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Date: February 16, 2011  
To: State Legislature Planning and Development Committee  
From: Dr. Floyd Lapp, FAICP, Executive Director  
Re: **Proposed Bill #862, An Act Concerning Liability of Zoning Enforcement Officers**

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The South Western Regional Planning Agency contains the municipalities of: Greenwich, Stamford, Darien, Norwalk, Westport, New Canaan, Wilton and Weston.

On January 24<sup>th</sup> at our Annual Legislative Breakfast, and reiterated to you in a written statement on January 27<sup>th</sup>, we expressed the following policy:

**Eliminate the mandatory minimum of treble damages and provide qualified immunity against personal liability to zoning enforcement officers.**

**Zoning Enforcement Officials are subjected to personal liability for treble damages by state statute. This provision should be repealed, as it prohibits municipalities from effectively enforcing local zoning regulations. These officials are the only group personally liable for the decisions they make; as a result, they are hesitant to assess penalties for zoning violations in fear of being personally liable for damages.**

***Recommendation: Sponsor legislation so that Zoning Enforcement Officials are treated with the same standards as those performing similar functions, such as wetland officials and building inspectors, and not be subjected to personal liability or treble damages.***

We are very concerned that your proposed legislation intends to continue to subject ZEOs to personal liability. We strongly urge you to address this shortcoming from the proposed legislation.

Thank you for this consideration, and we welcome the opportunity to discuss this further at your request.