioner's  
427 designee may hear complaints of all consumers submitting claims  
428 against a single new home construction contractor in one proceeding.

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

435 [(j)] (k) In order to preserve the integrity of the New Home  
436 Construction Guaranty Fund, the commissioner, in the commissioner's  
437 sole discretion, may order payment out of the fund of an amount less  
438 than the actual loss or damages incurred by the consumer or less than  
439 the order of restitution awarded by the commissioner or the Superior  
440 Court. In no event shall any payment out of the fund be in excess of  
441 [thirty] fifty thousand dollars for any single claim by a consumer.

442 [(k)] (l) If the money deposited in the New Home Construction  
443 Guaranty Fund is insufficient to satisfy any duly authorized claim or  
444 portion of a claim, the commissioner shall, when sufficient money has  
445 been deposited in the fund, satisfy such unpaid claims or portions of  
446 claims not exceeding [thirty] fifty thousand dollars, in the order that  
447 such claims or portions of claims were originally determined.

448 [(l)] (m) Whenever the commissioner has caused any sum to be paid

449 from the New Home Construction Guaranty Fund to a consumer, the  
450 commissioner shall be subrogated to all of the rights of the consumer up  
451 to the amount paid plus reasonable interest, and prior to receipt of any  
452 payment from the fund, the consumer shall assign all of the consumer's  
453 right, title and interest in the claim up to such amount to the  
454 commissioner, and any amount and interest recovered by the  
455 commissioner on the claim shall be deposited in the fund.

456 [(m)] (n) If the commissioner orders the payment of any amount as a  
457 result of a claim against a new home construction contractor, or an  
458 individual that has an ownership interest in a business entity or  
459 association that is a new home construction contractor, the  
460 commissioner shall determine if such contractor or individual is  
461 possessed of assets liable to be sold or applied in satisfaction of the claim  
462 on the New Home Construction Guaranty Fund. If the commissioner  
463 discovers any such assets, the commissioner may request that the  
464 Attorney General take any action necessary for the reimbursement of  
465 the fund.

466 [(n)] (o) If the commissioner orders the payment of an amount as a  
467 result of a claim against a new home construction contractor, or an  
468 individual that has an ownership interest in a business entity or  
469 association that is a new home construction contractor, the  
470 commissioner may, after notice and hearing in accordance with the  
471 provisions of chapter 54, revoke the certificate of such contractor and  
472 such contractor shall not be eligible to receive a new or renewed  
473 certificate until such contractor has repaid such amount in full, plus  
474 interest from the time such payment is made from the New Home  
475 Construction Guaranty Fund, at a rate to be in accordance with section  
476 37-3b, except that the commissioner may, in the commissioner's sole  
477 discretion, permit a new home construction contractor to receive a new  
478 or renewed certificate after such contractor has entered into an  
479 agreement with the commissioner whereby such contractor agrees to  
480 repay the fund in full in the form of periodic payments over a set period  
481 of time. Any such agreement shall include a provision providing for the  
482 summary suspension of any and all certificates held by the new home

483 construction contractor if payment is not made in accordance with the  
 484 terms of the agreement.

485       Sec. 9. (*Effective July 1, 2024*) The sum of one hundred thousand  
 486 dollars is appropriated to the Department of Consumer Protection from  
 487 the General Fund, for the fiscal year ending June 30, 2025, for the  
 488 administration of the New Home Construction Guaranty Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	8-3(m)
Sec. 2	<i>from passage</i>	8-26c(e)
Sec. 3	<i>from passage</i>	8-26g(c)
Sec. 4	<i>from passage</i>	22a-42a(g)
Sec. 5	<i>from passage</i>	8-3c(c)
Sec. 6	<i>from passage</i>	8-26e(b)
Sec. 7	<i>from passage</i>	8-3k
Sec. 8	<i>July 1, 2024, and effective for fiscal years commencing on or after July 1, 2024</i>	20-417i(c) to (n)
Sec. 9	<i>July 1, 2024</i>	New section

**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) to 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.]*