

SUPREME COURT OF CONNECTICUT

Town of Rocky Hill v. SecureCare Realty, LLC, 315 Conn. 265

112 A.3d 675 (2015) · No. SC 19275 · Decided January 6, 2015

SUMMARY

The Connecticut Supreme Court considered whether private entities operating a nursing home under contract with the state were an arm of the state entitled to sovereign immunity. The court held that the defendants were not entitled to sovereign immunity under the multifactor test and that the state statute authorizing the facility did not preempt local zoning regulations. The court therefore reversed the trial court's dismissal of the municipality's action for declaratory and injunctive relief.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Vertefeuille, J.; Rogers, C. J.; Palmer, J.; Eveleigh, J.; Espinosa, J.; Robinson, J.
JURISDICTION	Connecticut
DECIDED	January 6, 2015
DOCKET	SC 19275
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The plaintiff town appealed from the trial court's dismissal of its action for declaratory and injunctive relief for lack of subject matter jurisdiction. The defendants claimed sovereign immunity as arms of the state, and the trial court alternatively concluded that General Statutes § 17b-372a preempted local zoning regulations.
STANDARD OF REVIEW	De novo review of the trial court's ultimate legal conclusions and resulting determination on the motion to dismiss. Subject matter jurisdiction and statutory preemption are questions of law. On a jurisdictional motion to dismiss, the court may consider the complaint, undisputed supplemental evidence, and, when necessary, resolve disputed jurisdictional facts after an evidentiary hearing.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Town of Rocky Hill v. SecureCare Realty, LLC, iCare Management, LLC

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QUESTIONS PRESENTED

1. Whether SecureCare Realty, LLC and iCare Management, LLC were arms of the state entitled to assert sovereign immunity against the town's action to enforce local zoning regulations.
2. Whether General Statutes § 17b-372a expressly or impliedly preempted local zoning regulations applicable to a nursing home established on private property under that statute.
3. Whether the trial court properly dismissed the action for lack of subject matter jurisdiction without further proceedings.

HOLDINGS

1. The defendants were not arms of the state and therefore could not invoke the state's sovereign immunity to defeat the town's action.
2. The phrase "notwithstanding any provision of the general statutes" in § 17b-372a did not expressly preempt municipal zoning regulations.
3. Local zoning regulations were not impliedly preempted because they did not irreconcilably conflict with § 17b-372a or frustrate its objectives.

KEY QUOTATIONS

"As should be clear from its context, our holding in Gordon was not intended to apply broadly to all private entities providing contractual services to the state, but rather, was narrowly confined to situations presenting an extraordinary level of state dependency and control." (315 Conn. 265)

"Balancing all of the foregoing factors, we conclude, contrary to the trial court, that they clearly weigh against a conclusion that the defendants are an arm of the state, entitled to share the state's sovereign immunity." (315 Conn. 265)

"We disagree with the trial court's determination that the legislature, by its use in § 17b-372a of the broad and generalized prefatory language, "[n]otwithstanding any provision of the general statutes," intended to expressly preempt the application of local zoning regulations to nursing home projects established under the authority of that provision." (315 Conn. 265)

FACTUAL BACKGROUND

SecureCare Realty, LLC owned privately held property in Rocky Hill that had previously been used as a nursing home but was located in a residential zoning district. iCare Management, LLC formed SecureCare to acquire the property and formed SecureCare Options, LLC to operate a proposed nursing home authorized under General Statutes § 17b-372a for state prisoners and others in state custody. The state contracts and related documents

required compliance with applicable zoning laws, and the defendants had neither sought nor obtained a special-use permit. Rocky Hill sought declaratory and injunctive relief to prevent operation of the facility as a nonconforming or unauthorized use.

