



*South Western Regional Planning Agency*

SOUTH WESTERN REGION  
METROPOLITAN PLANNING ORGANIZATION

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March 2, 2012

**TESTIMONY OF GAYLE WEINSTEIN, FIRST SELECTMAN OF WESTON, CT AND CO-CHAIR OF THE JOINT  
SWRPA/SWRMPO LEGISLATIVE POLICY COMMITTEE**

**RE: Raised Bill No. 263 – An Act Concerning Liability of Zoning Enforcement Officers**

Members of the Planning & Development Committee:

I am Gayle Weinstein, First Selectman from the Town of Weston, and today I represent the eight municipalities that make up the South Western Regional Planning Agency and the associated Metropolitan Planning Organization: Stamford, Greenwich, Norwalk, Darien, New Canaan, Westport, Wilton and Weston. Written testimony has also been submitted independently from Norwalk Mayor Richard Moccia, Wilton First Selectman William Brennan and from the Town Planners in our eight municipalities.

Thank you for giving me the opportunity to present testimony on Raised Bill No. 263, An Act Concerning Liability of Zoning Enforcement Officers. We truly applaud and completely support the intent of this legislation, "To provide the same protections to zoning enforcement officers as are provided to other municipal employees." Since 2006, the South Western Region has identified the elimination of ZEO liability as stated in Section 8-12a(c) of the Connecticut General Statutes as a top legislative priority.

We strongly believe that Zoning Enforcement Officers should not be subject to an additional penalty that is not applied to building inspectors, sanitarians, or wetland enforcement officers. In fact, this has a negative impact on the ability of the ZEO to properly do his or her job and prevents many municipalities from instituting citation ordinances.

Citation ordinances do provide municipalities with a cost effective tool to pursue enforcement matters. Pursuing fines in court is costly and takes a great deal of time. It should also be noted that

the citation ordinances contain due process and procedural protections for property owners against abuses by zoning enforcement officers. For example, the Town of Weston's ordinance provides for a notice to the person cited that explains the violations and that person may request a hearing before a Hearing Officer. The ZEO is required to attend that hearing and explain the citation. The Hearing Officer may dismiss the case if he determines the person who received the citation is not liable. If the Hearing Officers finds that that person is liable, that person may appeal to court.

SB 263, while a good-faith attempt to modify a law that unfairly targets Zoning Enforcement Officers (ZEOs), does not go far enough in modifying Section 8-12a (c) to ensure that ZEOs are treated in the same manner as other municipal enforcement officers. Removing the word "treble" but adding "reasonable attorney fees" does not prevent the ZEO from being held personally liable, and may be a distinction without a difference in terms of the statutes impact. Changing "frivolously or without probable cause" to "maliciously and wantonly", does raise the standard somewhat for those property owners inclined to file litigation against the ZEO, but it does not provide the same protections to zoning enforcement officers as are provided to other municipal employees .

Similar proposals have been raised over the past five years. I cannot find any public comments or any specific examples of abuse of authority by zoning enforcement officers. In fact, no one even seems to know the origin or the impetus for the inclusion of this legislation.

Since the proposed language of SB 263 does not match the intent to provide the same protections to zoning enforcement officers as are provided to other municipal employees, and since there are other mechanisms in place to protect home owners from malicious or frivolous citations issued by Zoning Enforcement Officers, the SWRPA and SWRMPO urge the Planning and Development Committee to modify the language of SB 263 to eliminate Section 8-12a(c) of the Connecticut General Statutes.

Respectfully submitted,

Gayle M. Weinstein

Robert M. Byrnes

Co-Chairs, Joint South Western Regional Planning Agency/South Western Regional Metropolitan  
Planning Organization Legislative Policy Committee

