



House of Representatives

General Assembly

File No. 243

February Session, 2000

Substitute House Bill No. 5426

House of Representatives, March 27, 2000

The Committee on Planning and Development reported through REP. DAVIS of the 50th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Applications To Planning And Zoning Commissions.

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

1 (NEW) Notwithstanding any other provision of the general statutes,
2 prior to the submission of an application for use of property under
3 chapters 124, 126, 440 and 541 of the general statutes, as amended, or
4 any other provision of the general statutes authorizing an authority,
5 commission, department or agency of a municipality to issue a permit
6 or approval for use of such property, such authority, commission,
7 department or agency or authorized agent thereof may separately,
8 jointly or in any combination conduct a preapplication review of a
9 proposed project with the applicant at the applicant's request. Such
10 preapplication review and any results or information obtained from it
11 shall not be binding on any authority, commission, department,
12 agency or other official having jurisdiction to review the proposed
13 project, and shall not give rise to any cause of action of any nature

14 whatsoever against any instrumentality of municipal government or
15 the applicant.

HSG Committee Vote: Yea 11 Nay 0 JFS C/R PD

PD Committee Vote: Yea 16 Nay 0 JF

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Office of Policy and Management

Municipal Impact: Cost Savings, Cost Avoidance

Explanation

Municipal Impact:

There may be a minimal cost savings to municipalities that choose to hold a pre-application meeting with a developer on a proposed project by reducing the amount of workload for the post-application review. The possible cost of lawsuits arising from the pre-application review is avoided by making such reviews non-binding on an agency, commission or town official that may review the actual proposal.

OLR Bill Analysis

sHB 5426

AN ACT CONCERNING APPLICATIONS TO PLANNING AND ZONING COMMISSIONS.

SUMMARY:

This bill allows towns, through their land-use commissions, other agencies, and their agents, to hold a preapplication review with a potential applicant regarding a proposed project. The review would only take place if the applicant requested it and the town agreed to it.

The bill provides that any results or information resulting from the review cannot be used in a lawsuit against an agency or the applicant.

This review is not binding on an agency, commission, or town official that may review the actual proposal.

EFFECTIVE DATE: October 1, 2000

FURTHER EXPLANATION

The bill permits preapplication meetings at the prospective applicant's request regarding use decisions involving:

1. zoning;
2. planning;
3. wetlands;
4. building, fire, and demolition; and
5. any other statute authorizing a town property-use permit.

The bill allows any town commission or board or its agent to jointly or separately take part in a preapplication review.

The bill grants legal protection from any lawsuit arising from the preapplication review to any "instrumentality" of municipal

government and the applicant. The bill does not define instrumentality, but instrumentality typically means an agency through which a function of another entity, such as a government, is accomplished. In this bill, it would apply to land-use commissions and other agencies.

COMMITTEE ACTION

Select Committee on Housing

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Planning and Development Committee

Joint Favorable Report

Yea 16 Nay 0