

Select List of CT Conservation, Land Use, and Environmental Laws

- ❑ **C.G.S §52-196** – Anti-SLAPP Suit Provision – Allows for dismissal of suits filed against a person who comments on environmental matters
- ❑ **C.G.S §22a-19/§22a-19a** – CT Environmental Protection Act – (CEPA) environmental and historic.
- ❑ **C.G.S §22a-16** – Injunctions under CEPA.
- ❑ **C.G.S §8-3(b)** – Protest petition signed by owners of 20% of land area w/in 500ft of land area affected by zone change forces 2/3 majority vote.
- ❑ **C.G.S §4-174** – Administrative procedure act – allows the call of a public hearing on state agency permitting decisions on the presentation of 25 signatures.
- ❑ **C.G.S §22a-41 et seq** – Inland Wetlands & Watercourses Act – often adopted verbatim on local level allowing for calling of public hearing on petition of 25 people.
- ❑ **C.G.S §22a-381e**. Prohibited actions re running bamboo. Disclosure statement. Penalties. Enforcement. Running bamboo as nuisance. Bamboo planted within 40ft of a property line or which crosses a boundary is a statutory nuisance. Damages and \$100/day penalty. https://www.cga.ct.gov/current/pub/chap_446i.htm#sec_22a-381e
- ❑ **C.G.S. §47-33h (2001)** Excludes Conservation Easements (CEs) from Marketable Record Title Act. https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-33h
- ❑ **C.G.S §47-27(b) (2002,2015, 2016)** Bars adverse possession and prescriptive easement claims against non-profit land holding organizations. https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-27
- ❑ **C.G.S. §47-42a. Definitions(1971)** Broad definition of Preservation & Conservation Restrictions. https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42a
- ❑ **C.G.S. §47-42b. (1971)** Enforcement of conservation and preservation restrictions held by governmental body or charitable corporation. Allows perpetual CEs to be held by land trusts. https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42b
- ❑ **C.G.S. §47-42c. (1971)** Acquisition of restrictions. Enforcement by Attorney General. https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42c

- ❑ **C.G.S. §47-42d (2005)** Requires notice to CE holders of permit applications with state & local land use agencies & building officials.
https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42d
- ❑ **C.G.S. §47-42e (2010)** Municipal property acquired with intent to place restriction or dedicated as park or open space land. Recording in land records. Enforcement. AG enforcement. https://www.cga.ct.gov/current/pub/chap_822.htm#sec_47-42e
- ❑ **C.G.S. §52-560a (2006)** For encroachment on land trust (LT) land or CEs, court can award restoration or cost of restoration incl. management fees, atty fees, costs, equitable relief & penalty of 5x restoration cost or \$5,000 statutory damages. Attorney General can also enforce. https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-560a
- ❑ **C.G.S. §52-560 (1961):** Treble damages for cutting of trees (including Christmas trees) on private land. Does NOT include land trust land.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-560
- ❑ **C.G.S. §52-577m (1986):** Immunity for officers and directors of a non-profit organization acting in good faith except for “the reckless, wilful or wanton misconduct of such person”.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-577m
- ❑ **C.G.S. §52-557k (1979):** Immunity for firewood harvesting (w or w/o charge), pick your own and sale of maple sugaring products for no fee, unless >100 cords of wood/yr or charge an entry fee. https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-557k
- ❑ **C.G.S. §47-6b (2004)** Easements must be signed by grantor and grantee or they are potentially voidable (response to easements granted without LT permission).
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-6b
- ❑ **C.G.S. §12-217 (1999):** Capital gain exemption. Tax credit of 50% of the value in land or interest in land donated, up to 70% of the tax liability. Rollover of credit into succeeding years is permissible but they are not able to completely eliminate their state taxes in any year.
- ❑ **C.G.S. §12-81. Par. 7. (2008)** Land trust property exempt from property tax even if just preserving land without public access.
 - ❑ (Legislative fix to Aspetuck Land Trust, Inc. v. City of Bridgeport case.)
https://www.cga.ct.gov/current/pub/chap_203.htm#sec_12-81
- ❑ **C.G.S. §7-131n (1975/77)** Taking of land previously intended for use as park or for other recreational or open space purposes. Must provide comparable replacement in value and size and hold public hearing.

- ❑ **C.G.S. §47-2. (1949) Charitable uses** “All estates granted..... for any other public and charitable use, shall forever remain to the uses to which they were granted, according to the true intent and meaning of the grantor, and to no other use whatever.”
https://www.cga.ct.gov/current/PUB/chap_821.htm#sec_47-2
 - ❑ Doctrine of Administrative Deviation (modification of admin. terms)
 - ❑ Cy Pres (modification of Charitable Purpose)

- ❑ **C.G.S. §52-557g. (1971)** Liability of owner of land available to public for recreation; exceptions. Landowner who makes land available to the public without charge for recreational purposes owes no duty of care to keep the land safe for entry or use by others for recreational purposes, or to give any warning of a danger, use, structure or activity on the land to persons entering for recreational purposes.
https://www.cga.ct.gov/current/pub/chap_925.htm#sec_52-557g

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- ❑ **Connecticut General Statutes Sections 52-557 f-j provide that private landowners (individuals, corporations, land trusts and other nonprofits, and private utilities) which open their land to the public for recreational purposes, without charging any fee, are immune from liability. In 2011, the Connecticut General Assembly passed a recreational liability bill (H.B. 6557) which extends the recreational liability protection to municipalities.** The bill was signed into law by Governor Dannel P. Malloy (P.L. 11-211). Note that there are some exceptions to this immunity. Furthermore, even if ultimately found to be immune from liability, a landowner can still incur expenses for getting a case dismissed. It is therefore important to have premises liability insurance to cover legal expenses in defending a lawsuit. More information on insurance for land trusts is attached below.

- ❑ **C.G.S. §7-131b. (1971)** Acquisition of open space land and easements. Revaluation of property subject to easement. Any owner who encumbers his property by conveying a less than fee interest to any municipality shall, upon written application to the assessor or board of assessors of the municipality, be entitled to a revaluation of such property to reflect the existence of such encumbrance.
https://www.cga.ct.gov/current/pub/chap_097.htm#sec_7-131b

- ❑ **C.G.S. § 7-131o. (1975/77)** Taking of active agricultural land by eminent domain. Purchase of agricultural conservation easement or development rights. Notice to Commissioner of Agriculture.
https://www.cga.ct.gov/current/pub/chap_097.htm#sec_7-131o

State Tax Credits

While Connecticut laws do not provide a conservation tax credit or exemption for individual tax filers as federal law does, the state does provide significant incentives to corporations that donate land, or sell it for below market value, for conservation.

- [Conservation Tax Incentives for CT Corporations](#)

Public Act 490 Current Use Property Tax Assessments

Connecticut law allows much farmland, open space, or forest land to be assessed for local property tax purposes, according to its current use rather than its potential use for development. This provides a critical reduction in tax rates for many landowners, who would otherwise have to sell their land for development.

Consult with these websites for more information:

- [Connecticut Department of Agriculture](#)
- [Connecticut Farm Bureau](#)

CLCC Model Easement Documents online at CLCC website

- CT Model Open Space Conservation Easement
 - CT Model Open Space Conservation Easement Commentary
 - CT Model Agricultural Conservation Restriction
 - CT Model Agricultural Conservation Restriction Commentary
- <https://ctconservation.org/clcc-model-documents>

For more information, contact Amy B. Paterson, Executive Director, at abpaterson@ctconservation.org or (860) 614-8537

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#LoveYourCTLandTrust

Our Mission

The Connecticut Land Conservation Council advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community across the state.

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