PROCEDURAL HISTORY

Rocky Hill sought to prevent the defendants from opening or operating a nursing home for state prisoners and others in state custody on privately owned property allegedly lacking required zoning approval. The defendants moved to dismiss on sovereign-immunity and preemption grounds. The trial court dismissed the action, concluding that the defendants were arms of the state and that § 17b-372a preempted local zoning authority. The Supreme Court of Connecticut reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Deny the defendants' motion to dismiss and conduct further proceedings according to law.

CASES CITED

- Gordon v. H.N.S. Management Co., 272 Conn. 81, 861 A.2d 1160 (2004)
- Bloom v. Gershon, 271 Conn. 96, 113, 856 A.2d 335 (2004)
- Fresenius Medical Care Cardiovascular Resources, Inc. v. Puerto Rico & the Caribbean Cardiovascular Center Corp., 322 F.3d 56, 61, 63-64, 74 (1st Cir.), cert. denied, 540 U.S. 878 (2003)
- Hackett v. J.L.G. Properties, LLC, 285 Conn. 498, 502-03, 940 A.2d 769 (2008)
- Gold v. Rowland, 296 Conn. 186, 200, 994 A.2d 106 (2010)
- Conboy v. State, 292 Conn. 642, 651-54, 974 A.2d 669 (2009)
- Shay v. Rossi, 253 Conn. 134, 165-66, 749 A.2d 1147 (2000)
- Miller v. Egan, 265 Conn. 301, 325, 828 A.2d 549 (2003)
- Del Campo v. Kennedy, 517 F.3d 1070, 1075-76, 1079 (9th Cir. 2008)
- United States ex rel. Barron v. Deloitte & Touche, L.L.P., 381 F.3d 438, 440-41 (5th Cir. 2004), cert. denied, 545 U.S. 1114 (2005)
- Rosario v. American Corrective Counseling Services, Inc., 506 F.3d 1039, 1041, 1043-47 (11th Cir. 2007)
- Ormsby v. C.O.F. Training Services, Inc., 194 F. Supp. 2d 1177, 1179, 1187 (D. Kan. 2002), aff'd, 60 Fed. Appx. 724 (10th Cir. 2003)
- Veolia Water Indianapolis, LLC v. National Trust Insurance Co., 3 N.E.3d 1, 9, 12 (Ind.), reh'g denied, 12 N.E.3d 240 (2014)
- Macon Assn. for Retarded Citizens v. County Planning & Zoning Commission, 252 Ga. 484, 490, 314 S.E.2d 218 (1984), appeal dismissed, 469 U.S. 802 (1984)

- Board of Childcare of the Baltimore Annual Conference of the Methodist Church v. Harker, 316 Md. 683, 685, 693, 561 A.2d 219 (1989)
- Washington v. Central Bergen Community Mental Health Center, Inc., 156 N.J. Super. 388, 406-11, 383 A.2d 1194 (1978)
- Portsmouth v. John T. Clark & Son, Inc., 117 N.H. 797, 798-99, 378 A.2d 1383 (1977)
- Greater New Haven Property Owners Assn. v. New Haven, 288 Conn. 181, 190-91, 951 A.2d 551 (2008)
- Hayward v. Gaston, 542 A.2d 760, 767 (Del. 1988)
- Nyack v. Daytop Village, Inc., 78 N.Y.2d 500, 508, 583 N.E.2d 928, 577 N.Y.S.2d 215 (1991)
- Region 10 Client Management, Inc. v. Hampstead, 120 N.H. 885, 888, 424 A.2d 207 (1980)
- Delinks v. McGowan, 148 Conn. 614, 621, 623, 173 A.2d 488 (1961)
- Los Angeles v. Department of Health, 63 Cal. App. 3d 473, 475-76, 480, 133 Cal. Rptr. 771 (1976)
- Helicopter Associates, Inc. v. Stamford, 201 Conn. 700, 710-11, 519 A.2d 49 (1986)
- Estelle v. Gamble, 429 U.S. 97, 103-05, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976)
- Hilton v. Wright, 673 F.3d 120, 127 (2d Cir. 2012)

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