



Senate

General Assembly

File No. 693

January Session, 2011

Substitute Senate Bill No. 1030

Senate, May 2, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AN APPEAL OF A DECISION OF A ZONING BOARD OF APPEALS.

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

1 Section 1. Section 8-8 of the general statutes is amended by adding
2 subsection (s) as follows (*Effective October 1, 2011*):

3 (NEW) (s) If the court finds that any appeal taken pursuant to this
4 section was taken without just cause and was taken solely for the
5 purpose of delay, the court shall order the party responsible for taking
6 the appeal to pay to the party injured by such appeal damages,
7 together with costs and a reasonable attorney's fee. Such order shall be
8 in addition to any other remedy or disciplinary action required or
9 permitted by statute or by rules of court.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	8-8
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JUD 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: None

Explanation

The bill, which revises the amounts the court must award to an injured party in an appeal of a zoning board's decision, does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1030*****AN ACT CONCERNING AN APPEAL OF A DECISION OF A ZONING BOARD OF APPEALS.*****SUMMARY:**

This bill requires the Superior Court to award damages, costs, and attorney's fees to the injured party, if it finds that a party filed a planning or zoning commission appeal without just cause and only to cause a delay. Generally, courts have discretion to order such awards under current law. Under the bill, such an award is required in addition to any other court-ordered remedy or disciplinary action.

The bill's requirement applies to appeals of other board and commission decisions that must, by reference, follow the procedures for appealing a planning or zoning commission decision.

EFFECTIVE DATE: October 1, 2011

APPLICATION

Appeals of other board and commission decisions, by reference to CGS § 8-8, must follow the procedures prescribed for appeals from planning, zoning, or zoning board of appeals decisions. Thus, the bill's requirement applies to appeals of decisions on the following:

1. inland wetlands (CGS § 22a-43);
2. affordable housing land use (CGS § 8-30g);
3. water pollution control agency or sewer district (CGS § 7-246a);
4. local historic district commission (CGS § 7-147i);
5. littering or dumping orders (CGS § 22a-250);

6. local conservation commissions, the Connecticut River Gateway Commission, and Niantic River Gateway Commission (CGS §§ 25-102h, -102l, -109h, and -109k); and
7. municipal airport zoning regulations (CGS § 15-95).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 43 Nay 2 (04/15/2011)